

Emergency Event Leave INTER-DEPARTMENTAL POLICY AND PROCEDURE

Policy Number:

Creation Date: 03/18/2020

EMERGENCY EVENT LEAVE POLICY

PURPOSE

The purpose of this policy is to provide guidance and instruction to employees on how to manage time away from work if a leave of absence is needed during a declared emergency event.

BACKGROUND

In the event of an emergency, and when authorized by the City Manager or an authorized designee, the City of Tyler must balance a variety of objectives when determining how best to ensure the continuity of operations and reduce the impact on the workplace. In the event an emergency rises to the level that results in school dismissals, child care program closures, quarantine, and the like, this policy will permit an employee appropriate time away from work to provide care for their children, themselves and/or other immediate family members while balancing the requirement to continue City operations and service delivery.

DEFINITIONS

- **FMLA (Family Medical Leave Act)** –A leave designation that applies to qualified employees experiencing serious health conditions themselves or by their immediate family members and which runs concurrently with other types of leave, such as sick leave, vacation leave, short-term disability, and worker’s compensation, as well as leave without pay.
- **Leave of Absence** – A leave designation that applies to situations not covered by FMLA and which runs concurrently with other types of leave, such as sick leave, vacation leave, short-term disability, and worker’s compensation, as well as leave without pay.
- **Telecommuting** – an arrangement in which an employee regularly performs work at an alternative work site for a specified portion of the work week. Occasional work off-site, including work while traveling on City of Tyler business, does not constitute telecommuting.

SCOPE

This policy will take immediate effect when an emergency or a potential emergency is eminent and is declared, as such, by the City Manager or authorized designee. This policy will remain in

effect until the City determines that the emergency or potential emergency is no longer a threat to the organization or its employees. No part of this policy will be effective to the extent it conflicts with State or Federal law.

PROCEDURES & RESPONSIBILITIES

If an emergency is declared by the City Manager or authorized designee, employees may be required to evacuate from their worksite and perform work from an alternative work site, while others may need to take sick leave to recuperate from illness or assist with caring for immediate family members. It is important that all employees understand the various pay and leave flexibilities that may be utilized during an emergency crisis and to enable employees:

1. To stay home for their safety (as recommended by a Medical Professional as a result of the crisis or required by the City of Tyler) – Qualify for Crisis pay
2. To stay home for the safety of others when required by the City of Tyler – Qualify for Crisis pay
 - a. See appendices for triggers for staying home for appropriate emergency
3. To stay home when the employee is ill Qualify to use Paid-Time-Off, Sick Leave
4. To care for an ill family member and/or dependent, or Qualify to use Paid-Time-Off, Sick Leave
5. In cases where their child(ren)'s schools or childcare programs close, or dismiss as a result of the emergency. – Qualify to use Paid-Time-Off, Vacation Leave
6. In cases where employees are required to stay home to take care of a child where the school or day care has closed, but there is no illness – Qualify to use Paid-Time-Off, Vacation Leave

Therefore, in the event of an emergency, the City reserves the right to adjust its leave policies and establish the criteria for the crisis pay policy, and distribute the appropriate crisis pay code to be used during the crisis, as well as may allow eligible employees to realize an appropriate negative paid time off or sick leave balance.

Before an employee shall be allowed to enter into a negative paid time off or sick leave balance they shall have exhausted all other applicable accrual balances such as crisis pay, vacation, floating holiday, and compensatory time. Eligible employees will be permitted to accrue up to 80 hours of negative sick leave in the event a local emergency is declared by the City Manager or authorized designee. To be eligible, the employee must be a full-time employee, exempt or non-exempt, who work a minimum of forty (40) hours per week on a regular basis and have exhausted all other accrued leave balances. This negative sick leave balance will be considered a salary advance and require the employee to reimburse the City either through future accruals or cash payment.

If the leave qualifies as FMLA-protected leave, the City will require the employee to use paid time off, paid sick leave, vacation leave, and other accruals pursuant to the FMLA policy in the Employee Policy Manual.

If an employee's employment is terminated prior to satisfying the negative paid time off or sick accrual, a deduction shall be made from the employee's final check to the extent allowed by law to cover the value remaining that was advanced to the employee or the employee shall make a cash payment to the City for the balance remaining. **The employee's acknowledgement of this policy through signed form will serve as evidence of receipt of this policy and shall serve as permission for the City to make said deduction, without the need for a separate agreement.**

In the event of a wide scale emergency or pandemic, where the employee is not ill, the employee may not take leave, or refuse to work, simply to avoid possible exposure to a causative agent in the workplace. Employees who may have a disability that creates an increased risk associated with the emergency are encouraged to notify HR in order to seek an accommodation under The City's disability policy.

Any employee who fails to follow the requirements of this policy and/or falsifies any information or documentation related to their own or another's potentially life-threatening, contagious illness will be subject to disciplinary action in accordance with City policy up to and including termination.

If the need arises, employees who hold positions that are suitable for telecommuting may enter into a Telecommuting Work Arrangement Agreement.

If any provision of this policy is determined to be in conflict with any state or federal law, then such state or federal law shall control and the remaining provisions of this policy will be interpreted and enforced to the extent possible without said conflicting provision(s). The City Manager reserves the right to amend the crisis pay policy criteria at any point during the crisis to properly reflect the City's intent with regards crisis pay and/or benefits.

ACCOUNTABILITY

Employees who are found to be in violation of any part of this policy may be subject to disciplinary action as outlined in the Employee Policy Manual.

ENFORCEMENT

Payroll will be responsible for the enforcement the repayment of negative accrual.

Payroll will be responsible for distributing the appropriate crisis pay code

Department Leaders, Key Leaders, and Managing Directors will be responsible for the enforcement of the remaining policy.