



# HARRIS COUNTY, TEXAS

## BUDGET MANAGEMENT DEPARTMENT

Administration Building

1001 Preston, Suite 500

Houston, TX 77002

(713) 274-1100

### Vote of the Court:

March 24, 2020

To: County Judge Hidalgo and  
Commissioners Ellis, Garcia,  
Radack, and Cagle

	Yes	No	Abstain
Judge Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. A. Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Cagle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fm: Shain Carrizal *ABC*

Re: **Temporary Amendments to the Harris County Personnel Policies & Procedures in Response to the Coronavirus (COVID-19)**

To assist Harris County employees during the COVID-19 pandemic, Human Resources & Risk Management recommends temporary amendments to the Harris County Personnel Policies & Procedures as follows:

- Section §9.0112 – Currently, new employees receive benefits on the first day of the pay period following 75 days of continuous employment as a Regular Position Employee unless the insurance policy(ies) in effect at the time specify a different period. To support the wellness of new employees, it is recommended that the 75-day benefit waiting period for new employees be temporarily suspended until April 30, 2020. New regular position employees will be eligible for group health benefits the first day of the pay period following 7 days of continuous employment.
- Section §11.03 – Currently, Regular Position Employees accrue vacation leave up to a maximum balance of 280 hours. Since the response and recovery continue to require extended hours for many employees, it is recommended that the maximum vacation balance be increased to 320 hours until December 18, 2020, at which time the maximum balance will be restored to 280 hours.
- Section §11.047 – Currently, employees are required to submit a health care provider’s statement after four (4) or more consecutive days of Sick Leave or Family Sick and Wellness Leave. It is recommended that Department Heads, at their discretion, be allowed to temporarily suspend the required health care provider’s statement after the 4th day for absences until August 31, 2020.

To comply with Families First Coronavirus Response Act (FFCRA) signed into law on March 18, 2020, our office recommends adopting a supplemental COVID-19 section to the Harris County Personnel Policies & Procedures, with an effective date beginning March 28, 2020, and ending on December 31, 2020. See the attachment for the supplemental COVID-19 section.

These amendments have been reviewed by the County Attorney’s Office. Human Resources & Risk Management will continue to review and make recommendations to Commissioners Court as necessary in response to COVID-19.

Thank you for your consideration.

Presented to Commissioners Court

Attachment

MAR 24 2020

APPROVE G/E  
Recorded Vol \_\_\_\_\_ Page \_\_\_\_\_

HSC0011

## **SECTION 14 – FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

This section has been adopted to comply with the Families First Coronavirus Response Act (FFCRA) signed into law on March 18, 2020. This Section 14 is effective from March 28, 2020, to December 31, 2020.

***An employee who is a health care provider or an emergency responder is excluded from the application of this Section.***

FFCRA provides eligible employees with two major additional benefits for COVID-19 related events: (1) a new qualifying condition for FMLA leave related to child care disruption due to the current public health emergency (COVID-19 FMLA Leave) and (2) paid sick time for certain reasons related to COVID-19 (COVID-19 Sick Leave).

### **14.01 EMERGENCY FMLA EXPANSION ACT (COVID-19 FMLA LEAVE)**

FFCRA amends the Family and Medical Leave Act of 1993 (the FMLA) to add an additional qualifying condition for FMLA leave for employees who encounter child care disruptions due to a public health emergency and provides partial paid leave for employees who take FMLA leave for this reason. Unlike regular FMLA, an employee is eligible to use COVID-19 FMLA Leave after the employee has been employed by the County for 30 calendar days. **COVID-19 FMLA Leave under this Section counts against an employee's FMLA leave entitlement under Section 11.1041 of the Harris County Personnel Policies & Procedures.**

#### **14.011 DEFINITIONS**

The following definitions apply to this Section only. The words and terms defined in this Section have the meaning given unless the context clearly indicates another meaning.

##### **14.0111 Eligible Employee**

An employee who has been employed with Harris County or Harris County Flood Control for at least 30 calendar days and is not a health care provider or an emergency responder. *Contact Human Resources & Risk Management if an employee is not eligible for regular FMLA leave and needs to use COVID-19 FMLA Leave for child care disruption.*

##### **14.0112 Qualifying Need Related to a Public Health Emergency**

When the eligible employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency. This type of FMLA leave will be referred to as "COVID-19 FMLA Leave."

##### **14.0113 Public Health Emergency**

An emergency with respect to COVID-19 declared by a Federal, State, or local authority.

**14.0114 Child Care Provider**

A provider who receives compensation for providing child care services on a regular basis.

**14.0115 Son or Daughter**

A biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing *in loco parentis* who is under 18 years of age or who is 18 years of age or older and incapable of self-care because of a mental or physical disability.

**14.012 COVID-19 FMLA LEAVE PROTECTIONS**

The same protections listed in Section 11 of the Harris County Personnel Policies & Procedures apply to COVID-19 FMLA Leave.

**Job Restoration.** Additionally, Departments who are unable to restore an employee to the employee's same or equivalent position upon the employee's return to work from COVID-19 FMLA Leave because of operational changes must make reasonable efforts to contact the displaced employee for up to one year after they are displaced if an equivalent position becomes available.

**14.013 COVID-19 FMLA LEAVE FOR A QUALIFYING NEED RELATED TO A PUBLIC HEALTH EMERGENCY**

Eligible employees who are unable to work (or telework) due to a need for leave to care for their son or daughter under 18 years of age because their son's or daughter's school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency, may take any available FMLA leave for this reason subject to the following:

**14.0131 Notice Requirement**

Employees needing to use FMLA leave under this section must notify their department of the need as soon as practicable. Departments may request verification of the need for leave.

**14.0132 First ten (10) work days of COVID-19 FMLA Leave**

For the first 10 work days of FMLA leave under this Section, employees can elect to take unpaid leave or substitute any accrued vacation, compensatory time, or COVID-19 Sick Leave.

*Note: The FFCRA provisions count COVID-19 FMLA Leave in terms of "days" and not "hours." An employee's COVID-19 FMLA Leave is unpaid for the first 10 work days regardless of the number of hours of COVID-19 FMLA Leave the employee uses.*

**14.0133 After first ten (10) work days of usage**

After the first 10 work days of COVID-19 FMLA Leave, the employee will be paid two-thirds (2/3) of the employee's regular hourly rate of pay and based on the number of hours the employee is regularly scheduled to work. Wages for COVID-19 FMLA Leave will be paid until either (1) the employee's FMLA leave entitlement is exhausted, OR (2) the employee is paid \$10,000 in the aggregate, whichever occurs first. Employees on COVID-19 FMLA Leave cannot substitute

Attachment

any other available paid leave in order to receive their full regular rate of pay after the first 10 work days of COVID-19 FMLA leave.

**14.02 EMERGENCY PAID SICK LEAVE ACT (COVID-19 SICK LEAVE)**

An employee who is not a health care provider or an emergency responder and who is unable to work (or telework) due to certain COVID-19 related reasons is eligible to take COVID-19 Sick Leave.

**14.021 QUALIFYING EVENTS**

Eligible employees may use COVID-19 Sick Leave for the following reasons:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
- (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- (4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).
- (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.
- (6) The employee is 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.

**14.022 AMOUNT OF LEAVE HOURS**

Eligible Regular Position (full-time) employees may use up to 80 hours of COVID-19 Sick Leave. Part-time and Temporary employees may use up to 60 hours of COVID-19 Sick Leave.

**14.023 DOCUMENTATION**

Department Heads may require employees who use COVID-19 Sick Leave to provide documentation to support the employee's need for leave.

If you have any questions, talk with your supervisor, appropriate department representative, or call Human Resources & Risk Management.

**ORDER OF COMMISSIONERS COURT**  
**To Facilitate the Implementation of Temporary Amendments to Harris County Personnel Policies and Procedure in response to COVID-19**

The Commissioners Court of Harris County, Texas, convened at a meeting of the Court virtually, to advance the public health goal of limiting face-to-face meetings to slow the spread of the Coronavirus (COVID-19), on March 24, 2020 with all members present except \_\_\_\_\_.

A quorum was present. Among other business, the following was transacted:

**ORDER AUTHORIZING HARRIS COUNTY HUMAN RESOURCES & RISK MANAGEMENT IN CONJUNCTION WITH THE HARRIS COUNTY ATTORNEY'S OFFICE TO DEVELOP AND FACILITATE THE IMPLEMENTATION OF TEMPORARY AMENDMENTS TO THE HARRIS COUNTY PERSONNEL POLICIES AND PROCEDURES IN RESPONSE TO COVID-19 AND TO ENSURE COMPLIANCE WITH THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT SIGNED INTO LAW ON MARCH 18, 2020**

Commissioner \_\_\_\_\_ introduced an order and made a motion that the same be adopted. Commissioner \_\_\_\_\_ seconded the motion. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Judge Lina Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Steve Radack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

**IT IS ORDERED that:**

1. Harris County Human Resources & Risk Management, in conjunction with the Harris County Attorney's Office develop temporary amendments to the Harris County Personnel Policies and Procedures in response to COVID-19 to ensure compliance with the Families First Coronavirus Response Act.
2. Harris County and its departments shall support and work in conjunction with Harris County Human Resources & Risk Management Department and the Harris County Attorney's Office to recognize and facilitate the implementation of temporary amendments to the Harris County Personnel Policies and Procedures.
3. Temporary Amendments be made as follows:
  - a. Section §9.0112 – The 75-day benefit waiting period for new employees will be temporarily suspended until April 30, 2020. New regular position employees will be eligible for group health benefits the first day of the pay period following 7 days of continuous employment.

- b. Section §11.03 – Regular Position Employees may accrue vacation leave up to a maximum balance of 320 hours until December 18, 2020, at which time the maximum balance will return to 280 hours.
  - c. Section §11.047 –Department Heads, at their discretion, be allowed to temporarily suspend the required health care provider's statement after the 4th day for absences related to COVID-19 until August 31, 2020.
4. Additionally, to comply with the Families First Coronavirus Response Act (FFCRA) signed into law on March 18, 2020, a supplemental COVID-19 Section 14 to the Harris County Personnel Policies & Procedures be added with an effective date beginning March 28, 2020, and ending on December 31, 2020.
  5. The temporary amendments shall be and are hereby adopted, substantially in the form attached hereto; however, these amendments as framed shall be implemented by such method and manner to ensure compliance with The Families First Coronavirus Response Act and any subsequent guidance provided from United States governmental agencies.
  6. All Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purpose of this Order.