

BRAZORIA COUNTY POLICY EMERGENCY CLOSING OPERATIONS

PURPOSE

1. The purpose of this policy is to outline procedures to be followed in the event of a declaration of disaster or other emergency event during an emergency closing of Brazoria County operations. This policy will be in effect when the County Judge closes the County offices for business due to the emergency event. The County shall provide paid leave for “essential” and “nonessential” employees during an emergency closing.
2. Employees will be paid disaster pay when called upon to work during certain emergencies including, but not limited to:
 - a. Hurricanes
 - b. Tornadoes
 - c. Floods
 - d. Ice/snow storms
 - e. significant windstorms
 - f. Other acts of God
 - g. Nuclear, chemical, and biological emergencies
 - h. Terrorist attacks
 - i. Any other emergency declared by a federal, state or local authority

The local County authority shall be the County Judge, or in the County Judge’s absence, the senior available County Commissioner or other County Commissioner if necessary.

3. Elected Officials/Department Heads, or other Designated Supervisors shall identify each essential employee according to the following Tiers:
 - a. Tier I – pre-emergency event preparedness for emergency event
 - b. Tier II – Emergency event occurring
 - c. Tier III – Immediate recovery
 - d. Tier IV – Certain employees return to duty before County reopens
 - e. Tier V – Administrative

PROVISIONS – EMERGENCY CLOSING PAY

1. During an emergency closure of County offices due to declared disaster, all essential employees, who are required to work will be compensated at one-and-one half times (1-1/2) their hourly rate for all hours worked during the emergency. The compensation for exempt employees will be treated as its hourly equivalent for this calculation.
2. The “emergency closure pay” shall be in addition to pay for the employee’s regularly

scheduled hours, which are excused due to the emergency closure.

3. During the declared disaster, worked hours must be strictly recorded on the special disaster timesheet, (see attached Exhibit A) to specifically state the hours the employee actually worked. (Service Center employees shall use their normal timesheet.)
4. The term “actually worked” means time actively engaged in physical or mental exertion related to the County’s business at the direction and control of the Elected Official, Department Head, other Designated Supervisor, or Commissioners Court. This may include time the employee is either on the County’s premises or, if approved, actively engaged in the same manner in the County’s business off premises.
5. The term “actually worked” shall include stand-by and stand-by/sleep time as recognized under the Fair Labor Standards Act (FLSA) only in instances where the employee is required by the Elected Official, their Department Head, other Designated Supervisor, or Commissioners Court to stay on County premises engaged to wait on instructions to work and the employee does, in fact, stand by and/or sleep on the County premises. Following are examples for each FLSA classification:
 - a. Exempt - 7-day FLSA – A Sheriff’s Office captain who is designated as an essential employee during an emergency closure will receive their regular scheduled hours as excused pay (EXC-Excused hours) plus one-and-one half times (1-1/2) their hourly rate for all hours worked during the emergency which will be recorded as DDO-Declaration Disaster Overtime. Their regular salary will be converted to an equivalent hourly rate of pay. Employees will record their hours actually worked on the special disaster timesheet and remit to Human Resources.
 - b. Nonexempt - 7-day FLSA – A Service Center equipment operator who is designated as an essential employee during an emergency closure will receive the number of hours of excused pay (EXC) for each normally scheduled workday plus one-and-one half times (1-1/2) their hourly rate of pay for all hours actually worked (DDO) during the emergency closure. Employees will record their hours actually worked on their normal timesheet and remit to Human Resources.
 - c. Sheriff’s deputies - 14 day FLSA - who are designated as essential employees during an emergency closure and whose work week is based on a 14 consecutive-day work period with a maximum of 86 hours of straight-time pay, will receive the number of hours of excused pay (EXC) for each normally scheduled workday, plus one-and-one half times (1-1/2) their hourly rate of pay for all hours actually worked (DDO) during the emergency closure. Employees will record their hours actually worked on the special disaster timesheet and remit to Human Resources.
 - d. The maximum number of work hours which may be recorded for any workday is 24 hours during the first 72 hours of the emergency closure and 18 hours per day thereafter.
 - e. Elected officials will receive their normal pay.

- f. Temporary employees will not receive excused pay (EXC) but will receive one-and-one half times (1-1/2) their hourly rate of pay for all hours actually worked (DDO) during the emergency closure.
6. **Closure of Non-County Owned Building** - If an employee works in a non-County owned building which is closed for business due to an emergency event and if the employee(s) cannot be utilized by the department at a different location, then the employee(s) will be compensated for their regular scheduled hours as excused pay (EXC). Excused pay hours cannot be earned or considered as compensatory time or overtime hours.
7. **Reserve Deputy Pay** - Paid reserve deputies that serve under the Sheriff's Department and Constable's Departments, working the emergency closure, will be compensated at the equivalent Grade of a Patrol Deputy/Constable Deputy, Step 3 on the Brazoria County Pay Schedule for the current fiscal year. If the emergency closure encompasses a full month and the reserve deputy has been compensated for the emergency closure hours, no standard reserve pay will be paid for that month.
8. **Non-Disaster Related Work** - Department heads must approve, in writing, all non-disaster related work prior to an employee working during an emergency closure of County offices. Any approved non-disaster work hours will be paid at the employee's regular rate of pay in addition to their regular pay for excused pay (EXC) hours, resulting in a two-times total pay rate for hours worked during the emergency closing. 24-7 detention facilities and first-responder positions are exempt from this requirement.

ESSENTIAL EMPLOYEES

1. County employees who are classified as "essential" and who are necessary to provide for the safety and well-being of the general public or are otherwise necessary for the restoration of vital service and fail to report to work as scheduled during an emergency closure event may be subject to disciplinary action, up to and including job termination.
2. All essential employees must be designated, including the Tier categories assigned, and made aware of their assignments prior to an emergency. A list of essential employees, including the Tier assignment, shall be provided to the Emergency Management Coordinator on or about April 1 each year and updated at the time of an emergency closure. Essential employees are those who are required to stay or report to their assigned areas performing necessary tasks during the emergency, or those who are required to return to work after an immediate threat is over. Such personnel may include deputy sheriffs, detention officers, deputy constables, Emergency Management staff, Service Center personnel, building and parks Maintenance personnel, Airport personnel, Public Health/Environmental personnel, and a limited number of support department personnel (Human Resources, Purchasing, Auditor's Office, and Information Systems). In the event an unpredictable situation occurs, Brazoria County reserves the right to require employees to be designated on an *ad hoc* basis as essential personnel. In these rare cases, the

department head/elected official will make every effort to give as much notice as possible to the affected employees.

NON-ESSENTIAL EMPLOYEE LEAVE AND PAY

1. Regular full-time and regular part-time employees on a fixed schedule with nonessential job duties will be granted administrative leave (EXC-Excused) for the duration of the emergency closing. Nonessential employees will be compensated at their regular hourly rate of pay for the hours the employees would have worked if not for the emergency closing. Temporary employees are not paid administrative leave.
2. Any employee who is scheduled to be absent from work on sick leave, sick pool, vacation, compensatory time off funeral leave, workers' compensation, in a no-pay status, or disciplinary leave shall have their leave recorded as such. If an emergency closure should occur when the employee is scheduled to return from leave, the employee will be granted administrative leave (EXC-Excused) for that day and thereafter for the duration of the emergency closure. An employee may not change the classification of their previously scheduled absence during an emergency closure.

END OF CLOSURE

1. When the emergency closure ends, all employees are expected to report to work as scheduled. Excused pay for employees will end on the day the County reopens for business. Employees who do not return to work at the end of the County closure must use their own vacation hours and/or comp hours. Sick hours cannot be used immediately after an emergency closure unless a doctor's excuse can be provided for all days the employee was absent from work from the time when the County reopened for business. If the employee does not have any paid leave available, the employee will not be compensated, and No-Pay hours will be recorded for those days.
2. When the emergency closure ends and the County has opened for business to the public, employees still working the emergency event will be paid according to the non-closure emergency policy. Any hours earned during the emergency closure (DDO) will not count towards hours worked for the purpose of earning comp time or overtime wages.

SUPERVISOR'S RESPONSIBILITY

3. Supervisors must assist in the consistent and fair application and implementation of this policy. Supervisors are expected to responsibly consider the needs of the County and necessary staffing levels during the closure. Supervisors should avoid overscheduling as it can lead to unnecessary personnel costs to the County which will not be reimbursed by FEMA.
4. Supervisors must develop and maintain the list of essential employees within their department. Supervisors are responsible for certain essential functions with the help of employees whose job function has been designated as essential in an emergency.

5. Supervisors must stay up to date of the ongoing emergency situation by staying in contact with their Court liaison and by monitoring the Brazoria County webpage and other Brazoria County social media pages.
6. Supervisors must remain in contact with their employees regarding assignments and return to duty information.
7. Supervisors must track, approve and submit all employees' time worked and not worked during the emergency closure, on the appropriate timesheet, to the Human Resources Payroll department.
8. Supervisors must document and recommend disciplinary action resulting from any violations of this policy.

EMPLOYEE'S RESPONSIBILITY

1. Employees designated by their Department Head or elected official as essential personnel are required to report to and/or remain in the County on the job or at a designated location during an emergency and shall perform job duties, which may be outside the scope of their normal duties, as needed and directed by the department head or elected official during a County closing.
2. Employees designated by their department head or elected official as non-essential personnel are required to remain in contact with their supervisor regarding assignments and return to duty information. Non-essential employees may be deemed essential if more staff becomes necessary during the closure to assist in the preservation and restoration of essential public services required for the health, safety and quality of life within the County. During the emergency closure, it is possible that non-essential personnel will be needed after the immediate crisis is over for reestablishment of County operations and repairing the office to a pre-disaster state. Employees who are called into work during this time will be paid according to the emergency closure policy. Employees who refuse to report to work as assigned during an emergency closure event may be subject to disciplinary action, up to and including job termination.
3. Employees are responsible for accurately recording their time actually worked and/or required during the emergency closure. Employees must ensure correct project/job tasks are being used for their assignments on their timesheets. After the work week is complete, employees are responsible for turning in a true and correct, signed timesheet, which they have signed as accurate, to their supervisor for approval.

LINE OF SUCCESSION

1. The line of succession for the Brazoria County Judge is:
 - a. The County Judge

- b. The Senior County Commissioner
 - c. The next Senior County Commissioner
- 2. The line of succession for the Emergency Management Coordinator is:
 - a. The County Emergency Management Coordinator
 - b. The County Emergency Management Coordinator Assistant
 - c. The Fire Marshal

TIME REPORTING

1. Below are the time reporting codes to be used by employees working disaster related duties:
 - a. EXC – Excused Non-Exempt – regular work schedule (no overtime/revised schedule)
 - b. EXE – Excused Exempt – regular work schedule
 - c. DDO – Disaster Overtime any disaster related duties over 40 hours (BIW) or 86 hours (BSO)
2. The County reserves the right to amend, change, or delete this policy at any time, with or without prior notice. Furthermore, this policy does not grant a right or benefit to any employee, either expressed or implied, that in any way alters the “at will” basis of employment that is intended by the County.

