

413 - EMERGENCY OPERATIONS PERSONNEL AND PAY PROCEDURES

Section 413.01 Scope

This policy applies to all employees and Department Heads who report to the Commissioners Court. In the event of a declared emergency, Department Heads and Elected Officials may be called upon to provide personnel to assist in the Emergency Operations Center (EOC), or otherwise participate in the Emergency Operations Plan (EOP)..

Section 413.02 Purpose

The citizens of Fort Bend County depend on County employees to work before, during and in the aftermath of a disaster to assist in the preservation and restoration of essential public services required for the health, safety and quality of life within the County.

Section 413.03 Policy

This policy will be in effect at such time as the County Judge or his/her designee, in accordance with the Emergency Operations Plan, declares that a "State of Emergency" exists warranting either preparation for, or response to, a potential emergency condition.

Section 413.04 Glossary

The following are definitions specific to this policy:

Disaster: The occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property that results from a natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, or other public calamity requiring emergency action, or an energy emergency.

Emergency Closure: In the event of a declared emergency, the County Judge or his/her designee may make the decision to close some or all County offices or departments for any duration.

Emergency Closure Pay: Compensation provided to employees who are unable to report for work due to an emergency closure.

Emergency Condition: An event, expected or unexpected, that places life, property, or the environment, in danger; that requires response beyond routine incident response resources.

Emergency Deferred Time: Compensation in the form of accrued time that can be earned by employees and used at a later date for paid time off.

Emergency Evacuation Order: An official statement issued by the Governor of Texas and/or the County Judge of Fort Bend County, or their designee, for an area stricken or threatened with a disaster.

Emergency Operations Center (EOC): The physical location where an organization comes together during an emergency to coordinate

resources, response and recovery actions, and make management decisions. Fort Bend County's EOC is located at:

Office of Emergency Management
307 Fort Street
Richmond, TX 77469
(281)342-6185

Emergency Operations Plan (EOP): A pre-determined plan which is activated during an emergency period to control and coordinate efforts to protect life and property, care for the people affected, and temporarily restore essential community services.

Essential and Non-Essential Employees: See Section 413.05 for definition.

Section 413.05 Designation and Definition of Classification of Employees

Department Heads are responsible for appointing individual classifications to each employee. Every County employee will have one of the following classifications: Essential or Non-Essential.

Essential: Employees whose presence is essential in implementing all or portions of the emergency plan. In accordance with the Labor Code, Section §22.001 (3), this would include Emergency Services Personnel such as fire fighters, police officers and other peace officers, and emergency medical technicians, as well as other individuals who are required, in the course and scope of their employment, to provide services for the benefit of the general public during emergency situations. Essential employees will be designated to remain in the County on the job or at a designated location during an emergency and are subject to being utilized as needed.

Non-Essential: Employees whose presence is not essential in implementing all or portions of the emergency plan, but who cannot leave their positions until released by their supervisor, and must return to work as usual. Non-Essential employees are responsible for the following activities:

1. Must call the Emergency Operations Center or a designated hotline for return to duty information;
2. Must remain in contact with their supervisor regarding assignments and return to duty information;
3. Must stay abreast of the emergency situation by monitoring radio/television/internet for instructions.

Essential and non-essential personnel who fail to comply with the requirements of this policy may be subject to discipline, up to and including termination of employment.

**Section 413.06
Emergency
Operation/Staffing**

Any County employee may be deemed essential in order to provide for the safety and well being of the general public or for the restoration of vital services before, during and after an emergency condition.

It is the essential employee's responsibility to pre-plan the safeguarding and/or relocation of his/her family before the employee is required to report for duty. Fort Bend County will provide adequate emergency shelter for essential employees. In certain situations, emergency shelter may be provided for essential employees' dependents as well.

**Section 413.07
Discrimination
Prohibited**

Fort Bend County will not discharge or in any other manner discriminate against a non-essential employee who leaves Fort Bend County to participate in an official order for an emergency evacuation. As specified in Section 413.05, employees must remain in contact with their supervisor regarding assignments and return to duty information, or call the Emergency Operations Center or designated hotline for return to duty information. Failure to return to duty at the specified time may result in disciplinary action up to and including termination.

**Section 413.08
Emergency Closure
Pay**

In the event of an emergency closure of some or all County offices or departments, non-essential employees may be excused from work. Some or all essential employees may be required to work for reasons of County safety and security or to provide other essential public services.

Essential and non-essential employees who are not required to report to work on an otherwise regularly scheduled workday due to an emergency closure may receive emergency closure pay for up to eight (8) hours per day at their regular hourly rate of pay. Employees who abide by the provisions of this policy may receive emergency closure pay for no more than ten working days while their department or office is closed. If the closure extends beyond ten work days, employees will be required to utilize accrued vacation, compensatory and deferred leave. Sick leave may not be used for absences due to emergency closure.

If an employee exhausts all accrued leave, any remaining leave will be without pay. Extended periods of unpaid leave may have implications on the payment of medical and dental premiums. Please refer to Section 414.20 through 414.23 of this manual for further information.

**Section 413.09
Emergency Closure
Pay for Essential
Employees**

Essential and non-essential employees who are **authorized and required** to work during an emergency closure will be compensated as follows:

Non-exempt employees who are authorized and required to work during an emergency closure will be compensated for all hours worked at their regular rate of pay. In addition, non-exempt essential employees who are required to work during an emergency closure will be credited with emergency deferred time for all hours worked during the emergency, up to eight hours per day. Depending on the length of the emergency

closure and the number of deferred hours accrued, Commissioners Court may order that all such emergency deferred time be paid out to employees at their regular rate of pay.

Compensatory time and/or overtime pay may be earned for work performed in reference to an emergency situation. See Sections 413.11 and 413.12 for more information.

**Section 413.10
Shifts During
Declared Emergency
Conditions**

Essential employees are not authorized to evacuate, unless expressly exempted by the County Judge or his/her designee. Fort Bend County will provide adequate emergency shelter for essential employees. In certain situations, emergency shelter may be provided for essential employees' dependents as well.

Shifts during the declared emergency conditions will be established according to the departmental needs.

In accordance with 29 CFR 553.221 (c)(d), the following relevant subsections apply to shifts during declared emergency conditions:

(c) Time spent away from the employer's premises under conditions that are so circumscribed that they restrict the employee from effectively using the time for personal pursuits also constitutes compensable hours of work. For example, where a police station must be evacuated because of an electrical failure and the employees are expected to remain in the vicinity and return to work after the emergency has passed, the entire time spent away from the premises is compensable. The employees in this example cannot use the time for their personal pursuits (in other words, they are "engaged to wait").

(d) An employee who is not required to remain on the employer's premises, but is merely required to leave word at home or with County officials where he or she may be reached, is not working while on call. Time spent at home on call may or may not be compensable depending on whether the restrictions placed on the employee preclude using the time for personal pursuits. Where, for example, a firefighter has returned home after the shift, with the understanding that he or she is expected to return to work in the event of an emergency in the night, such time spent at home is normally not compensable. On the other hand, where the conditions placed on the employee's activities are so restrictive that the employee cannot use the time effectively for personal pursuits, such time spent on call is compensable (these employees are "waiting to be engaged")

Fort Bend County employees who are required to "shelter in place" at a County designated facility, and are on stand-by duty or are subject to being utilized when needed, are engaged to wait and will be compensated for all hours spent under such restrictions. This pay provision includes Emergency Medical Services employees who would otherwise be subject to the eight (8) hour non-duty pay that is

applicable during routine shifts. This pay provision does not include employees who choose to remain at a County designated facility but are completely relieved from duty for a period of at least eight (8) hours.

**Section 413.11
Pay Provisions -
Exempt**

Any employee who is classified as Exempt in accordance with the Fair Labor Standards Act and is authorized and required to remain on duty during an emergency will be compensated at their usual salary for the first 40 hours worked per work week. Exempt employees may also accrue compensatory time at the rate of hour for hour for time worked in reference to the emergency for any hours worked in excess of forty (40) hours per work week.

Executive managers and department heads may be required to work many hours during an emergency; however, the total amount of compensatory time that will be permitted shall be capped at a total value of \$5,000 per executive manager or department head.

Accrued but unused compensatory time balances earned in reference to an emergency for exempt employees may be paid out at the discretion of Commissioners Court, or at separation from the County. The hourly value of the compensatory time shall equal the bi-weekly salary amount at the time the hours were earned, divided by 80 hours.

Departments must track and maintain internal records of exempt employees' compensatory time in accordance with procedures designated by the Payroll Office and County Auditor.

**Section 413.12
Non-Exempt Status**

Non-exempt employees will accrue compensatory time at the rate of one-and-one half (1-1/2) hours for each hour worked in excess of forty (40) hours worked in a workweek. Alternatively, Commissioners Court may order that all such hours worked be paid to employees as over time pay.

**Section 413.13
Return to Duty
Procedures for Non-
Essential Personnel**

By reporting to work on the return-to-duty date and/or time specified by the County Judge, each employee meets their responsibility to work with other County employees as a team in helping to restore the community to normal service levels following a disaster or emergency condition.

Non-Essential employees who choose to evacuate will be expected to report to work at the start of their next normal shift on the return-to-duty date. Employees must remain in contact with their supervisor regarding assignments and return to duty information, or call the Emergency Operations Center or designated hotline for return to duty information. Failure to return to duty at the specified time may result in disciplinary action up to and including termination.

**Section 413.14
Supervisor
Responsibilities**

Supervisors are responsible for the following:

1. Must assist in the consistent and fair application and implementation

of this policy;

2. Must document and recommend disciplinary action resulting from any violations of this policy;
3. Must track and maintain internal records of exempt employees' compensatory time in accordance with the outlined procedures in Section 413.09, as designated by the Budget Office and County Auditor;
4. Must stay abreast of the situation by monitoring radio/television for instructions;
5. Must call the Emergency Operations Center or designated hotline for return to duty information; and
6. Must remain in contact with their employees regarding assignments and return to duty information.

**Section 413.15
Employee
Responsibilities**

Employees are responsible for the following:

1. Must know his or her responsibility under this policy. Compliance with the policy is mandatory;
2. Must remain in contact with their supervisor regarding assignments and return to duty information or call the designated hotline for return to duty information;
3. Must stay abreast of the situation by monitoring radio/television/internet for instructions;
4. Must track and submit all compensatory time worked in accordance with procedures designated by the Payroll Office and County Auditor; and
5. Must comply with waiver request procedures as outlined in Section 413.17 of this policy.

**Section 413.16
Human Resources
Department
Responsibilities**

The Human Resources Department is responsible for the following information and activities related to this policy:

1. Must provide general information about this policy to all new employees during orientation;
2. Must maintain the signed originals of the Employee Acknowledgement Form and the Emergency Preparedness and Employee Classification Form in each employee's personnel file;
3. Must maintain the signed originals of the Emergency Operations Personnel Waiver Request Form.
4. Must develop and maintain the list of Essential Employees.

**Section 413.17
Office of Emergency
Management
Responsibilities**

The Emergency Management Coordinator will provide assistance to departments in planning and coordinating the activities for the preparation and initial service phases to ensure consistency with the Emergency Operations Plan.

**Section 413.18
Waivers**

If an employee has a circumstance/situation that may affect his or her ability to work during a disaster declaration, they must file an

“Emergency Operations Personnel Waiver Request Form” with their Department Head upon employment or within 30 days of the onset of the extenuating circumstances. Waiver requests will be reviewed and approved by each Department Head, forwarded to the Emergency Management Coordinator for review, then sent to the Human Resources Department for retention.

Section 413.19
Violations

Any Violations of this policy may result in disciplinary action up to and including termination.

Policy Approved and Adopted By
Fort Bend County Commissioners Court
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