

ORDINANCE NO. 21-04

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE II, DIVISION 5 OF THE PERSONNEL POLICY OF THE CITY OF PORT ARTHUR AS IT PERTAINS TO ATTENDANCE AND LEAVE BY ADDING SECTION 78-190 – PROVIDING FOR AN EXTENSION OF THE CITY’S EMERGENCY PAID SICK LEAVE POLICY THROUGH MARCH 31, 2021.

WHEREAS, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Abbott in order to take steps to prepare for, respond to, and mitigate the spread of Covid-19. Thereafter, on March 17, 2020, pursuant to Ordinance No. 20-23, the City Council declared a Public Health Emergency; and

WHEREAS, on March 24, 2020, the Mayor declared a Declaration of Disaster in order to minimize the loss of life and alleviate the suffering of people exposed, infected, or impacted by the devastation caused by to Covid-19; and

WHEREAS, the City Council approved Ordinance No. 20-25, with certain amendments to Chapter 78 of the Code of Ordinances, which included temporary Emergency Paid Sick Leave; and

WHEREAS, later, Congress enacted the Families First Coronavirus Response Act (FFCRA). This federal law went into effect on April 1, 2020, and provided assistance to employees affected by the COVID-19 outbreak with certain job-protected paid leave for certain qualifying reasons. As it pertains to the City of Port Arthur, it allowed for an expansion of the provisions set forth in Ordinance No. 20-25; and

WHEREAS, on April 14, 2020, the City Council authorized a second amendment pursuant to Ordinance No. 20-39, which provided for supplemental pay to cover the remaining wages that were not covered by the FFCRA. This supplemental pay allowed employees who qualify under FFCRA provisions and corresponding ordinances, to receive 100% of their pre-leave base rate of pay; and

WHEREAS, the terms of the FFCRA, expired on December 31, 2020. Therefore, the City Council deems it in the best interest of the City to extend paid leave under the FFCRA through March 31, 2021 for employees who have not exhausted the leave entitlement provided under the FFCRA.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR:

Section 1. That the facts and opinions in the preamble are true and correct.

Section 2. That Chapter 78, Article II, Division 5 of the Personnel Policy of the City of Port Arthur as it pertains to Attendance and Leave is hereby amended by adding Section 78-190 – "The City of Port Arthur's Supplemental Pay Policy Extension". This policy is to be used for the period beginning January 1, 2021 through March 31, 2021. The policy is attached hereto as Exhibit "A."

Section 3. That this being an ordinance that does not require publication, it will be effective immediately upon passage.

Section 4. That all ordinances and parts of ordinances in conflict herewith are herein repealed to the extent of the conflict. The personnel policies to the employees shall also be amended accordingly.

Section 5. That a copy of the caption of this Ordinance be spread upon the Minutes of the City Council.

READ, ADOPTED AND APPROVED on this 19th day of January A.D., 2021, at a Meeting of the City Council of the City of Port Arthur, by the following vote: AYES:

Mayor: Pro Lem Moses

Councilmembers: Holmes, Jones, Kinlaw
Marks and Frank.

NOES: None.

Charlotte Moses
Charlotte Moses, Mayor Pro Tem

ATTEST:

Sherri Bellard
Sherri Bellard, City Secretary

APPROVED AS TO FORM:

Val Tizeno
Valecia Tizeno, City Attorney

APPROVED FOR ADMINISTRATION:

Ronald Burton
Ronald Burton, City Manager

EXHIBIT "A"

Supplemental Pay Policy for Employees Taking Leave Under the Families First Coronavirus Response Act (FFCRA)

This policy is to be used for the period beginning January 1, 2021 through March 31, 2021.

A public health emergency has been declared by the governing body of the City of Port Arthur as a result of the novel coronavirus disease ("COVID-19"), and remains in effect. This temporary, supplemental paid leave policy is being implemented with the goal of protecting City of Port Arthur employees by reducing the impact that the public health emergency has on our workplace, and minimizing the impact of certain, COVID-19 related absences from work on our employee population.

Although the Families First Coronavirus Response Act (FFCRA) expired on December 31st, the City is voluntarily extending paid leave under the FFCRA through March 31, 2021 for employees who have not exhausted the leave entitlement provided under the FFCRA. For example, for employees entitled to 80 hours under the FFCRA in 2020, if they only used 40 of those hours in 2020 they may use the remaining 40 in 2021 while this policy is in effect.

Employees who qualify for temporary, paid leave from work under the FFCRA will have their FFCRA paid leave wages supplemented by the City, as and if needed, to reach 100% of their pre-leave, base rate of pay for the average number of hours they were scheduled to work per week. Supplemental paid leave under this Policy is only available: (1) to employees who are eligible for FFCRA leave for one of the six specified reasons under the law and the City's policy; (2) to employees who provide appropriate supporting documentation or information as required by the law and the City's FFCRA leave policy; and (3) for the duration of FFCRA leave approved by the City. Such supplementation will occur during existing FFCRA leave, and nothing in this Policy extends the length of leave under FFCRA or any City policy. While the City recognizes that there may be other COVID-19 related reasons for an employee's absence from work, only those absences already covered by the FFCRA will be eligible for this supplemental pay.