

ORDINANCE NO. 2020-02

ORDINANCE OF THE CITY COUNCIL OF RIESEL, TEXAS ADDRESSING EMPLOYEE ABSENCES RESULTING FROM COVID-19; PROVIDING FOR SICK LEAVE FOR ABSENCES RESULTING FROM COVID-19- RELATED MATTERS, AND PROVIDING AUTHORITY TO MAYOR TO TAKE PROACTIVE MEASURES SUCH AS CLOSURES OR STAGGERED WORK-DAYS RELATED TO COVID-19

WHEREAS, President Trump has declared the spread of COVID-19 a national emergency;

WHEREAS, Governor Abbot has declared the spread of COVID-19 an emergency for all Texas Counties;

WHEREAS, Sections 121.003 and 122.006 of the Texas Health and Safety Code provide that the City of Riesel is authorized to adopt rules to protect the health of persons in the City;

WHEREAS, Mayor Hogg, acting in accordance with authority granted to him under the Charter and under Section 418.108(a) of the Texas Government Code, declared a local state of disaster for the City of Riesel due to concerns related to COVID-19;

WHEREAS, the “Families First Corona Virus Response Act” was enacted by President Trump on March 18, 2020;

WHEREAS, the emergent nature of this situation and its effect on employees justifies the City Council taking action to alleviate some of the stress and concern, to limit exposure, and to avoid employees coming to work with symptoms of the virus or after potential exposure because of the need to earn a living;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIESEL, TEXAS THAT:

1. The City finds that a public purpose of the City is served by the actions taken herein, being the retention of City employees and preservation of the City workforce.

2. In addition to the City’s Sick Leave Policy, and as mandated by the Families First Corona Virus Response Act, full-time employees shall have an additional 80 hours of paid sick leave and part-time employees shall have the number of hours as typically worked during a two-week period because the employee is:

- subject to a federal, state or local quarantine or isolation order related to COVID-19;
- advised by a health care provider to self-quarantine due to COVID-19 concerns;
- experiencing COVID-19 symptoms and seeking medical diagnosis;
- caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19 concerns;
- caring for the employee’s child if the child’s school or place of care is closed or the child’s care provider is unavailable due to public health emergency; or

- experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

3. The paid sick time provided by the Families First Corona Virus Response Act expires on December 31, 2020 and does not carry over into the next year.

4. The paid sick time provided by the Families First Corona Virus Response Act may be used before any additional sick leave that the employee may have already accrued.

5. In accordance with the Families First Corona Virus Response Act and its expansion of the Emergency Family Medical Leave Act, any employee who has worked for the City for more than 30 days, may take up to twelve weeks of FMLA leave for absences related to COVID-19 as described in Paragraph 2 of this Ordinance. Employees must use any accrued paid leave during that time period.

6. Except for childcare-related leave, an Employee shall notify his or her supervisor of the need for leave related to COVID-19 by telephone call. For childcare-related leave the notification must be in person. For purposes of childcare-related leave an essential employee necessary for public services to be provided may be denied leave unless there is no possible alternative for childcare. The City will work with the employee to explore possible alternatives. The City shall reimburse the employee for the cost of obtaining any in-home or other childcare.

7. The employee taking the leave must provide (or have provided) to the City Secretary proof that the leave is eligible under this policy (i.e. doctor's note, identification of a childcare facility closure, health district note, or other acceptable information). Except for the childcare provision, the employee shall not wait on documentation or any decision of the City Secretary or the Department Head as to his or her eligibility for leave before the starting the leave. Proof required by this section may be furnished by email, mail, or other form of delivery. If the employee turns out to be ineligible for the leave, the leave will be offset against existing paid sick leave accruals or will be a debit against such accruals in the future.

8. Totally separate from the foregoing, the Mayor is authorized to take proactive actions to address the COVID-19 threat, including closing departments, separate shifts and staggered workdays, or otherwise sending non-essential employees home.

Passed this 24 day of March 2020.

CITY OF RIESEL, TEXAS


Kevin Hogg, Mayor



Attest:


By Alisha Flanary, City Secretary