

**Personnel Committee Meeting
Tuesday, July 21, 2020 4:30 PM
Crete Library/Community Center
1515 Forest Ave.**

1. Open Meeting

- In accordance with Nebraska law, a copy of the Open Meetings Act can be found in the back of the Council Chambers.
- Items listed on the agenda may be considered in any order.
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2. Roll Call

- Attendance of members will be recorded to determine the presence of a quorum for official actions.
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3. Items of Business

- The Committee may discuss or limit discussion on, hear testimony in favor of or in opposition to, or take action to provide a recommendation to the City Council on any matter presented under this title.
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A. Discuss and provide a recommendation to the City Council on amending the timekeeping policy section of the City's Personnel Rules and Regulations.

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B. Discuss and provide a recommendation to the City Council on ratifying amendments to the Continuity of Operations Plan for COVID-19.

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4. Officers' Reports

- Reports may be given by the Mayor, Officers, Departments, or Councilmembers concerning the current operations of the City.
- No action can be taken on matters presented under this title except to answer any questions or to refer the matter for further action.
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5. Adjournment

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- The Council may enter into closed session to discuss any matter on this agenda when it is determined that a closed session is clearly necessary for the protection of the public interest or the prevention of needless injury to the reputation of an individual (if such individual has not requested a public meeting) or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, then immediately prior to the closed session the Mayor shall restate on the record the limitation of the subject matter of the closed session.

- The City of Crete assures that no person shall on the grounds of race, color, national origin, age, disability, handicap or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the City receiving Federal financial assistance. To report discrimination, contact the City Clerk's office.
- The complete agenda with attachments is available at www.crete.ne.gov.

Sec. 3.07 TIMEKEEPING

The following procedures and guidelines have been created to ensure accurate record keeping within the City of Crete. The Fair Labor Standards Act (FLSA) and Nebraska state law require the City to keep accurate time records for employees.

ELECTRONIC TIMEKEEPING SYSTEM

All employees are required to use the electronic timekeeping system to record hours worked or days present, to track paid leave used, and to request vacation, sick, comp, or other types of leave. All employees and supervisors are required to take training on the electronic timekeeping system and to be familiar with the City's policies on timekeeping and attendance. Employees are responsible for verifying the accuracy of the hours worked on their time and attendance report for the applicable pay period, and each supervisor is responsible for making sure accurate data is logged in the electronic timekeeping system and submitted to Human Resources. Any discrepancies between hours worked or leave taken should be reported to the employee's supervisor or Human Resources immediately.

CLOCKING IN AND OUT; ROUNDING ZONE

All hourly employees are required to clock in at the start of their workday, clock in/out for lunch breaks, and clock out at the end of their workday. Employees are expected to clock in and out at their worksite and at their regularly scheduled times. Under certain conditions when an employee cannot clock in and out at their worksite (*i.e.* for off-site training), the employee must report their time to their supervisor for manual entry. If an employee forgets to clock in or out, they must provide notice to their supervisor immediately.

All clock in/out times will be rounded to the nearest ~~quarter-hour (15-minute)~~ one-tenth of an hour (6-minute) interval. This creates a rounding zone as shown in the table below. Hourly employees will have a window for clocking in and out of work that opens ~~seven (7)~~ three (3) minutes before their regularly scheduled start time and closes ~~seven (7)~~ two (2) minutes after their regularly scheduled end time. No clocking in or out should occur outside of this window. If an employee misses the window, they should notify their supervisor as soon as possible so their work hours can be entered manually. Employees who repeatedly clock in/out early or late without supervisor approval will be subject to disciplinary action, up to and including termination. All overtime must be approved in advance by supervisors.

<u>MINUTE RANGE</u>	<u>ROUNDED TIME</u>	<u>MINUTE RANGE</u>	<u>ROUNDED TIME</u>
<u>:57 - :02</u>	<u>:00 (.00)</u>	<u>:27 - :32</u>	<u>:30 (.50)</u>
<u>:03 - :08</u>	<u>:06 (.10)</u>	<u>:33 - :38</u>	<u>:36 (.60)</u>
<u>:09 - :14</u>	<u>:12 (.20)</u>	<u>:39 - :44</u>	<u>:42 (.70)</u>
<u>:15 - :20</u>	<u>:18 (.30)</u>	<u>:45 - :50</u>	<u>:48 (.80)</u>
<u>:21 - :26</u>	<u>:24 (.40)</u>	<u>:51 - :56</u>	<u>:54 (.90)</u>

PROHIBITED ACTIONS

The following actions are prohibited and will be subject to disciplinary action. See the Section on Discipline and Appeal Procedure for more details on disciplinary actions.

- Employees using another employee's user ID/password to clock in or out for another employee.
- Any attempt to tamper with timekeeping software.
- Any time spent working while not clocked in.

UNREPORTED HOURS

All hours worked must be reported using the electronic timekeeping system. Employees must clock in before performing any work and are not permitted to clock out until all work has stopped. Any time spent working while not clocked in is strictly prohibited. Employees that under report or fail to report hours worked will be subject to disciplinary action, up to and including termination. Examples of working off the clock may include:

- Forgetting to clock in or out
- Voluntarily continuing to work at the end of regular working hours
- Taking work home to complete on the weekend or in the evening
- Checking/reading/reviewing work-related emails or listening to work-related voicemail messages while away from the office or workplace
- Answering phones, emails, or attending to customers while clocked out for a lunch break

Once clocked in, employees are responsible for working on appropriate City-related tasks, and when the workday is complete, employees are responsible for clocking out. With the exception of breaks, employees conducting personal business or simply not working while clocked in may be considered "riding the clock" and may be subject to disciplinary action, up to and including termination.

END OF PAY PERIOD

Supervisors are required to notify Human Resources via email that all time clock exceptions or changes have been completed no later than 10:00 AM on the day immediately following the last day of the pay period. These exceptions and changes must be emailed to Human Resources for tracking purposes or they will not be made. Only Human Resources or the City Administrator can make certain timekeeping exceptions and changes. It is highly recommended that supervisors check their employees' leave requests and time entries weekly, if not daily, to avoid errors at the end of a pay period.

Attachment C

Expanded FMLA Leave and Emergency Paid Sick Leave

To comply with the Families First Coronavirus Response Act and to assist employees affected by the COVID-19 outbreak with job-protected leave and pay, where applicable, the following policies will be in effect until December 31, 2020.

Expanded FMLA Leave

Employee Eligibility

All current employees who have been employed with the City for at least thirty (30) calendar days and are actively scheduled for work are eligible for leave under this policy.

Employees laid off or otherwise terminated on or after March 1, 2020 who are rehired on or before December 31, 2020 are eligible for leave upon reinstatement if they had previously been employed with the City for thirty (30) or more of the sixty (60) calendar days prior to their layoff or termination.

Qualifying Reason for Leave

Eligible employees who are unable to work (or telework) due to a need to care for their *child* when a *school* or place of care has been closed or when their regular *child care provider* is unavailable due to a public health emergency with respect to COVID-19.

- “Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is:
 - Under 18 years of age; or
 - 18 or older and incapable of self-care because of a mental or physical disability.
- “Child care provider” means a provider who receives compensation for providing child care services on a regular basis, including:
 - A center-based child care provider.
 - A group home child care provider.
 - A family child care provider (one individual who provides child care services for fewer than 24 hours per day, as the sole caregiver, and in a private residence).
 - Other licensed provider of childcare services for compensation.
 - A childcare provider that is 18 years of age or older who provides child care services to children, who are either the grandchild, great-grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.
- “School” means an elementary or secondary school.

The City’s existing FMLA leave policy still applies to all other FMLA-qualifying reasons for leave outside of the Expanded FMLA Leave policy.

Duration of Leave

Employees will have up to 12 weeks of leave to use from April 1, 2020 through December 31, 2020 for the purposes stated above. This time is included in and not in addition to the total FMLA leave entitlement of 12 weeks in a 12-month period.

For example, if an employee has already taken 6 weeks of FMLA leave for a different qualifying reason, that employee would only be eligible for up to 6 more weeks of FMLA leave.

Increments & Intermittent Use of Leave

Employees may take expanded FMLA leave intermittently and in any increment agreed to with their supervisor. Supervisors and employees are expected to be flexible in scheduling wherever possible.

For example, an employee may only need 4 hours per day of leave to care for their child or may only need to do so on Tuesdays and Thursdays.

Pay During Leave

Leave will be unpaid for the first 10 days of leave; however, employees may use accrued paid vacation or compensatory time during this period. The employee may also elect to use the paid leave provided under the Emergency Paid Sick Leave Act, as further explained below.

After the first 10 days, leave will be paid at two-thirds of an employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed \$200 per day and \$10,000 in total, or \$12,000 in total if using emergency paid sick leave for the first two weeks. Any unused portion of this pay will not carry over to the next year. Employees may also supplement the two-thirds pay with accrued paid time off (PTO) not to exceed 100% of regular pay.

For example, an employee may choose to use one-third of an hour of PTO for each hour of expanded FMLA leave taken to reach 100% of normal pay per hour.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- If the employee has worked 6 months or more, the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type.
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Employee Benefits During Leave

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. During any unpaid portions of leave, the employee must continue to make this payment.

If the employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the employee is on paid leave. During any portion of unpaid leave, the employee may request continuation of such benefits and pay their portion of the premiums. If the employee does not continue these payments, the City may discontinue coverage during the leave.

Procedure for Requesting Leave

All employees requesting FMLA leave must provide written notice of the need for leave to their supervisor or the City Administrator as soon as practicable.

Notice of the need for leave must include:

- The name and age of the child or children being care for.
- The name of the school, place of care, or child care provider that closed or became unavailable due to COVID-19 reasons.

- A statement representing that no other suitable person is available to care for the child or children during the period of requested leave. For children over the age of 14, a statement indicating the special circumstances that require the employee to provide care during daylight hours.

Employee Status During and After Leave

During FMLA leave, the City may require an employee to report periodically on the employee's status and intent to return to work.

Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The City may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to business operations. Key employees will be given written notice at the time FMLA leave is requested of their status as a key employee.

Emergency Paid Sick Leave

Eligibility

All current full- and part-time employees scheduled but unable to work (or telework) due to one of the following reasons for leave:

- The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
- The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- The employee is caring for an *individual* who is subject to a quarantine or isolation order or was advised to self-quarantine.
 - “Individual” means an immediate family member, roommate, or similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she self-quarantined or was quarantined.
- The employee is caring for their *child* if the school or place of care of the *child* has been closed or the child care provider of such *child* is unavailable due to COVID-19 precautions.
 - “Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is:
 - Under 18 years of age; or
 - 18 or older and incapable of self-care because of a mental or physical disability.
- 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.

Furloughed employees are not eligible as there is no work available from which to take leave.

Amount of Emergency Paid Sick Leave

All eligible full-time employees will have up to 80 hours of emergency paid sick leave available to use for the qualifying reasons above. Eligible part-time employees are entitled to the number of hours worked, on average, over a two-week period.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- If the employee has worked 6 months or more, the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type.
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Increments and Intermittent Use of Leave

When working from home, employees may take emergency paid sick leave intermittently and in any increment agreed to with their supervisor and approved by the City Administrator. For those not working from home, an employee may only take intermittent leave to care for their child when the school or place of care is closed or the caregiver is unavailable due to COVID-19-related reasons.

As in the example for FMLA leave, an employee may only need 4 hours per day of leave to care for their child or may only need to do so on Tuesdays and Thursdays.

As all other reasons for emergency paid sick leave could potentially expose an employee or others in the workplace to COVID-19, employees must either use the full amount of emergency paid sick leave or use it in full-day increments until the reason for leave is over and it is safe for the employee to return to work.

Interaction with Other Paid Leave

The employee may use emergency paid sick leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Employees on Expanded FMLA Leave may use emergency paid sick leave concurrently with that leave. Emergency paid sick leave may also be used when an employee is on leave under traditional FMLA for their own COVID-19-related serious health condition or to care for a qualified family member with such a condition.

Procedure for Requesting Emergency Paid Sick Leave

All employees requesting emergency paid sick leave must provide written notice of the need for leave to their supervisor or the City Administrator as soon as practicable.

Documentation supporting the need for leave must be included with the written request, such as:

- A copy of the federal, state, or local quarantine or isolation order related to COVID-19 applicable to the employee or the name of the government entity that issued the order.
- Written documentation by a health care provider advising the employee to self-quarantine due to concerns related to COVID-19 or the name of the provider who advised the employee.
- The name and relation of the individual the employee is taking leave to care for who is subject to a quarantine or isolation order or is advised to self-quarantine.
- The name and age of the child or children being cared for; the name of the school, place of care, or child care provider that closed or became unavailable; and, a statement that no other suitable person is available to care for the child during the period of requested leave.
 - For children over age 14, a statement indicating the special circumstances that require the employee to provide care during daylight hours.

Once emergency paid sick leave has begun, the employee and their supervisor must determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive emergency paid sick time.

Carryover

Emergency paid sick leave will not be provided beyond December 31, 2020. Any unused leave will not carry over to the next year or be paid out to employees.

Job Protections

No employee who appropriately utilizes emergency paid sick leave under this policy will be discharged, disciplined, or discriminated against for work time missed due to this leave.