

RESOLUTION 2024-05

of the

Town Council

for the

Town of Windermere, Florida

adopting the

Town of Windermere Emergency and Disaster Readiness Procedures

Whereas, emergency and disaster preparedness policies and procedures may be adopted and amended at the discretion of the Town Council.

Whereas, the Town Council has granted authority for the implementation and enforcement of emergency operations and pay policies and procedures to maintain quality customer service and restore essential public services during such emergencies and disasters.

Whereas, the Town Council, in consultation with the Town's attorneys, finds that the Town of Windermere Emergency and Disaster Readiness Procedures is necessary to establish guidelines for the responsibilities and compensation of Town employees during emergencies and disasters.

Now Therefore, Be It Resolved by the Town Council of the Town of Windermere, Florida, that the Town of Windermere Emergency and Disaster Readiness Procedures attached hereto as **Attachment A** is hereby adopted as the official policy of the Town of Windermere, effective immediately upon its adoption.

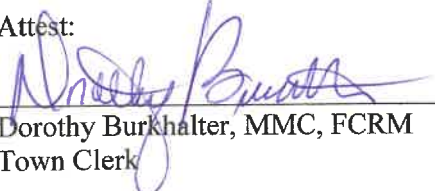
Resolved this 10th day of September, 2024.

TOWN OF WINDERMERE, FLORIDA

By: Town Council

By: 
Jim O'Brien, Mayor

Attest:


Dorothy Burkhalter, MMC, FCRM
Town Clerk



ATTACHMENT A

TOWN OF WINDERMERE EMERGENCY AND DISASTER PREPAREDNESS PLAN		SECTION NO:
Title: Emergency and Disaster Readiness Procedures		
Effective Date:	Amended:	

PURPOSE: The purpose of the policy is to establish guidelines for the responsibilities and compensation of Town of Windermere (the "Town") employees before, during and after a declared state of emergency and/or when normal Town operations are otherwise suspended.

OVERVIEW: The Citizens of the Town of Windermere depend on Town employees before, during and after an emergency or disaster, whether man-made or natural in origin, to provide quality customer service in maintaining and/or restoring essential public services for the health, safety, and quality of life for our Town and its Citizens. Town employees demonstrate pride and a commitment to quality customer service by ensuring continuity of operations and provision of public services to the extent that they are able during the essential periods of every emergency or disaster.

All employees of the Town of Windermere hold essential service positions in the general sense and provide services in the course and scope of their employment for the benefit of the general public. However, during emergency situations that threaten the health and safety of Windermere's citizens, many employees will be expected to work immediately before, during or immediately following an emergency or disaster as required by the circumstances.

This policy is applicable to all regular full-time Town employees.

AUTHORITY: Authority has been granted by the Windermere Town Council to implement and enforce this Emergency Operations Implementation and Emergency Pay Policy.

DEFINITIONS:

- *Emergency Essential Employees:* Employees who are critical to protecting and preserving the health, safety and welfare of Town residents, business owners and visitors during an emergency situation, and who will be required to work during that situation.
- *Emergency Non-essential Employees:* Employees who are not critical to protecting and preserving the health, safety or welfare of Town residents, business owners or visitors during an emergency situation. Emergency Non-Essential employees may, in the discretion of their Department Directors, be relieved from duty, or asked to work from home, before, during, or after an emergency situation.

- *Stand-by Status:* Employees who are required to be immediately available to return to work or otherwise perform services for the Town outside the employee's regular work hours as part of the Town's provision of emergency services, including without limitation, assistance with evacuations, sheltering, search and rescue efforts or emergency medical care.
- *Standby Pay:* Additional pay given to employees when they are required to be available for work upon immediate notice to aid in the provision of emergency services by the Town.

EMERGENCY PREPAREDNESS PROCEDURES:

Policy Activation and Employee Notice Procedures.

The Town Administrator or designee will activate this policy upon the declaration of a State of Emergency by the Town, or when Town operations are otherwise suspended due to an emergency situation.

Department Directors are responsible for identifying and notifying those employees who are considered Emergency Essential. Department Directors shall ensure that all Emergency Essential employees are aware of their roles and responsibilities in an emergency operations event.

Emergency Event Employee Labor Compensation Procedures.

These procedures supplement Town Policy 6.2 (Hours of Work) and 6.5 (Overtime/Compensatory Time). Employees shall record all time, including time worked during emergency or disaster events in the Town's timekeeping system. Hours worked during emergency or disaster events shall be designated as such within the Town's timekeeping system.

During an emergency or disaster, or in preparation before an event or restoration and recovery following an event, employees may be temporarily assigned to duties other than those identified as essential functions of their positions and may be assigned to work at different locations. In such circumstances, employees will be assigned duties according to their respective knowledge, skills and physical abilities.

Prior to an emergency event or declaration, while preparations are being made, the Town is considered open for business. Employees will be paid at their normal hourly rates regardless of the services they are assigned to perform.

Once an emergency event has been declared or other emergency suspension of normal Town operations has occurred, the Town is considered closed for business and the following practices shall apply:

- a) Non-exempt Emergency Essential Employees will be paid time and one-half **for every hour worked** during the declared emergency until the Town reopens for business or as defined by the Town Administrator, unless otherwise set forth by Resolution of Town Council in conjunction with an emergency declaration.

- b) Exempt Emergency Essential Employees will be paid their weekly salaries for the duration of the declared emergency, plus additional compensation at the rate of time and one-half **for every hour worked over forty hours** during the workweek(s) of the event, ***unless otherwise set forth by Resolution of Town Council in conjunction with an emergency declaration.*** For purposes of calculating the hourly compensation described by this paragraph, the employee's normal weekly salary shall be converted to an hourly amount by dividing the weekly salary by forty (40).
- c) Exempt and Non-exempt Emergency Essential Employees who are designated as on emergency stand-by status shall be compensated stand-by pay at time and one-half for time called out, and if not called out or upon to respond shall be compensated for three (3) hours of straight time for each day designated as emergency stand-by, ***unless otherwise set forth by Resolution of Town Council in conjunction with an emergency declaration.***
- d) During a disaster or other emergency suspension of normal Town operations, the Town Administrator, or designee, may direct that Emergency Non-Essential employees normally scheduled to work be released from duty until the threat has subsided and a return-to-work order has been issued. Those employees released from duty will be considered on **Leave with Pay** status. Hours falling within an Emergency Non-Essential employee's normal workweek and working hours shall be paid at the employee's normal hourly rate. Non-exempt/non-essential employees are expected to perform pre-event emergency preparations as requested until released, and to report back to work when normal Town operations resume or recovery operations begin.
- e) Exempt and Non-Exempt Emergency Non-Essential Employees who are authorized to work from home during an emergency on either emergency related activities or normal duties in the interest of continuity of operations, will be compensated as set forth in (a) and (b) above, ***unless otherwise set forth by Resolution of Town Council in conjunction with an emergency declaration.***
- f) Non-Exempt and Exempt Emergency Essential employees who are assigned to report to duty at any station, shelter, operations center or other Town facility, and remain there for the entirety of the event, shall be paid for twenty-four (24) hours per day from the time they entered the unit until the time they were released to leave. Non-Exempt employees shall be compensated at the rate of time and one-half for all hours, and Exempt employees shall be paid their regular salaries plus additional compensation at the rate of time and one-half for all hours worked over forty (40) in a workweek, ***unless otherwise set forth by Resolution of Town Council in conjunction with an emergency declaration.***
- g) If a Non-Exempt and/or Exempt Emergency Essential employee is reassigned during an emergency, such employees shall be paid according to their normal pay rates as outlined above in (a) and (b), and not at the rate of the services they are performing. This includes any backfill employee who temporarily replaces an employee responding to the incident.

- h) In the event of an emergency that requires employees to work abnormal, extended work hours without a reasonable amount of time to provide for their own meals, Emergency Essential Employees and volunteers engaged in eligible emergency work will be provided meals (food and water) at emergency operation centers provided they are not receiving a per diem.

Once a declared emergency has concluded, employees will return to work and will be paid as during normal operations. During recovery operations, Town employees may be needed a temporary basis in roles outside their departments. Department Directors/Supervisors will provide employees with such assignments, if any.

Department Directors shall maintain an up-to-date Emergency Contact List for all employees and distribute to all Divisions. Employees not previously directed on where and when to report shall contact their immediate supervisors for return-to-work information. Employees who without prior authorization fail to return to work as directed are considered to be on **Leave Without Pay Status** and may be subject to discipline up to and including termination.

Donated Resources Documentation Procedures.

Department Directors shall maintain updated and accurate lists of donated resources during a declared emergency. All donations made shall be recorded on a sign-in sheet. If the donated resources include labor, documentation must include what the services include, including the donating entity's name, title and function, days and hours worked, and location of work and work performed. If the donation includes equipment, the documentation must include the type of equipment, applicant-owned or purchased equipment, and who donated each piece of equipment. If the donation includes supplies or materials, the documentation must include quantity used, who donated it, location used, and invoices or other documentation to validate claimed value. A copy of the Town's Donated Resources and Activity Log is included as part of Appendix A to this policy.

Emergency Financial Plan and Annual Review Procedures.

The Town Council shall, on an annual basis and in conjunction with its approval of the Town's fiscal year budget, designate funds that shall be immediately available for Town use should an emergency event occur. To this end, the Town budget shall include a line item designated as a base emergency recovery fund to be accessed upon approval of the Town Council should a disaster event occur. To aid the Town Council in its evaluation of the Town's emergency financial preparedness, the Town Manager is tasked with evaluating the likely frequency of disasters with the potential to impact the Town. Further, the Town Manager is responsible for tracking base emergency recovery fund expenditures and reporting those expenditures to the Town Council on a quarterly basis and following every emergency event. Should the Town's base emergency recovery fund be insufficient to support the Town's emergency services prior to, during or following an emergency event, the Town Council shall evaluate the availability of alternate funds within the Town budget and local non-profit and corporate resources to aid in recovery efforts and minimize, to the extent possible, any gap in emergency recovery funding. The Town Council shall

also consider and seek available federal and state recovery funds to the extent the Town may be eligible for such funds.

Facility Inspection and Maintenance Procedures – Emergency Management.

These procedures supplement the Town's facility maintenance policies. The Town Manager or their designee is responsible for ensuring that Town facilities are inspected on a regular basis (and at least monthly) in accordance with the Town's established maintenance schedules, and any necessary repairs completed and documented in the Town's facility inspection and maintenance records. The documentation shall include the dates of inspection, issues detected, repairs performed and the date of the repairs, personnel involved and materials and costs associated with the repairs.

Equipment Inventory Procedures – Emergency Management.

These procedures supplement the Town's inventory, equipment and procurement policies. Town equipment that may be deployed for use in response to emergency events shall be inventoried on an annual basis prior to finalization of the Town's fiscal year budget and following every emergency event. Prior to purchase of equipment on behalf of the Town, the Town Manager shall evaluate (and provide to the Town Council as necessary) the potential cost benefit of leasing equipment to aid in emergency efforts rather than purchasing the equipment. The analysis shall include consideration of the variance in cost, the likelihood of repeated or extended use for the equipment (both for emergency recovery purposes and for the provision of alternate Town services on an ongoing basis) and such other factors as the Town Manager or Town Council may determine relevant.

Fraud Prevention Procedures – Emergency Management.

These procedures supplement the Town's Purchasing Policies and Procedures. The Town shall at all times comply with the requirements of The False Claims Act (31 U.S.C. §§ 3729-3733) which prohibits the submission of false or fraudulent claims for payment to the federal government.

- a) Town employees are strictly prohibited from knowingly submitting false or fraudulent claims or statements to federal, state or local entities, including claims or statements seeking funds related to the Town's provision of disaster and emergency services to its citizens.
- b) The Town Manager, with the assistance of the Finance Department and Department Heads and/or Chairman shall review and verify the accuracy of all claims or statements to be submitted on behalf of the Town prior to any such submission.
- c) In the event a claim or statement submitted on behalf of the Town is later determined by any employee to be inaccurate in any regard, the inaccuracy shall be immediately reported to the Town Manager who shall be responsible for taking all necessary steps to correct the inaccuracy.
- d) Violations of the Town's fraud prevention procedures or employee ethics or conduct codes, including the submission of a false or fraudulent claim, may result in discipline up to and including termination of employment.

Internal Controls and Procedures for Prevention of Benefit Duplication and Documentation of Administrative Costs.

- a) Prior to applying for federal funds, the Town Manager or their designee shall evaluate alternate benefit sources that have been approved in order to avoid duplication of benefits. In the event Town receives funding from a state or local source for work to be performed that was also approved for funding via federal funds, the Town Attorney shall give notice that the Town is no longer in need of the federal fund benefit. If federal funds received by the Town from FEMA are determined to be duplicative of benefits from other sources, FEMA shall be provided with notice of the duplication and the Town shall take such action as is necessary to eliminate the duplication.
- b) Administrative costs incurred for eligible management activities shall be documented by the Town via its accounting systems and with respect to any FEMA submission shall include:
 1. An explanation of work performed with a representative sample of daily logs/activity reports. The activity must be related to eligible projects.
 2. Documentation to substantiate the necessity of any claimed office supplies, equipment, or space.
 3. For meetings or site inspections, the activity description needs to include the number and purpose of the meetings or site inspections.
 4. Travel costs need to include the purpose of travel and a copy of the travel policy.
 5. Training needs to include the location, date(s), and title of the course. The training must be related to Public Assistance and occur within the period of performance of the Category Z (management costs) of the PW (FEMA Project Worksheet).
 6. To the extent the Town seeks federal funding for administrative costs, it shall in any application for those costs, certify that the management activities and associated costs claimed are eligible, consistent with FEMA's PA Management Costs Interim Policy, and not related to ineligible projects. FEMA's Certification of Management Cost Eligibility document shall be provided with the Town's submission. See, FEMA's Public Assistance Management Costs Standard Operating Procedures, pgs. 6-7.