



**Cooper City Commission Meeting
Agenda Item Request Form**

Commission Meeting/Workshop Date: August 20, 2019

Requesting Department: Finance

Subject: Emergency Compensation Policy

Section:

Presentation

Consent

Regular

Discussion

Background and Recommendation (attach backup material to Item Request Form):

Over the past several months, the Finance Department has been developing a formal Emergency Compensation Policy that will be utilized in the event of a natural or man-made disaster. In previous years, there was not a comprehensive policy to address what the process is for payroll in the event of a disaster and this policy was developed to ensure that the City will have a formal policy submit to FEMA and clear guidance to follow for payroll during an emergency. The City Attorney has reviewed this document and confirmed legal sufficiency in all areas.

Therefore, we submit for your review and consideration, the attached Emergency Compensation Policy. If approved, this Policy will be in activated in the event of a disaster.

General Ledger Account Number(s) and Amount(s):

N/A

Approvals:

Finance Director  City Manager  City Clerk _____

RESOLUTION NO. 19-8-2

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, APPROVING AND ADOPTING THE EMERGENCY COMPENSATION POLICY, ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Federal Emergency Management Agency (FEMA") requires municipalities to have an emergency compensation policy in order to be eligible to seek reimbursement for overtime payments resulting from a natural disaster or other emergency event; and

WHEREAS, the City's professional staff has recommended the emergency compensation policy, attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the City Commission finds that approving and adopting the emergency compensation plan attached hereto, consistent with the FEMA requirements, is in the best interests of the citizens and residents of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Cooper City, Florida:

Section 1: The foregoing recitals contained in the preamble to this Resolution are incorporated by reference herein.

Section 2: The City Commission hereby approves and adopts the emergency compensation policy, attached hereto as Exhibit "A," and incorporated herein.

Section 3: **Conflicts.** All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 4. **Severability.** If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction,

City of Cooper City

Emergency Compensation Policy

Effective Date: _____

Approved by: _____

All provisions of this Emergency Compensation Policy are applicable during a declared state of emergency pursuant to Section 13-56 of the City's Code of Ordinances or CH. 252, F.S. All employees whose work schedules require them to be at work shall be required to work when work operations are not closed during a declared emergency period. Department Directors may, based on a valid emergency request from an employee, approve personal leave, vacation leave, or leave without pay for time away from work for employees who are unable to report to work. The Department Director must validate such approval in writing to the City Manager or his/her designee. In lieu of being charged leave, the City Manager may authorize the employee to make up the time within the same workweek. Employees shall be compensated in accordance with all applicable federal and state laws and the City of Cooper City's normal compensation policies.

A. Closure of City Operations

The City Manager, or his/her designee, reserves the right to close or restrict work operations when conditions warrant such closure.

- a. If there is a need to restrict or close operations on a facility-by-facility basis, employees would be compensated as follows:
 - i. All essential full-time and part-time employees who are needed will be expected to work. They will be compensated pursuant to the normal compensation policy.
 - ii. All non-essential full-time employees who are not needed in their regular work may be directed not to report to work and given administrative leave with pay or they may be re-assigned to best meet the needs of the City. Employees so assigned will be compensated pursuant to the normal compensation policy.
 - iii. Non-essential part-time employees who are not needed in their regular work may be directed not to report to work and given administrative leave with pay or they may be re-assigned based on the needs of the City. Part-time employees so assigned will be compensated pursuant to the normal compensation policy.
 - iv. Each Department Director shall make the determination which employees within their department are "essential" for purposes of this policy. Employees should check with his/her supervisor as their classification of essential or non-essential.
- b. When any work operations are closed on an organization-wide basis due to a declared state of emergency, employees will be paid as follows:

- i. Compensation for non-essential employees (employees who are directed not to report to work when City Operations are closed):

Non-essential employees shall be released from duty and paid as follows:

1. Where the closure of normal City business work operations occurs during a regular full-time employee's work shift or a regular part-time employee's work shift and that employee is released from work, he/she will be paid for hours worked and granted administrative leave with pay at straight time such that pay for hours worked and pay for administrative leave compensates the employee for the normal work shift he/she was scheduled to work on the day of the closure. The administrative leave hours shall not count toward the workweek for the purpose of computing overtime.
2. Where the closure of City work operations occurs prior to the beginning of the regular full time employees work shift or the regular part time employee's work shift and that employee is released from work, he/she will be granted paid administrative leave at straight time equivalent to the number of hours for the normal daily work shift that the employee was scheduled to work on the day of the closure of City work operations. The paid administrative leave hours shall not count toward the workweek for the purpose of overtime.
3. For the purpose of this policy, the day shall be at 12:01 am to 12:00 midnight.

- ii. Compensation for essential employees (employees who are required to work to provide services when City operations are closed):

1. Non-exempt general employees and non-exempt supervisory employees (Non-exempt employees are eligible to receive overtime under FLSA standards).

Non-exempt employees who work during a declared state of emergency shall be paid for hours worked in accordance with their overtime category and the City's normal compensation policy. Non-exempt employees and non-exempt supervisory employees who work in excess of forty (40) in a workweek shall be paid time and a half base rate.

General employees who are deemed "essential" and who are required to provide services while City facilities are closed during a declared state of emergency, shall receive compensatory leave for hours worked during their normally schedule work day, at the rate of time and one half, for each 24-hour period beginning at 12:01 a.m. through 12:00 midnight.

2. Directors and Assistant Directors (employees exempt from the overtime provisions of FLSA) who work to provide essential services in support of a declared emergency shall be paid pursuant to provisions in the normal compensation policy. When the City Manager requires a Director or Assistant Director to work during a declared state of emergency, the Director or Assistant Director shall receive compensatory leave for hours worked during their normally scheduled work day, and shall be compensated at the rate of time and one half for hours worked in excess of forty hours in a work week.

B. Notification to Employees

Each Department Director or his/her designee shall ensure that employees in his/her department and/or division are notified as to whether or not they are considered "essential" for purposes of this policy and required to report to work during a declared emergency.

C. Payroll

Payroll will be run early if the emergency is declared within 7 days of the normal payroll date. The Assistant Finance Director or his/her designee is the point of contact for payroll in the Finance Department. Each department is also required to have a designated person to record time/payroll within the department.

D. Compensation for Emergency Return to Duty

Employees who are called back with less than six hours' notice shall be paid in accordance with the provisions of the call back pay policy within the personnel manual (Section 1.8 Workweek/Overtime/Callback), and shall not receive administrative leave as described.

E. General Provisions

- a. An employee who does not work during a declared state of emergency who is on pre-approved personal, sick, catastrophic or any other pre-approved leave, shall be charged the leave for which he/she was approved and will not receive administrative leave with pay for the declared emergency period. Pre-approved leave is any leave approved prior to declaration of a state of emergency.
- b. An employee who is on a regularly scheduled day off shall not receive administrative leave with pay.
- c. An employee who is required to work during the declared state of emergency, but who calls in sick, will be required to provide medical documentation for the absence in order to receive paid sick leave.
- d. If the Emergency Operations are during a City Holiday (normal City Operations closed) employees will be paid for the Holiday whether essential or non-essential.

F. Timecard Requirement

- a. Any and all employees working during the declared state of emergency shall be required to complete an Emergency Period Activity Log (FEMA Form: ICS 214) with descriptions of activities completed and equipment used, if any.

- b. Time entered into the Timesheets Module shall be recorded under the following pay codes during a declared state of emergency:
 - i. DR – Regular (for all regular paid time during the state of emergency)
 - ii. DR – FRS OT (for hours over 40 hours in a week paid at time and one half as per above, for employees in the FRS only)
 - iii. DR – Overtime (for hours over 40 hours in a week paid at time and one half as per above, for employees in GEPP and Managerial Retirement Plans only).