



MEMORANDUM

The City of
OKLAHOMA CITY

Council Agenda
Item No. VIII. 0.
10/3/00

TO: Mayor and City Council

FROM: Glenn Deck, City Manager *GD*

Resolution adopting a Hazardous Conditions Policy; defining "Hazardous Condition" and "Hazardous Driving Condition;" providing authority to the City Manager to declare the existence of such condition and to take actions he deems prudent and necessary; and providing procedures to be followed in the event of such declaration.

Background

During all but our mildest winters, we often experience one or more days of inclement weather, when snow and/or ice cause dangerous road conditions. Departments charged with responding to emergency conditions follow established protocols to mobilize manpower and equipment. However, the City does not have a policy for departments and employees whose services are not required in response to hazardous conditions.

Hazardous road conditions often develop quickly. Employees may awaken to slick roads and learn that schools and day care centers are closed or will open late. Travel advisories often call for drivers to stay off the roads until salt and sand crews can do their work. Similarly, when storms move into the area in the early afternoon, departments and employees are uncertain as to how to proceed.

A Hazardous Conditions Policy is proposed for your consideration. It is written broadly enough to encompass large-scale emergencies such as the Murrah bombing, when all downtown offices were closed and many departments were required to respond to that emergency, and more expected emergencies such as hazardous roads.

Hazardous Condition and Hazardous Driving Condition are defined as a situation the City Manager finds "constitutes an immediate potential threat to the life, health, safety, and/or welfare of the City's employees or to the life, health, safety, and/or welfare of the inhabitants of this City."

Since no policy can anticipate every situation, the policy provides the City Manager may declare the existence of a hazardous condition or hazardous driving condition and may take actions he deems prudent and necessary to the condition. The City Manager's actions may include:

- Requiring employees to report to work or to undertake additional duties in response to an emergency
- Instituting a Liberal Leave Policy for Non-Required Personnel
- Altering or reducing regular working hours for Non-Required Hazardous Condition Personnel without charging leave
- Causing or allowing departments and or divisions not required to respond to the Hazardous Condition or Hazardous Driving Condition to be closed or to operate with reduced personnel; and
- Such other extraordinary responses as he deems essential

If the City Manager declares a Hazardous Condition or Hazardous Road Condition, he is required to inform the City Council within two business days of the nature of the condition and the actions taken.

A draft Hazardous Conditions Policy had been written in the late fall of 1999. During the last week of January 2000, a snow and ice storm produced the conditions anticipated by the policy. The City Manager instituted some of the provisions in the draft policy, allowing non-required personnel to leave early on one working day and to report late on the next. At a later Department Head meeting, department heads received the draft policy and made comments and suggestions based on their experiences. The draft policy was then amended and circulated to the department heads for final comment and revision. Copies of the policy were provided to the three bargaining units and they were invited to submit written comments. No comments were received from the bargaining units.

Review

Office of the City Manager, Personnel Department, Office of Management and Budget, Finance Department, Office of the Municipal Counselor

Recommendation: Resolution be adopted.

Attachment

**City Council Action
Financial Impact Report**

Title of Item: Hazardous Conditions Policy

Originating Department: Office of the City Manager

Description of Impact:

There is no way to determine if or when a Hazardous Condition or Hazardous Driving Condition would be declared. In general, the burden and cost of the City's response to any emergency or hazardous condition falls on the responder departments such as Police, Fire, and Public Works. While the Hazardous Conditions Policy does provide that the City Manager can require employees to report to work or undertake additional duties, the general intent of the resolution is to provide a uniform policy for employees whose services are not required as a part of the City's response to a hazardous condition.

Under the policy, the City Manager can allow employees whose services are not required during the response to a hazardous condition to report to work or leave work at different times or allow departments or divisions to close or operate with reduced personnel. Since the City budgets for all full-time employees to work 40 hours per week, allowing employees to report late or leave early or to make unscheduled use of their sick or annual leave would not have a financial impact.

There is a potential impact on non-emergency services to the citizens if certain offices are closed or working with reduced staff. In general, the choice of closing an office, opening later in the morning, or working with reduced staff would be left to the department head or division head and would be based on work load and the need to provide key services to the citizens.

There will be an impact on productivity if City offices are closed or working with reduced staff on a regular working day. However, the impact of one or two days each year of reduced staff and/or working hours is not anticipated to have an exceptionally adverse impact on the City or its citizens. The loss of some productivity is balanced by the fact that we are helping to reduce the number of vehicles on the road during critical rush hour periods and acting to protect the safety and welfare of our employees.

Summary of Impact:

a. Cost to City Organization (include indirect costs): No significant impact.

b. Cost to Citizens: No significant impact.

c. Cost to Business Community: No significant impact

d. Revenue Produced: None

Source of Funds: N.A.

Fund:	Agency:	ORGN:	
Department Head Signature:	<i>Katherine S. Wright</i>		Date: 9/26/00
Date Submitted to OMB:	<i>9/26/00</i>		
OMB Review Completed by:	<i>Laura A. Johnson</i>		Date: 9/26/00

RESOLUTION

RESOLUTION ADOPTING A HAZARDOUS CONDITIONS POLICY; DEFINING “HAZARDOUS CONDITION” AND “HAZARDOUS DRIVING CONDITION;” PROVIDING AUTHORITY FOR THE CITY MANAGER TO DECLARE THE EXISTANCE OF SUCH CONDITION AND TO TAKE ACTIONS HE DEEMS PRUDENT AND NECESSARY; AND PROVIDING PROCEDURES TO BE FOLLOWED IN THE EVENT OF SUCH DECLARATION.

WHEREAS, the City often experiences one or more days of inclement weather each year and has also had to face other conditions of extreme urgency that required the closing of City offices and the provision of extraordinary services; and

WHEREAS, the City, the citizens, and our employees are best served when uniform procedures can be instituted and followed in response to hazardous conditions or hazardous driving conditions: and

WHEREAS, the City Manager has provided a “Hazardous Conditions Policy,” defining “Hazardous Condition” and “Hazardous Driving Condition,” and providing procedures to be followed in the event of a declaration of either such condition; and such Policy is attached hereto and made a part hereof as though written out in full within this Resolution; and

WHEREAS, it is the desire of the City Council that a Hazardous Conditions Policy be provided and that the City Manager have the authority to declare such a condition and to implement any and/or all of the procedures provided in the Policy in order to protect the life, health, safety, and/or welfare of the City’s employees and the inhabitants of this City.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Oklahoma City that they do hereby adopt the attached “Hazardous Conditions Policy” and authorize and empower the City Manager to implement the procedures set fourth in the policy as

and at the times he deems it most prudent and necessary to the protection of the lives, health, safety and/or welfare of the employees and/or of the inhabitants of this City.

ADOPTED by the Council and **SIGNED** by the Mayor of The City of Oklahoma City
this 3 day of October, 2000.

Kris Humphrey

Mayor

ATTEST:

Thomas P. Hawley

City Clerk

APPROVED as to form and legality this 26th day of September,
2000.

Wiley J. Williams

Assistant Municipal Counselor

**The City of Oklahoma City
Hazardous Conditions Policy**

I. Definitions.

1. *"Hazardous Condition"* is a situation or condition the City Manager finds constitutes an immediate potential threat to the life, health, safety, and/or welfare of the City's employees or to the life, health, safety, and/or welfare of the inhabitants of this City. Each Hazardous Condition is a separate and unique condition.
2. *"Hazardous Driving Condition"* is a circumstance in which the City Manager finds the condition of the roadways constitutes an immediate potential threat to the life, health, safety, and/or welfare of the City's employees or to the life, health, safety, and/or welfare of the inhabitants of this City. Each Hazardous Driving Condition is a separate and unique condition.
3. *"Required Hazardous Condition Personnel"* are those employees deemed by their department heads to be necessary to the work of the City during the time a Hazardous Condition or Hazardous Driving Condition has been declared. Nothing contained herein shall limit the authority of the City Manager or a department head to require personnel to report to work or to require any employee to undertake additional duties in response to the declared condition.
4. *"Non-Required Hazardous Condition Personnel"* are those employees not required by their department heads to report to work during the time a Hazardous Condition or Hazardous Driving Condition has been declared.
5. *"Regular Working Hours"* are the periods of time during which an employee is regularly scheduled for work.
6. *"Liberal Leave Policy"* is a provision to allow Non-Required Hazardous Condition Personnel, with the permission of their supervisors, to make unscheduled use of their accrued annual leave or compensatory time or to use leave without pay (LWOP) during the time that a Hazardous Condition or a Hazardous Driving Condition has been declared.

II. Authority and Procedure.

1. *Authority.* The City Manager or his designee has the authority to declare the existence of a Hazardous Condition or a Hazardous Driving Condition and to then take the actions or measures he deems prudent and necessary under such condition. The City Manager's actions may include instituting a Liberal Leave Policy for Non-Required Personnel; altering or reducing Regular Working Hours for Non-Required Hazardous Condition Personnel without charging leave; causing or allowing departments and or divisions not required to respond to the Hazardous Condition or Hazardous Driving Condition to be closed or to operate with reduced personnel; ordering employees to report to duty outside of Regular Working Hours; and providing such other extraordinary responses

as he deems essential.

2. *Declaration and Reporting of a Hazardous Condition.* The City Manager or his designee may implement this policy by a verbal declaration of a Hazardous Condition or Hazardous Driving Condition. The City Manager shall, within two business days of such declaration, inform the Mayor and City Council of the nature of the condition and the actions taken.

3. *Procedures.* The City Manager shall develop and implement procedures for notification to department and division heads and employees of the existence of a Hazardous Condition or a Hazardous Driving Condition.

4. *Provision for Leave Time.*

A. Collective Bargaining Agreements to Apply. FLSA Non-Exempt Employees required to work beyond their regular work schedule during a Declaration of Hazardous Condition or Hazardous Driving Condition shall receive such compensation for hours actually worked as is provided in their respective collective bargaining agreements, where applicable, or in the Personnel Policies.

B. Hazardous Condition or Hazardous Driving Condition - Annual Leave for Non-Required Personnel. In instances where the City Manager authorizes reduced working hours for Non-Required Personnel, such Personnel will not be charged leave for the time authorized by the City Manager. In the case of a Hazardous Driving Condition, the time allowed will usually be two hours in the morning and/or two hours in the afternoon.

1. Provisions for Leave Usage.

a. A Non-Required employee who reports for duty after or leaves duty before the time specified by City Manager will be charged annual leave for those hours not authorized by the City Manager. If an employee has no accrued annual leave, such employee will be charged leave without pay.

b. Prior approved leave shall be counted against leave balances on the day or days a Hazardous Condition or Hazardous Driving Condition is declared in the amounts originally granted, unless the Non-Required employee reports to work that day.

c. A Non-Required employee who is allowed use of Liberal Leave and does not report for duty on such day, will be considered to be absent from work for the entire day.

d. Any Hazardous Condition leave granted by the City Manager shall have no affect on employees serving any mandatory suspension.

C. Failure to Report for Duty. Required Hazardous Condition Personnel who fail to report to work may be charged as AWOL for the hours they did not report for duty. The decision to charge AWOL will be made by the department head based on the circumstances of each case of failure to report.

III. Employee Responsibility. Any employee who knows or believes a Hazardous Condition or Hazardous Driving Condition has been declared and is not sure when or if he or she is required to report to work, is responsible for contacting his or her supervisor or another person within the divisional or departmental chain of command.

Adopted by the Council of the City of Oklahoma City on October 3, 2000.

Hazardous Conditions Procedure

1. Department/Division Heads who have knowledge of a Hazardous Condition or Hazardous Driving Condition shall immediately report the same to the City Manager.
2. The City Manager will evaluate the information and gain other information he may require. Acting upon this knowledge, the City Manager may make a declaration of a Hazardous Condition or a Hazardous Driving Condition.
3. The City Manager will inform the Assistant City Managers and other appropriate persons of his decision to declare a Hazardous Condition or Hazardous Driving Condition and the measures to be taken by the City.
4. The Assistant City Managers will notify the appropriate Department Heads of the declaration and discuss and develop implementation plans as needed. The Police Chief will ensure that E-911 and Emergency Services are notified when appropriate.
5. The City Manager will inform the Mayor and City Council of the Hazardous Condition or Hazardous Driving Condition and the anticipated measures to be taken.
6. The Public Information Director, when directed by the City Manager, will take appropriate actions to notify the public of the measures taken in response to the Hazardous Condition or Hazardous Driving Condition.
7. Department Heads are responsible for implementing an appropriate response for each Hazardous Condition or Hazardous Driving Condition based on any directions from the City Manager or Assistant City Managers, the mission of their department, and their assessment of the needs of the City during the time of the condition. Department Heads are responsible for determining which personnel will be required to report to work or to remain at work and for giving notification of their work status to all employees.