

VICTORIA COUNTY

DISASTER PAY POLICY



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DISASTER PAY POLICY

1. Purpose

This policy establishes procedures for office closures, employee attendance, and compensation during disasters. It is designed to ensure a coordinated, consistent, and legally compliant response by:

- a. supporting successful mitigation, response, and recovery efforts during emergency events;
- b. promoting standardized protocols for employee roles, responsibilities, and compensation; and
- c. ensuring adherence to Texas labor laws, applicable local government statutes, and collective bargaining agreements governing employee work conditions and pay.

For the purpose of this policy, “disaster” shall be defined as an inclement weather event, emergency, or other incident or event impacting government operations.

2. Office Closures and Observed Period Designation

- a. Authority to Close - In accordance with the Texas Disaster Act (Chapter 418, Texas Government Code), the County Judge, in his capacity as the Emergency Management Director, has the authority to close County government offices in response to inclement weather, natural, man-made, or technological hazards, or other emergency conditions. This authority extends to any situation that threatens or may impact the health, safety, or security of County personnel or the public. All non-emergency operations will follow closure and reopening directives issued by the County Judge under this authority.
 - i. While each elected official controls the working hours of their employees, even in an inclement weather or emergency situation, ***this policy is applicable to those events as determined under the authority to close.***
- b. Observed Period - The County Judge and Office of Emergency Management will determine the period observed for incident or event-related hours in accordance with county emergency operations plans and subject-matter driven data.
 - i. An incident or event may or may not result in an official federal, state, or local emergency or disaster declaration.
- c. Notification of Closure - Department Heads and Elected Officials will be notified of closures and shall have the responsibility of notifying employees under their supervision, as well as notifying the public of any closures or amendments to normal operating hours.

3. Personnel Designation during Emergencies

- a. Non-Essential Personnel - An employee whose duties are not required to be performed during an emergency or closure situation to ensure the safety, security, and basic operations of the organization shall be designated as non-essential personnel. These employees may be directed to not report to work during emergencies, inclement weather events, or other disruptions. Their responsibilities can typically be resumed once normal operations are restored.
- b. Essential Personnel - Essential status may vary based on the nature of the disaster. Certain employees may be designated as essential personnel and required to report to work or remain on duty during a disaster. Each official or department head is responsible for designating employees and providing alternate information to personnel designated as essential during emergency closings through the NIMS Adoption and Training Plan in coordination with the Victoria Basic Emergency Operations Plan provided by the Office of Emergency Management.
 - i. Essential personnel shall have the required NIMS or designated emergency response training based on the level of designation as outlined in the NIMS Adoption and Training Plan and Departmental Emergency Plan.

For training reference purposes:

W REFERENCE COPY Emergency Management NIMS Adoption and Training Plan 2...

4. Employee Compensation During Closures

- a. Non-Eligible Employees - ***These authorizations do not apply to Elected Officials, temporary employees, or county employees falling under the 207(k) FLSA designation, such as positions on regularly scheduled shift work in the Sheriff's Office, Juvenile Detention, Airport, or any other office that does shift schedules, not specifically assigned to disaster response.***
- b. Non-Essential Employees - If government offices are officially closed, regular full-time and part-time non-essential employees will receive administrative leave, *except if the closure falls on an observed county holiday*, in the amount of their regularly scheduled work hours.
 - i. If an employee chooses not to report to work while offices remain open due to unsafe conditions, they may use available leave (e.g., paid time off, or compensatory time), or choose leave without pay if approved by their supervisor.

- c. Essential Employees and Emergency Work - Employees required to work on-site or remotely during an office closure under this policy will receive administrative leave in the amount of their normal pay **plus**:
- i. Additional straight time pay for regular hourly employees who worked in functions **not directly related to the incident or event** during the observed incident or event period.
 1. Hourly employees who worked over their regularly scheduled hours during the observed incident or event period on functions not directly related to the incident or event will be paid following standard Fair Labor Standards Act overtime policies.
 2. Any scheduled PTO, Compensatory, or Holiday time will count toward the overtime calculation.
 3. Administrative Leave will **not** be included in the overtime calculation.

For example, an event takes place during a payroll week. The payroll coordinator reports to work on a day of authorized office closures and works a full 8 hour day. The coordinator would receive the 8 hours of administrative leave, plus straight time for the 8 hours worked.

- ii. Additional pay at a rate of one and one-half times the regular hourly rate for regular hourly employees who worked in functions **directly related to the incident or event** during the observed incident or event period, and
 1. Employees required to remain on-site, on-call specifically for incident or event related response shall be paid for 24 hours of work.

For example, an employee is required to remain in the Emergency Operations Center during an active event to respond with timely and accurate public information based on response. The employee reports to the EOC on Friday at 7:00 a.m. (the day non-emergency offices are officially closed) and designated sleep period is noted as 11:00 p.m. to 7:00 a.m. The employee heads home at 7:00 pm on Saturday. The employee will be paid 8 hours of administrative leave at straight time pay for Friday, plus 24-hours of work for the first day and 12 hours for second day at the OT rate of pay.

2. Employees required to be on standby at home for the purpose of responding on an on-call as needed basis to an emergency incident or event shall not receive additional compensation solely for being

on-call. However, if an employee is called upon to respond during their on-call period, they shall receive compensation for a minimum of two (2) hours per call, regardless of the actual time worked.

- a. Time spent actively responding (whether in person, by phone, or remotely) shall be compensated at the appropriate rate of pay, including any applicable overtime.
- b. Multiple calls occurring within the same two-hour window will be compensated as a single call period.
- c. Supervisors must clearly communicate on-call expectations, including start and end times, response requirements, and methods of notification.

For example, an HR employee is at home on standby and has been instructed to be available to share information necessary to go to Department Heads that impact employee operations. Following an incident command meeting, the decision was made to extend office closures for another two days and reported to the HR employee. The employee receives the call/text/message at approx 3:00 p.m. on Wednesday (the first day of operation closure). The employee immediately begins drafting communication and additional resources to send to Department Heads remotely. The employee works for 1.5 hours and sends the communication advising them that non-emergency offices will remain closed Thursday, and Friday. The employee will receive the 8 hours of administrative leave for Wednesday, plus 2 hours of work at the OT rate of pay.

For example, a road and bridge crewmember is on standby during a flood event. Emergency response crews have reported that flood has progressed and additional or relocation of barricades is needed on Example St. The employee receives the message at 8:00 p.m. and prepares to respond. The employee arrives on scene within the hour and begins addressing the street flooding. While wrapping up on scene, at approx. 9:15 p.m., the employee receives another call to respond to Sample Way for reports of street flooding. The employee completes the work placing barricades and closures and reporting and then heads to Sample Way. The employee completes his work at approx 11:00 p.m. The employee will receive 3 hours of pay at the OT rate of pay since work is directly related to the response, with time beginning at the time the callout was received.

- iii. During these types of events, exempt employees (salaried) shall have their annual salary converted to an hourly rate and paid under the same parameters as other regular essential employees.
- d. Incident during a holiday - If a designated county **holiday** falls during an emergency event, **no administrative leave will apply** on the observed holiday, and compensation will be administered as follows:
 - i. **Employees** who do not work during the event will receive regular holiday pay in accordance with the county's holiday schedule.
 - 1. These employees will not receive additional compensation such as administrative leave or emergency-related pay, as they were not required to work during the event.

For example, the Commissioners Court has adopted 14 observed holiday closures for non-emergency operations. One includes President's Day which falls on a Monday. OEM has been actively monitoring a winter storm and over the weekend it becomes clear that impacts will be felt on Monday and Tuesday. The command staff makes the decision to remain closed both days. Non-essential employees not required to work, either in response or on regular duties, will receive the regular holiday pay for Monday, plus 8 hours of administrative leave on Tuesday.

- ii. **Essential employees** required to work on that day in response to an incident, emergency, or event will receive **their regular holiday pay** for the observed holiday (i.e. 8 hours or the standard holiday allotment), plus:
 - 1. Additional pay at a rate of one and one-half times their regular hourly rate for regular hourly employees who worked in functions **directly related to the incident or event** during the observed incident or event period; or

For example, Sammy Sample is a road and bridge crew member tasked with setting up barricades on roads anticipated to flood during a hurricane event expected to make landfall on a holiday. The OEM activation begins the day before the holiday. On that day, Sammy reported to work as normal but spent 3 hours gathering and documenting available barricades, cones and other resources for direct response to the storm. The OEM and County Judge have declared a disaster and ordered that non-emergency offices be closed for the storm on the holiday and the day after impact. The next day, the holiday, Sammy has been clocked in since 7:00 a.m.

and on site placing the barricades and cones at areas prone to flooding. He clocks out at 7:00 p.m. and is instructed to go home until otherwise called upon. That night the storm made landfall at 10:00 p.m.. The next morning, Sammy is called to report to work at 6:00 a.m. to begin inspecting roads for debris and water. He works until 6:00 p.m. when all roads are confirmed clear. Sammy will receive 8 hours of regular pay plus 3 hours at the OT rate for Wednesday, 8 hours of holiday pay (straight pay), plus 12 hours at the OT rate for Thursday, and 8 hours of Admin Leave (straight pay) plus 12 hours at the OT rate for Friday.

2. Additional straight time pay for regular hourly employees who worked in functions **not directly related to the incident or event** during the observed incident or event period.

For example, Carrie Clerk is responsible for filing the statutory required public meeting agenda weekly as part of her regular work functions. On Thursday (the holiday), she reports to work to record the agenda for the following Monday. She will be paid 8 hours of holiday pay (straight pay), plus straight time for the number of hours worked.

e. Employees on previously requested/scheduled leave

- i. In the event of closing under this policy, employees who previously requested paid leave for time off prior to the declaration of an emergency closing will have the approved leave time deducted from their appropriate leave balance. Administrative Leave with pay will not apply.

f. Remote Work Considerations

- i. Essential employees with telework capabilities may be required to work remotely during an office closure if feasible and as determined by the Department Head or Elected Official.
- ii. If an employee is unable to perform work remotely due to power outages or other conditions, they must notify their supervisor as soon as possible.
 1. Essential employees unable to report to work or telework due to the direct impact of a declared emergency or disaster (e.g., home evacuation, loss of power, road closures) may be granted administrative leave at the discretion of the Department Head or Elected Official.

5. Timekeeping and Reporting

a. Responsibility for Accurate Records

- i. All employees are responsible for accurately recording hours worked during an inclement weather event or other emergency incident, specifying in detail their workload and activities specifically related to the incident or event causing the office closures, delays, etc.
- ii. Each individual must complete an ICS-214 Form for each 24-hour period or operational period determined by Emergency Operations Center Policy and Command Staff.
 1. <https://training.fema.gov/icsresource/icsforms.aspx>
 2. The ICS-214 must match our timekeeping system exactly.
- iii. ICS 214 Activity Logs must be completed and **submitted daily, or no later than 24 hours after the work is performed**, for the duration of the event.
- iv. Department Heads and supervisors must ensure that time records reflect actual hours worked, including any additional hours required to respond to the event.

b. Timekeeping System Compliance

- i. Employees must use the designated timekeeping system (e.g., electronic time clock, time entry software, manual logs) to record hours worked.
- ii. Any discrepancies must be reported to a supervisor immediately for correction.
- iii. If the event is expected to result in federal or state disaster declarations, hours must be coded or categorized to that specific event in the timekeeping system.

c. Overtime and Compensation Reporting

- i. Employees eligible for overtime compensation under this policy must document all hours worked beyond their regular schedule.
- ii. Any overtime owed will be compensated in accordance with the Fair Labor Standards Act (FLSA) and this policy.

d. Overtime Request Form Submission

- i. Employees must submit an [Overtime Request Form](#) for approval by their Department Head before overtime is processed.
- ii. Department Heads are responsible for reviewing and verifying overtime requests before submission to the Payroll Department for payment.
- iii. Failure to properly document overtime may result in delayed payment or non-approval.

e. Disqualification

- i. Failure to comply with training requirements and procedures outlined in this policy, and/or action plans, may result in a department's or employee's ineligibility for payment under this policy.
- f. Review and Amendments
 - i. This policy is subject to periodic review, and may be revised as necessary to reflect changes in federal, state, or local laws.
- g. Consequences for violations
 - i. A violation under this policy shall be considered a violation of County Policy, departmental rules, or regulations for which disciplinary action up to and including dismissal may be taken by the applicable Department Head or Elected Official.

COUNTY OF VICTORIA COMMISSIONERS COURT ORDER

WHEREAS, the Victoria County Commissioners Court desires to provide the employees of Victoria County with a uniform format for dealing with various employment related issues; and

WHEREAS, the Victoria County Commissioners Court wishes to adequately communicate to employees the policies and procedures of the County.

NOW, THEREFORE, BE IT RESOLVED that the Victoria County Commissioners Court does hereby approve, and adopt, the Victoria County personnel policies.

ADOPTED THIS _____ DAY OF _____, 20__

County Judge

Commissioner Pct. 1

Commissioner Pct. 2

Commissioner Pct. 3

Commissioner Pct. 4

Witnessed and Attested By:

County Clerk