

ORDINANCE NO. 2026-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEDERLAND, TEXAS, AMENDING THE CITY OF NEDERLAND PERSONNEL POLICY, PERSONAL CONDUCT, SECTION 2.04., TIMELINESS AND ATTENDANCE, BY DELETING THE EXISTING LANGUAGE IN SECTION 2.04.06 EMERGENCY CLOSINGS IN ITS ENTIRETY AND BY ADDING IN ITS PLACE NEW LANGUAGE PROVIDING ATTENDANCE REQUIREMENTS, PAY OR BENEFITS FOR DESIGNATED FULL-TIME EMPLOYEES DURING AN EMERGENCY CLOSURE; AND PROVIDING FOR REPEAL AND AN EFFECTIVE DATE.

Recitals

WHEREAS the City Council finds that it has a compelling interest in protecting and maintaining City operations when they are officially declared closed due to emergency conditions;

WHEREAS the City Council finds it has a compelling interest in providing compensation to certain employees when City operations are officially declared closed due to emergency conditions; and

WHEREAS the City Council deems it in the public interest of the City and its citizens to adopt policy, protocol, and provisions related to the circumstances when City operations are officially declared closed due to emergency conditions, as set forth herein below.

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

The City of Nederland Personnel Policy, Section 2.04, TIMELINESS AND ATTENDANCE, is amended as follows:

Section 1: Section 2.04.06, *Emergency Closings*, is amended by deleting the existing language and by adding new language in its place, so, as amended, Section 2.04.06 now reads:

"2.04.06 Emergency Closings

- A.** *The City Manager or his designee may declare emergency closing of certain areas of City operations under certain conditions based on the safety of employees and the public and the critical need for the closings and re-openings. The City Manager may establish an alternate workplace and direct employees there when appropriate. Employees generally are expected to report for work during inclement weather conditions, as well as during other conditions outside of the City's control (i.e. . power outages) if the City does not declare an emergency closing.*
- B.** When the City Manager officially closes all or part of City operations due to weather or other emergency conditions, full-time non-essential employees who were scheduled to work during the period of closure shall be paid their regular rate of pay for the duration of their regularly scheduled work hours during the closure.
- C.** Essential personnel are required to report to work and perform assigned duties when directed, even when all or part of City operations have been officially closed. Essential personnel shall be designated by the Department Director with approval of the City Manager. Employees designated as essential personnel shall be notified of their status upon hire and whenever their designation changes and shall acknowledge such designation in writing.

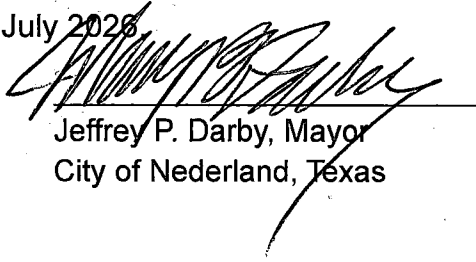
- D. Full-time non-exempt essential personnel who are required to work during an officially declared closure shall receive their regular rate of pay for all hours worked during their regularly scheduled shift, plus an additional hour of pay at their regular rate for each hour worked during the official closure period. This premium compensation is provided in recognition of service during emergency conditions and shall be paid regardless of whether the employee works more than forty (40) hours in the workweek. Any overtime compensation required by the Fair Labor Standards Act (FLSA) shall be calculated separately in accordance with applicable law and City policy.
- E. Full-time exempt essential personnel who are required to work during an officially declared closure shall receive one (1) hour of compensatory leave for each hour worked during the official closure period. Compensatory leave earned under this provision shall be credited to the employee's leave balance and may be used in accordance with City policy. Such leave shall be tracked through the City's timekeeping system in accordance with established Standard Operating Procedures.
- F. An essential employee who is unable to report to work during an emergency or official closure shall notify their supervisor as soon as practicable. An essential employee who fails to report to work as directed may be excused from reporting when the reason for the absence is approved by the Department Director or designee. Employees with an approved absence under this section shall receive pay for their regularly scheduled work hours during the official closure but shall not be eligible for the additional premium pay or compensatory leave provided to employees who work during the closure. Employees with approved absences shall not be subject to disciplinary action. Failure to report to work as directed without an approval may result in disciplinary action, up to and including termination of employment."

Section 2: All ordinances or part of ordinances in conflict herewith are hereby repealed.

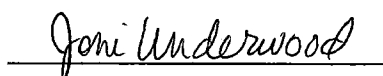
Section 3: This ordinance shall take effect and be in full force and effect from and after its passage and publication, as required by law.

Section 4: The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meeting Act, Texas Government Code, Chapter 551.

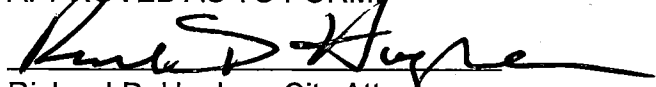
PASSED AND APPROVED this 13th day of July 2020


Jeffrey P. Darby, Mayor
City of Nederland, Texas

ATTEST:


Joni Underwood, City Clerk
City of Nederland, Texas

APPROVED AS TO FORM:


Richard D. Hughes, City Attorney
City of Nederland, Texas

