

**EMERGENCY ORDINANCE NO. 2020-10
TOWN OF HILLIARD, FLORIDA**

AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA, CREATING A STATE OF EMERGENCY PAY POLICY AS A PART OF THE TOWN OF HILLIARD'S PERSONNEL POLICY DURING ANY STATE OF EMERGENCY; PROVIDING FOR NON-CODIFICATION, SEVERABILITY, AN EFFECTIVE DATE, AND AN EXPIRATION DATE.

WHEREAS, a respiratory illness due to a novel coronavirus (a disease now known as COVID- 19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting many countries, including the United States, and more specifically, Florida; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis of the State of Florida issued Executive Order No. 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 7, 2020, Governor Ron DeSantis of the State of Florida directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis of the State of Florida issued Executive Order No. 20-52 declaring a state of emergency within the State of Florida in response to the COVID-19 Public Health Emergency, which emergency remains in effect subject to further executive orders of the Governor; and

WHEREAS, on March 18, 2020, the Nassau County Board of County Commissioners declared a state of emergency for the entire county, which emergency remains in effect; and

WHEREAS, on April 2, 2020, pursuant to § 252.38(3), Florida Statutes, the Town of Hilliard declared a state of local emergency, permitting it to waive procedures and formalities otherwise required of political subdivisions of law, which emergency remains in effect; and

WHEREAS, the Town must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS, the Town's Departments have remained functioning during the emergency, and it is the Town's intention and policy to keep the Departments running during the emergency,

but the conditions caused by COVID-19 could foreseeably affect the operations of the Town of Hilliard and new personnel policies may help address and protect both the employees of the Town as well as the public; and

WHEREAS, the Florida Association of City Clerks has assembled a set of model policies for use by Florida municipalities in addressing personnel issues arising from the COVID-19 pandemic emergency; and

WHEREAS, the Town has already adopted a version of the Return to Work Policy promulgated by the Florida Association of City Clerks, but the Town Council now believes it is necessary to adopt a generalized pay policy for current employees when an emergency arises that impacts the ability of Town personnel to perform work; and

WHEREAS, this Ordinance may be adopted as a permanent policy and is designed to be adopted as a permanent policy if the Town so desires after the emergency; and

WHEREAS, the Town finds that this Ordinance is in the interests of the public health, safety, and welfare and indeed that there exists a clear and present threat to public health, property, welfare, or safety to the Town.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF HILLIARD, FLORIDA:

SECTION 1. Recitals. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. State of Emergency Pay Policy. The purpose of this policy is to establish pay guidelines for the Town of Hilliard (“TOH”) employees during a local state of emergency. State of Emergency Pay guidelines may go into effect any time there is a declared state of emergency by TOH.

1. Authority.

- 1.1. This State of Emergency Pay Policy shall specifically be triggered after a declaration of a local state of emergency by the Town Council or its designee, such as the Mayor, pursuant to Emergency Ordinance. Each department head for the Town shall determine who will work during periods of a declared local state of emergency. The department heads may change employee job assignments and job responsibilities as needed.
- 1.2. Due to the unpredictable nature of a declared local state of emergency, there may be employees who are not affected by closures or delays, as some services, facilities, programs, and buildings will remain operational during a declared state of emergency. For purposes of this pay policy, the department heads or their designees shall determine how services, facilities, programs, and buildings are affected during a declared local state of

emergency, and by extension, which employees will be required to work during the periods of the declared local state of emergency.

- 1.3. All actions taken by department heads under the State of Emergency Pay Policy that otherwise would not have been permitted shall be reported to the Town Council.
2. Definition of Local State of Emergency. An occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property in or near Hilliard, Florida. This may also include times when either Nassau County or the State of Florida is under a declared state of emergency, and/or when the President of the United States declares a national state of emergency. A state of emergency may be related to an epidemic or pandemic.
3. FEMA Requirements. For purposes of reporting and or possible restitution by the Federal Emergency Management Agency (FEMA), all hours compensated during a declared emergency will be tracked in a manner designated by the Town Clerk.
4. Work Schedule / Reporting Requirements.
 - 4.1. All employees are required to report and/or remain at work when directed by their department head or the department head's designee during a declared local state of emergency unless and/or until otherwise directed.
 - 4.2. All employees must report back to work as instructed by their department heads or their designees. If an employee does not report as expected and has not made attempts to contact their manager with a valid reason for not reporting, the employee may be subject to disciplinary action, up to and including termination of employment.
 - 4.3. Employees may be required to report scheduled domestic and international travel, and if they have scheduled travel, employees will be required to provide the destinations they will be visiting. Moreover, work-related travel may be cancelled once a local state of emergency is declared.
 - 4.4. If employees choose to travel outside of the surrounding area or into an area with a local outbreak or hotspot during an epidemic or pandemic outbreak, the employee must report their travel plans, whether it is domestic or international travel, in writing to their department head and the Town Clerk, if different from the department head. They must also inform their supervisor prior to returning to work once a local state of emergency is declared. In certain situations, particularly during an epidemic, pandemic, or outbreak, employees returning from domestic and/or international travel may be required to complete certain steps/criteria before physically returning to the office or to their physical work location.

5. Regular Staff Pay.

- 5.1. Regular full-time employees who are required to work during a declared local state of emergency by the Town of Hilliard and are scheduled to work at the direction of their department head, shall be compensated with regular pay for their regularly scheduled hours. Once the State of Emergency Pay Policy is activated by the Mayor or such other designee as the Town Council shall decide, full-time regular employees shall receive their regular rate of pay for actual time worked during the declared local state of emergency. However, full-time regular employees shall receive time and a half pay for actual time worked during the declared local state of emergency if the emergency arises as the result of a natural event, such as a hurricane. There will be no duplication or pyramiding of overtime or premium pay for the same hours worked.
- 5.2. Regular full-time employees who are regularly scheduled to work, but are not scheduled or required to work during the declared local state of emergency, may be released from duty and will be paid their regular rate of pay for the declared local state of emergency time frame.
- 5.3. Regular full-time employees who are scheduled to work, but call in sick, are required to provide medical documentation for the absence in order to receive paid sick leave as provided by the applicable personnel policy.
- 5.4. Regular full-time employees who become sick at work, who have symptoms associated with COVID-19 related to the epidemic or pandemic upon arrival to work, or become ill during the day should promptly notify their immediate supervisor and go home until the last symptom associated with COVID-19 has been gone for 24 hours without the use of medication. These employees will receive sick, vacation, or unpaid leave as provided by the applicable personnel policy. If, however, the Town is reimbursed by a governmental agency for the sick, vacation, or leave taken by these employees, then the employees shall be reimbursed for their expended sick, vacation, or leave time by a return of the applicable sick or vacation days, or payment for leave as may be appropriate based on the reimbursement.
- 5.5. Regular full-time employees concerned about exposure to the underlying disease related to the epidemic or pandemic but who are showing no symptoms and there is no recommendation for isolation from the Centers for Disease Control and Prevention (CDC) or the Florida Department of Health (FDOH), the employee shall take sick, vacation, or unpaid leave as provided by the applicable personnel policy. If, however, the Town is reimbursed by a governmental agency for the sick, vacation, or leave taken by these employees, then the employees shall be reimbursed for their expended sick, vacation, or leave time by a return of the applicable sick or

vacation days, or payment for leave as may be appropriate based on the reimbursement.

- 5.6. Full-time employees who call in for personal reasons may be excused at the direction of the department head or their designee. These employees will have to use sick, vacation, or PTO for this time.
- 5.7. Full-time employees scheduled off during the local state of emergency declared time frame will be paid in accordance with the type of leave requested.
- 5.8. It is the intent that the provisions of this Section 5 shall apply in all events to regular full-time employees, regardless of their exempt or non-exempt status.
- 5.9. Regular part-time and temporary employees and interns will only be paid for hours worked during a declared local state of emergency.
- 5.10. State of emergency pay for hours where no actual work is performed will not count toward overtime calculations.
- 5.11. For any employee who has isolated based on the guidelines and requirements contained or referenced in this Policy, and who is required to obtain a negative COVID-19 medical test result prior to returning to work, the Town shall pay for or reimburse the expenses for that test.

SECTION 5. Non-Codification. Given the temporary nature and effect of this Ordinance, it is the intent of the Town Council that this Ordinance will not be codified.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

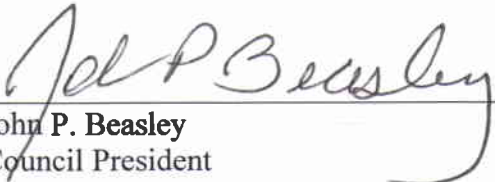
SECTION 7. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 8. Effective Date. This Ordinance shall become effective immediately and expire seven (7) days from this date. It may be renewed as provided in law in seven (7) day increments, unless earlier terminated by the Town Council.

ADOPTED this 20th day of October, 2020 by the Town Council for the Town of Hilliard, Florida.


TOWN OF HILLIARD, FL

By:



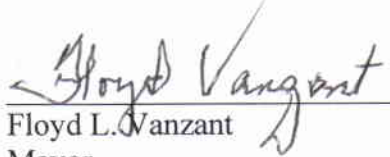
John P. Beasley
Council President

Attest:



Lisa Purvis
Town Clerk

Approved:



Floyd L. Wanzant
Mayor