

**HIDALGO COUNTY, TEXAS
PERSONNEL POLICY MANUAL**

Procedure: EEP
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Date Authorized: 04/24/2018
Supersedes:

ESSENTIAL EMPLOYEES POLICY

I. PURPOSE

The citizens of Hidalgo County depend on County Employees to report to work during, and in the aftermath of, any emergency situation, to assist in the restoration of essential public services required for the health, safety, and quality of life of the citizens of our community.

II. POLICY

This policy acknowledges that certain positions, as designated by each Elected Official/Department Head, or Executive Officer, may be deemed as “Essential Employees” and thus shall be required to remain at work during mitigation, preparedness, response, and recovery from emergency situations.

The County Judge or, at his or her designation, the Emergency Management Coordinator, in accordance with §418.108(a) of the Texas Government Code and the Hidalgo County Emergency Management Plan, may declare that emergency conditions warrant either preparation for, or reaction to, a potentially disastrous event. Each emergency situation is unique and while this policy is intended for general guidance, the County Judge or, at his designation, the Emergency Management Coordinator, reserves the right to designate additional essential employees, evaluate this policy, and issue alternative procedures as dictated by the circumstances of the emergency.

III. DEFINITIONS

- A. County Regular Work Period** – Begins at 12:01 am Monday of each week and ends at 12:00 pm midnight on the following Sunday. County work hours are scheduled so that all County offices are open by 8:00a.m. and closed no earlier than 5:00p.m., Monday through Friday, except on official holidays.
- B. Scheduled Start Time** – The scheduled time the employee is required to be present and prepared to work at his or her duty station, required to return from break, lunch period, or other approved absence from the workplace.
- C. Time and Attendance Procedures** – An employee’s Time and Attendance Record shall coincide with an employee’s work period. An Elected Official/Department Head tracks and reports hours worked and leave applied using appropriate Time and Attendance Record forms and procedures.

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- D. Daily Activity Report Form (DAR)** – The form that must be completed each day by the employee responding to the emergency situation. This information will be used to support and account for the employee’s physically worked hours. The objective for completing this form is to account for personnel hours, materials, equipment and supply costs.
- E. Essential Employee(s)** – Personnel whose duties are of such a nature as to require the employee to report to work or remain at work to facilitate ongoing County, Precinct operations 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 situation or local disaster. Any county employee may be designated “Essential” by the Elected Official/Department Head or Executive Office, and must acknowledge being designated as such.
- F. Non-Essential Personnel** – employees *not* designated by Elected Official/ Department Heads or Executive Officer as essential to the department operational needs during emergency situations. These employees may not leave their positions until official closures have been announced and must return to work as usual under normal operations after an emergency situation has officially ended.
- G. Emergency Situation** – As defined under the *Hidalgo County Emergency Management Plan*, this term is intended to describe a range of occurrences, from a minor incident, limited in scope and potential effects, to a catastrophic incident characterized by sustained impacts over prolonged periods of time. Emergency situations may expose the county to natural, technological and security hazards which have the potential for disrupting the community, causing casualties, and damaging or destroying public and private property.
- H. Major Disaster** – As defined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, means any manmade, natural, or regardless of cause, catastrophe in any part of the United States, which in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Act to supplement the efforts and available resources of States, tribes, local governments, and disaster relief organizations in alleviating the damage, loss hardship, or suffering caused thereby.
- I. Local State of Disaster** – an order or proclamation declaring local state of disaster that activates the appropriate recovery and rehabilitation aspects of all applicable local or inter-jurisdictional emergency management plans, and authorizes the furnishing of aid and assistance under the declaration subject to Chapter 418 of the Texas Local Government Code, so as to protect public health and safety and property, or to lessen or avert the threat of an emergency situation.

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- J. State of Emergency** - a proclamation of a state of emergency in a designated jurisdiction or area by the Governor, upon application of the governing body of a county or municipality during an emergency situation including natural or man-made disasters. The Governor may issue reasonable directives calculated to control effectively and terminate the emergency situation and protect life and property.
- K. Standby** - period of time when essential employee is not actively engaged in performing functions to save lives, protect health, safety and property during an emergency situation, but is held, by direction on orders, in a specific location, fully outfitted and ready for assignment.
- L. Rest / Meal** – period of time when essential employee has taken a cessation of work or activity, twenty (20) minutes or more, in order to receive extended rest; period of time when essential employee is relieved from duties, thirty (30) minutes or more, for the purpose of eating meals.

IV. POLICY GUIDELINES

The county provides the following policy guidelines for County personnel:

- A.** Employees are expected to report to work at their *scheduled start time*, unless an official emergency situation or local disaster has been declared by the County Judge.
- B.** The County Judge or, by his or her designation, the Emergency Management Coordinator, has the authority to close and or adjust County operations in anticipation of or the threat of an *emergency situation*, and may direct all employees not to report to work or to leave work.
- C.** Changes to the *regular work period* during *emergency situations* will be announced verbally or in writing by the Elected Official/Department Head, via media release through radio, television, and print, or the *Hidalgo County Emergency Alert System*, and on the official county website. Employees are required to consult these sources and to verify if attendance at work is required.
- D.** Employee tardiness or unexcused absences during *emergency situations* may be subject to disciplinary action. However, no disciplinary action will be assessed during County closures resulting from *emergency situations* for *non-essential personnel*.

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- E.** Employees must use accrued leave, or leave without pay, if no leave balances are available, to account for hours not worked during an *emergency situation*. The Commissioners' Court **may** compensate employees at their regular rate of pay for the time they were scheduled to work during County closures resulting from *emergency situations or local disasters*.
- F.** *Essential employees* who are required to report to work will be subject to disciplinary action up to and including termination if they fail to report as scheduled, refuse to perform assigned duties, or disobey any order made or direction given by a supervisor under this policy.
- G.** Temporary Employees are only paid for hours worked and therefore will **not** receive pay for hours not worked during official County closures resulting from *emergency situations or local disasters*.
- H.** If an *emergency situation* occurs of such magnitude that the County Judge or, at his designation, the Emergency Management Coordinator, officially declares a *Local State of Disaster*, or upon application, the Governor proclaims a *State of Emergency*, *Fair Labor Standards Act (FLSA)* exempt and non-exempt *essential employees*, shall be compensated for hours physically worked during the declared emergency, in accordance with the *FLSA*, the County of Hidalgo Personnel Manual, and the provisions set out in this policy.

FLSA non-exempt *essential employees* performing functions to save life, protect health, safety and property under the Hidalgo Emergency Management Plan shall earn Compensatory Leave for overtime hours worked when the employee physically works more than 40 hours if the employee has a seven (7) day work period or 80 hours if the employee has a fourteen (14) day work period. When this occurs, the employee is credited with time and one-half leave (converted overtime) for each hour of overtime.

An *essential employee's* overtime rate of pay shall be calculated by use of the following formula: $Salary \div 2080 \text{ hrs} = \text{hourly rate of pay} \times 1.5$

Periods of time for which an *essential employee* is on *Rest* and/or *Meal* time may not be counted as hours worked; hours paid, such as leave and holiday hours, but not physically worked, during an *Local State of Disaster* and/or *State of Emergency*, may not be utilized to calculate overtime compensation.

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V. DUTIES AND RESPONSIBILITIES

A. Employees

1. Employees are expected to report to work at their *scheduled start time*, unless, an official announcement from the County Judge provided an advance schedule changes due to an *emergency situation*.
2. Employees are responsible for checking the radio, television, and print releases, or monitoring the *Hidalgo County Emergency Alert System*, or checking the official county website to verify schedule changes during an *emergency situation* or *local disaster*.
3. When inclement weather conditions make it impossible for the employee to report for work, notification to the employee's supervisor is required.
4. Employees are required to provide their supervisor with current contact information (i.e. telephone numbers and email addresses) to assist in communication efforts for *emergency situations*.
5. *Essential employees* with designated emergency assignments should report to their locations as soon as possible. During this assignment, employees may not be doing things they usually do at their job. Employees should expect to remain on duty until released by the *emergency situation* supervisor. Essential employees shall:
 - a) Request a **Daily Activity Report (DAR)** for each anticipated day assigned.
 - b) Complete a **DAR** form for each day emergency work was performed.
 - c) Forward the completed **DAR** to precinct/department supervisors for their review and signature.
 - d) Failure to complete and return the **DAR** form to precinct/department supervisors will result delay or disqualification of compensation for overtime hours physically worked during a *Local State of Disaster*, and/or *State of Emergency*.

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B. Elected Officials/Department Heads

1. Elected Officials/Department Heads shall collaborate with the Office of Emergency Management to identify essential personnel, inform them of their status in writing, and define their responsibilities.
2. Elected Officials/Department Heads will file the list of *essential employees* and Acknowledgement Forms with the Office of Emergency Management, Human Resources Department, and update this list every quarter.
3. Elected Officials/Department Heads will establish and update telephone and email lists of the employees to be used for *emergency situations*.
4. Elected Officials/Department Heads, with the assistance of the Office of Emergency Management, shall develop, post, communicate, and circulate to all employees the Standard Operating Procedures to be implemented during an *emergency situation*.
5. Supervisors must contact essential employees as soon as official notification from the County Judge's Office is given, and;
 - a) Identify location, duration and description of emergency work duty.
 - b) Ensure *essential employees* receive a **Daily Activity Report (DAR)** with completion instructions.
 - c) Ensure employees return completed **DAR** forms for supervisor's signature.
6. Department Heads and or *essential employees* assigned to the Emergency Operations Center shall submit his or her **DAR** form to the Emergency Management Coordinator for signature.

C. Communications and Public Affairs Division

1. The Communications and Public Affairs Division will notify local radio, television, and print media if a decision is made to close down county operations due to an *emergency situation*, *State of Local Disaster* and/or *State of Emergency*.
2. The Communications and Public Affairs Division will post employee schedule changes on the county's website www.co.hidalgo.tx.us.

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3. The Office of Emergency Management shall be responsible for managing and maintaining the County Emergency Alert System (through Everbridge).

D. Human Resources Department

1. The Human Resources Department shall ensure that all employees receive a copy of this Administrative Policy. Existing employees who are designated *essential employees* shall receive a copy of the policy and shall be required to sign an employee acknowledgment form.
2. The Human Resources Department and Executive Officer will provide interpretation regarding this administrative policy and assist in resolving employee/supervisory attendance related issues.

E. Office of Emergency Management

1. The Office of Emergency Management will provide assistance to Elected Officials/Department Heads in developing Standard Operating Procedures for planning and coordinating the activities for the emergency preparedness under the *Hidalgo County Emergency Management Plan*.
2. Maintain the inventory of designated *essential employees*, and arrange appropriate training for local emergency management personnel and emergency responders. Establish Shifts according to departmental needs, in order to allocate for extended *rest* periods and minimize *standby* periods to avoid *essential employees* from working more than twenty-four (24) continuous hours.
3. Keep the County Judge, the Executive Office, and the Commissioners Court, apprised of the County preparedness status and emergency management needs.

VI. TIME AND ATTENDANCE

A. PROCEDURES

During an officially declared *emergency situation*, *essential employees* may be asked to respond and assist in the *emergency situation*. Each department will be assigned specific tasks and that will mean employee will be doing work to ensure the health, safety, and quality of life for the citizens of our community. Employee supervisors will be responsible for notifying their *essential employees* on the location, duration and description of emergency work needed. Precinct/Department supervisors will also be responsible for certifying and attesting to the work physically performed and hours earned.

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1. *Precinct/Departmental Timekeepers*

Keeping track of *essential employee* time and making necessary Time and Attendance Record modifications is required in determining eligible overtime compensation. Timekeepers will be responsible for maintaining accurate and complete records of *essential employee* hours physically worked during an officially declared *emergency situation* using the **Daily Activity Report (DAR)**. Precinct and Department Timekeepers shall:

- a) Ensure each precinct/department *essential employee* turns in an original **DAR** form on a daily basis.
- b) Verify that each **DAR** is signed by the *essential employee* & the employee's supervisor.
- c) Modify Time and Attendance Record to reflect the actual hours worked during the *emergency situation*.
- d) Submit **DAR** and Time and Attendance Records to the Department of Budget and Management.

Employee **DAR** forms and employee Time and Attendance Records must be compared and reconciled to one another. Failure to reconcile records may result in disqualified compensation for overtime hours physically worked during an officially declared *emergency situation*.

2. *Department of Budget and Management (DBM)*

The Department of Budget and Management will be responsible for compiling and accumulating all original *essential employee DAR's* and employee Time and Attendance Records. These records shall be maintained by the DBM, and used to analyze eligible *emergency situation* overtime compensation costs. This analysis will involve the creation of spreadsheets illustrating the number of eligible hours per precinct, department and employee. The Department of Budget and Management shall:

- a) Analyze the **DAR's** & Timesheets to determine eligible overtime hours for compensation.
- b) Errors and omissions as determined by the DBM or the Treasurer's Office will be submitted back to the department/precinct timekeepers with a notice advising them of the discrepancy and any necessary adjustments to be made.

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- c) It is the Department/Precinct's responsibility to correct any discrepancy found by the DBM or Treasurer's Office no later than thirty (30) days from the Proclamation Terminating a Local State of Disaster, in order for *essential employees* to be compensated for overtime physically worked during an *emergency situation*.
- d) Submit final analysis to Treasurer, and Auditor for review and approval.
- e) Payroll checks including compensation for overtime once authorized by Commissioner's Court, shall not be issued by the County Treasurer's Office until after Time and Attendance Records are reconciled, and/or after a discrepancy is resolved.

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**HIDALGO COUNTY
OFFICE OF EMERGENCY MANAGEMENT
DESIGNATION OF ESSENTIAL EMPLOYEE
EMPLOYEE ACKNOWLEDGMENT FORM**

EMPLOYEE NAME: _____

EMPLOYEE ID: _____

DEPARTMENT NAME: _____

DEPARTMENT NUMBER: _____

DATE _____

This Acknowledgement is for the purposes of the above named employee to acknowledge that he/she has received a copy of the **OFFICE OF EMERGENCY MANAGEMENT DESIGNATION OF ESSENTIAL EMPLOYEES POLICY**. The employee has read and understands the policy. This Acknowledgement will serve as a notice that the employee's position has been designated as an "*essential employee*", and as such, he/she understands that the employee shall comply with the above referenced policy and that the employee's duties are of such a nature as to require the employee to report to work or remain at work to facilitate ongoing County or Precinct Operations 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 situation* or *local state of disaster or state of emergency*.

I have read and understand this acknowledgement, and understand that I have been designated as an *essential employee*.

Employee Signature

Date

Elected Official/Department Head

Date