El Paso Water had to replace aging transmission lines that conveyed water from the 75-year-old Canal Water Treatment Plant, situated downtown between the Rio Grande and a 100-year-old BNSF rail yard.

An ACEC Texas member firm and its design-build partner delivered the project, which required a 66-inch diameter, 570-foot-long tunnel under 18 active rail-yard tracks, and a 315-foot tunnel under a busy TxDOT roadway.
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**ABOUT THE COVER**

In the City of Tyler, Liberty Hall is one of many businesses participating in the Mayor’s Marquee Challenge by listing clean hygiene practices on one side of its marquee, and a message on the other side that reads “Stay safe. We’ll be back soon.”

Photo Credit: City of Tyler
The Texas Municipal League exists solely to provide services to Texas cities. Since its formation in 1913, the League’s mission has remained the same: to serve the needs and advocate the interests of its members. Membership in the League is voluntary and is open to any city in Texas. From the original 14 members, TML’s membership has grown to more than 1,150 cities. Over 16,000 mayors, councilmembers, city managers, city attorneys, and department heads are member officials of the League by virtue of their cities’ participation.

The League provides a variety of services to its member cities. One of the principal purposes of the League is to advocate municipal interests at the state and federal levels. Among the thousands of bills introduced during each session of the Texas Legislature are hundreds of bills that would affect cities. The League, working through its Legislative Services Department, attempts to defeat detrimental city-related bills and to facilitate the passage of legislation designed to improve the ability of municipal governments to operate effectively.

The League employs full-time attorneys who are available to provide member cities with information on municipal legal matters. On a daily basis, the legal staff responds to member cities’ written and oral questions on a wide variety of legal matters. The League annually conducts a variety of conferences and training seminars to enhance the knowledge and skills of municipal officials in the state. In addition, the League also publishes a variety of printed materials to assist member cities in performing their duties. The best known of these is the League’s monthly magazine, Texas Town & City. Each issue focuses on a variety of contemporary municipal issues, including survey results to respond to member inquiries.

For additional information on any of these services, contact the Texas Municipal League at 512-231-7400 or visit our website, www.tml.org.

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MESSAGE ★ FROM THE PRESIDENT

Dear Texas City Official,

We face an almost unprecedented challenge in the coming months. Much of the work of helping our citizens and economy heal from the Coronavirus will fall to Texas cities and city officials. But we are prepared to do that work. Every hour of training about emergency management received, every economic development workshop attended, and so much more that we’ve done to prepare will serve us well in the time ahead. We didn’t just become the city leaders who will help guide us through this crisis, we taught ourselves and each other to become those leaders.

This edition of the magazine is devoted to public safety, and I think that’s fitting. It was often our first responders who first helped the sick among us these past weeks, and Texas couldn’t be prouder. There’s a reason nearly two-thirds of a typical city’s budget is devoted to public safety—it’s cities that do the biggest part of that work in our state. And we’ll do even more as it’s needed. I hope some of the articles this month will inspire you to think about safeguarding our communities in new and innovative ways.

I’m proud of the League that we’ve all created and count on during these trying times. I hope the daily Coronavirus information email has helped you to better do your job. We’ll keep that up as long as it’s needed. As this crisis eventually passes, we’ll all gather together again at conferences and workshops, not just to shake hands (or bump elbows!) in fellowship, but to begin once again the hard but necessary work of preparing to be the best public servants we can be.

Eddie Daffern, CMO
Mayor
City of Staples
TML President

Eddie Daffern
Texas Municipal League
Empowering Texas cities to serve their citizens

Cities have unique challenges, limited resources, and a tremendous responsibility to protect and enhance the health, safety, and welfare of their citizens. Today, the efforts of city officials and employees are more critical than ever before as they care for their citizens and work to suppress the spread of COVID-19.

For more than 100 years, the Texas Municipal League has had the privilege of helping city leaders meet the continually shifting landscape of governance. Guided by our purpose statement— Empowering Texas cities to serve their citizens—the League is committed to providing support and services to city officials all across this great state:

Advocacy. The League tirelessly coordinates its legislative program set by our member cities at the state and federal level.

- The League coordinates with state and federal leaders to ensure that cities’ needs are addressed during the COVID-19 pandemic.
- The legislative process can be daunting and overwhelming. City officials, most of whom volunteer their time to serve their constituents and communities, are either busy running their city or working their day jobs. During the 2019 legislative session, more than 6,500 bills or significant resolutions were introduced; more than 2,000 of them would have affected Texas cities in some substantial way. In the end, more than 1,200 bills or resolutions passed and were signed into law; almost 300 of them impacted cities in some way.
- The number of city-related bills as a percentage of total bills filed rises every year. Twenty years ago, around 17 percent of bills filed affected cities in some way. By 2019, that percentage had almost doubled to 30 percent. In other words, almost a third of the legislature’s work is directed at cities, and much of that work aims to limit municipal authority.
- The League provides a forum for city officials to come together to determine the policy platforms that anchor the League’s legislative priorities. Advocacy staff also looks for ways to engage city officials in the legislative process.
- TML advocacy staff reads through each of the 6,500 bills filed each session to distill its impact on city operations and its effects on each community.

Legal Support. City officials have to know a lot, and we are here to help. TML has attorneys on staff to answer general legal questions about municipal law. Our attorneys also carefully monitor federal and state laws and regulations, as well as city-related developments in the courts. By updating city officials on various legal developments, the League’s attorneys help them avoid legal entanglements, which ultimately save taxpayer dollars. Here are just a few examples:

- League attorneys are available to help local city attorneys protect their city’s citizens during disasters. For example, the Coronavirus Update is emailed to TML members each day and includes a Q&A of commonly asked governance issues during the pandemic.
- Through briefings at the Texas and United States Supreme Courts, TML has protected the official immunity of law enforcement officers who must make split-second, life or death decisions.
- League attorneys advocated at the Texas Supreme Court for the authority of small cities to adopt sex offender residency restrictions. They were ultimately successful in conjunction with legislative efforts clarifying that authority in 2017.

Training. From our annual conference, to single-day workshops on municipal hot-topics, to webinars, the League offers many training events each year to prepare city officials for their important roles as leaders and innovators. Here are a few highlights:

- The 2019 TML Annual Conference and Exhibition in San Antonio attracted more than 3,200 city officials for two-and-a-half days of training sessions, exhibits, and networking.
- Our on-demand webinar library contains training on social media, town halls, open meetings, time management, and much more.
- In-person and online training opportunities for 2020 include specialized instruction in public funds investment, leadership, budgeting, legal topics, ethics, conflict resolution, and economic development.
Resources and Experts. Whether it is connecting a city official to our library of information and publications, an expert in the field, a colleague in one of the League’s 1,160 member cities, a private-sector service, example policies and ordinances, or national and state programs, we’ve got the network of resources and experts to help local leaders seize an opportunity or creatively solve a problem. For example:


- The TML website has a page dedicated to coronavirus-related resources. Access the resources page from the TML website (www.tml.org) and click on the COVID-19 Resources and Updates graphic.

- The League has 21 affiliated organizations that represent various professions in city government. These groups provide specialized insight and expertise to all TML member officials.

- City officials can connect with more than 300 private-sector services at the exhibit hall during the TML Annual Conference and Exhibition or through the online Buyer’s Guide directory.

Health and Risk Pools. TML sponsors two successful pooling programs that provide huge dollar savings for TML member cities.

- The TML Health Benefits Pool provides healthcare benefits for employees and families.

- The TML Intergovernmental Risk Pool offers property, liability, workers’ compensation, cyber liability, and special risk coverages to local governments.

If we can assist or you have a suggestion to improve our service, please contact Bennett Sandlin, TML executive director, at 512-231-7400 or bennett@tml.org, or Rachael Pitts, deputy executive director of affiliate and member services, at 512-231-7472 or rpitts@tml.org.

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Out of Sight and Out of Mind

Too often the above phrase describes building owners’ approaches to roofs. While many roofs are out of sight, no roof should be out of mind. As we head into the spring storm season, roofs tend to get noticed due to hail damage or because the lack of maintenance results in damage which could have been prevented.

Damaged buildings and roofs are not only expensive but inconvenient for building owners, and no building owner wants damage. However, many owners lack the expertise needed to prevent damage. With that in mind, the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) and the Texas Association of School Boards (TASB) brought together a panel of roofing experts. This panel discussion, entitled Dollars and Sense: A Roof Summit, provides guidance in roof system products, hail resistance, maintenance, roof procurement, and the meaning of warranties. Below are some of the highlights from that discussion.

Roofing Systems
The panel explained the different types of roofing systems and the make-up of each roofing system. This includes both flat (water-resistant) and sloped (water shedding) roofing systems. The panel also discussed the various products available in the marketplace as well as the types of systems that are more hail, wind, and fire resistant. For example, what is the difference between 40M and 60M thickness and does it really make a difference? Anyone replacing a roof needs to understand the importance of membrane thickness, what is under the membrane (underlayment), and the different methods of attaching the membrane to the underlayment. All these decisions impact the hail resistance, wind resistance, and the life of the roof.

Roof Maintenance
Another important consideration of roofing is roof maintenance. Roof maintenance is vital to extend the life of a roof and to avoid roof failure. The panel shared that maintenance is important for both protecting the roof and to not void existing roof warranties. Further, the panel provided practical tips and resources for establishing a regular maintenance program. These resources included checklists and tips for finding online resources.

Roof Ratings
The panel advised roof ratings are determined by independent testing laboratories; the two most prominent being Underwriters Laboratory (UL) and FM Global. The panel discussed some of the testing methods for hail and misconceptions about wind ratings.

Hail Resistance
To verify hail resistance, UL drops steel balls ranging from 1.25-2 inches diameter from various heights onto roofing
products. Roofs are classified from one to four with a class four roof being able to withstand a two-inch ball dropped from 20 feet without sustaining damage. Class four is the highest rating.

**Uplift/Wind Ratings**
Wind ratings are often described as I-60, I-90, or I-120. This does not refer to wind speed. Instead, this number reflects the uplift pressures in pounds per square foot a roof can withstand. The design of the roofing system determines the rating. The panel explained the rating required for a roof is dependent on the use of the building, terrain, buildings in proximity, and height of the building.

**Roof Replacement**
Even with diligent maintenance, all roofs must eventually be replaced. But when is the proper time and how should it be done? The panel provided the economic considerations of full replacement or an overlay of the existing roof. They also discussed procurement methods available to local governments. The discussion then focused on warranties and how they differ in scope, cost, and if provided by the roofer or the roof manufacturer.

**Roof Experts**
Do you need an architect, an engineer or a roofing consultant? The panel discussion focused on the expertise and value brought by each expert and the types of questions to ask.

**Summary**
Roofs are a vital part of the building and are often ignored. However, with planning during the selection, installation, and maintenance of a roofing system, the building can be protected from the elements and unnecessary damage, expense, and inconvenience.

The full panel discussion is available on the Risk Pool’s YouTube channel at https://bit.ly/2B9YIvx, or accessible via the Pool’s website. Please contact your loss prevention representative or member services manager if you have any questions.
Five Percent of Patients Drive 50 Percent of Spending—But Not How You Might Think

Efforts to contain healthcare spending often focus on the statistic that five percent of patients drive 50 percent of total healthcare spending. This statistic is true, but attempts to lower costs by focusing on this top five percent can be hampered by the exclusion of a key insight: this five percent is not made up of the same people year-to-year.

Who are the five percent? According to a recent study by Kaiser Permanente, they fall into three categories of about equal size:

- people who suffer a one-time catastrophic health problem, like a premature birth or a car accident
- people with one or more chronic medical conditions that could be improved or kept under control, like diabetes or high blood pressure
- people with severe chronic conditions who can’t be returned to good health and need long-term treatment, like multiple sclerosis, Ehlers-Danlos Syndrome, or certain cancers

The individual people who make up the first and last categories change unpredictably from one year to the next, as accidents occur and new diagnoses are made. Of the three major categories, the best opportunity to reduce costs is to significantly improve the health of those with chronic conditions, but this group accounts for just under one-third of the money spent on the top five percent. This means the opportunity to reduce the costs of caring for the most expensive five percent of patients is much smaller than often assumed. Additionally, the composition of the group with controllable chronic conditions who are counted in the top five percent also changes frequently, as patients with previous chronic conditions deteriorate or suffer flare-ups, or find treatments that work for them and improve their overall health.

This is one of the major reasons it is difficult to target overall cost by targeting individual patients.

Doing Right by Patients and Public Employers

If hot spotting individual patients won’t significantly reduce costs, how can public employers mitigate this spending without cutting benefits for employees?

One way to reduce costs over the long term is by promoting earlier care for patients who are actively in the second group, those with chronic conditions that can be stabilized and prevented from deteriorating, to maintain and improve quality of life for employees and prevent costs from increasing. For example, chronic kidney disease is easier to manage, with less invasive treatments, greater productivity, and higher quality of life for the patient than is end-stage renal disease. Employee education about their conditions and treatment options, and access to early high-quality care can help mitigate such deterioration.

Second, the cost spikes can be managed by distributing these costs across a large group of insureds, or a pool. This strategy is commonly associated with large municipalities and large employers, but is available to water districts, emergency services districts, other public employers, and towns of any size through TML Health Benefits Pool. A risk-sharing arrangement that distributes costs and savings among many individuals can absorb the costs of the rotating population that constitutes the top five percent of spending. Since this population is not constant, such an arrangement allows public employers to spread out the financial impact of the medical costs of the chronically ill employees, resulting in a more stable, predictable budget.

What’s the difference between this and risk borne by traditional insurance arrangements? In such a risk pooling arrangement, because the composition of this population is ever-changing, and the cost of care for both the top five percent individuals and the pool as a whole is inconstant, cost for public employers can be further mitigated by returning savings to these employers in years of relatively lower spending.

About TML Health Benefits Pool

TML Health Benefits Pool brings together hundreds of Texas public entities to leverage collective purchasing power and risk sharing to offer big-employer health benefits at small-town prices. By sharing in the Pool, TML Health’s members share the rewards of superior health coverage—lower costs, better health outcomes, and more personalized service.
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Principal Office: Austin, Texas. The attorney responsible for the contents of this advertisement is Carmen Perez.
Texas Cities Pull Out the Stops to Help Their Communities

Whether it’s helping with food, housing, health, or cash flow, Texas cities are finding meaningful ways to support their employees, residents, and businesses through the Coronavirus pandemic. In this month’s City Lights, we’ll highlight some of these programs and services – many of which can be adapted by your city during the pandemic or other disasters.

Plano Deploys “Friendly Monitors” at Parks

Plano knows it’s important to spend quality time outdoors when circumstances necessitate that we separate ourselves socially and physically. City leaders want residents to continue reaping the benefits of their parks and nature preserves, but understand it will take some help and cooperation from residents. In an effort to keep parks open and ensure that social distancing guidelines are followed, the City is deploying its Parks and Recreation and Library staff members to every major park in Plano. Smaller neighborhood parks are also being visited on a rotational basis. Plano’s “friendly monitors” will wear City of Plano shirts and have City identification badges. They’ll remind park patrons about the City’s emergency declaration which recommends social distancing, and that we are all in this together and need to do our part.

“Hearts for Heroes” Yard Signs in Bullard

The City of Bullard launched an initiative encouraging residents and businesses to post hearts on their front doors or windows and share the photos on social media. The “Hearts for Heroes” signs and photos demonstrate the community’s overwhelming gratitude for those who are working on the front line. Smith County followed suit, joining the #HeartsForHeroes campaign to share the love with all essential workers spending their days away from their families.

Fort Worth Offers Free Evening Meals for Kids

In Fort Worth, evening meals for children are available at 20 of the City’s community centers. This program is made possible through a partnership between the City’s Park and Recreation Department, Neighborhood Services Department, Food for Good, and Tarrant Area Food Bank.

Recipients do not need to be a member of the community center or after-school program to participate. However, children must be present in the vehicle when meals are picked up. The meals are free of charge, available for children ages 1-18, and available from 3:30-5:00 p.m. Monday through Friday on a first-come-first-served basis in a drive through or pick-up format.

Lockbox Program Opens Doors in Deer Park

Stories of the elderly falling or suffering from an illness that prevents them from opening the door for emergency responders are becoming even more common these days. To expedite access to senior citizens and lessen damage to their homes during emergencies, the Deer Park Police Department launched the Lockbox Program.

The lockbox is provided free of charge to Deer Park residents who are 65 years of age or older, or under 65 years of age with a major medical issue that could render them incapacitated. The lockbox stores a spare key to the resident’s home and is secured with a combination that only the first responders have access to. During an
emergency, the first responders can open the lockbox, remove the spare key, and unlock the resident’s door, in lieu of forcibly entering the home.

With more than 50 participants and many success stories, the Lockbox Program is an example of the City’s commitment to providing residents with exceptional public safety services.

Arlington Mayor Is on a Mission

Jeff Williams, City of Arlington Mayor, announced to the community that he would donate up to $2,500 to Mission Arlington/Mission Metroplex for the first 100 photos that residents uploaded to the City’s Facebook page featuring a to-go order or delivery order purchased from an Arlington restaurant. Hundreds of submissions poured in – a heartwarming display of care for local businesses and for a long-serving charitable organization that helps the community’s most vulnerable.

“I launched the Meals for a Mission Challenge as a reminder for everyone to support our small businesses and restaurants,” Williams said. “As a small businessman myself, I know these are tough times, but I’m overwhelmed by the positive response to this initiative and extremely grateful for so many residents answering the call with kindness and a big heart.”

The mayor’s donation to Mission Arlington/Mission Metroplex is being generously matched by other community leaders and supporters.

College Station Offers Small Business Grants

The City of College Station announced an Economic Assistance Grant Program financed by Community Development Block Grant Economic Development funds. Small business owners in College Station can apply for a grant if their business has been affected by the city’s shelter in place order.

The program is designed to prevent job losses for employees with families in the low-to-moderate household income range, and to spur job creation and help businesses reach employment numbers they had before the pandemic. The grant size a small business may receive is based on the number of employees, with a maximum grant of $10,000 to companies with one to five employees and up to $40,000 for 21 or more employees.

West Offers Food Delivery Service for Senior Citizens

The City of West launched a Food Delivery Program to feed the community’s most vulnerable residents, while also providing some new business for local restaurants that are restricted by a shelter-in-place order aimed at limiting the spread of COVID-19.

The West City Council approved an emergency food delivery service in mid-March for West residents who are 65 years or older, funded by the City’s reserve...
Residents can sign up to receive meals at no charge if they are not part of the Meals on Wheels program and don’t have another means of getting food delivered to their homes. Volunteers will deliver on Mondays, Wednesdays, and Fridays, leaving the food at residents’ doors, knocking, and then waiting at the curb.

“There will be no interaction between delivery people or residents, but we will have a chance to see them and check on them,” said Mayor Tommy Muska. The meals will be ordered from local restaurants in an effort to boost their business a little too.

**Austin Stalls Evictions and Suspends Utility Shutoffs**

In an effort to slow the eviction process in Austin for renters who have lost jobs and wages because of the coronavirus, the city council passed an emergency ordinance in late March that allows a 60-day grace period on rental payments. The ordinance prevents eviction of residents who are unable to pay their April and May rents as a result of work stoppages related to COVID-19. Austin Energy also announced that it would suspend all utility shutoffs due to unpaid bills. This includes electricity, water, trash collection, and recycling for many residents. Those who have trouble paying a utility bill can get on a deferred payment plan or receive financial assistance from the city.

**Freeport Mayor Lifts Employee Spirits**

Freeport Mayor Brooks Bass hosted a social distancing fish fry for city employees who drove by to pick up their free meal. Bass cooked the meals to thank, in his words, “some of the best workers in the State” for their hard work and commitment serving residents through this difficult time. While Bass has lived through many disasters, he said he has never seen his city or the country experience this level of crisis, yet he has faith that his city will stay “Freeport strong.”

**Abilene’s Passenger Bus Limit Supports Social Distancing**

For the health and safety of Abilene residents who take public transportation, CityLink Transit is limiting capacity to 10 passengers on its most popular fixed routes as of April 1. This precautionary measure is designed to protect the public and CityLink employees by limiting the possible exposure and spread of the Coronavirus within the Abilene community.

The fixed routes are the bus routes with the highest ridership concentration. Once the maximum passenger count has been reached on a bus, CityLink will dispatch additional smaller buses on these routes for passengers who aren’t able to board due to reaching the 10 passenger capacity.

**Tyler Mayor Issues Marquee Challenge**

City of Tyler Mayor Martin Heines is asking all area businesses that have marquee signs or billboards to display safe hygiene practices as part of the “Mayor’s Marquee Challenge.” Participating businesses can show their support for the campaign by sharing photos of their billboards on social media and tagging #spreadfactsnotfear and #marqueechallenge.

“I challenge everyone in our community and other communities to get this simple message up on marquees to make sure that we’re all mindful of what we can do to defeat the Coronavirus,” said Heines.

This challenge is part of the citywide campaign “Spread Facts Not Fear,” that was implemented in response to the spread of the Coronavirus (COVID-19). Some of these safe practices include washing hands, cleaning surfaces often and social distancing.

Please note that some of these city-supported programs may have changed or ended by the date this issue of Texas Town & City was published.
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The City of Horseshoe Bay Police Department has helped shape the City’s reputation as a safe and quiet community for those looking to get away from larger cities while still having access to top quality physicians and medical facilities. Through daily service to senior residents, the police department recognized the need for officers to be trained to encounter someone with Alzheimer’s disease or dementia, whether in their home, their vehicle, or out in the community. For instance, officers frequently have contact with individuals who are lost and unable to provide the basic information that the officers need to provide care or ensure the individual returns home or to another safe and secure environment.

To respond to this need, the Horseshoe Bay Police Department implemented the consumer information program. The program offers family members and caretakers the opportunity to voluntarily complete a consumer information packet, which collects pertinent information about the individual suffering from cognitive impairment. The information is kept by local law enforcement and supports officers in effectively assessing a situation and ensuring appropriate actions are taken in the best interests of the impaired individual and their family. The packet helps officers by quickly providing emergency contacts, understanding the needs of the individual, and requesting local, regional, and statewide alerts as necessary. Each document contained in the packet is reviewed and securely maintained by the department to preserve the program’s integrity.

The officer who delivers the consumer information packet takes the time to explain the packet and its benefits to family members and caregivers. The officer highlights the importance of providing thorough and complete information so that all necessary data is obtained prior to the onset of a critical incident. Since statewide and regional alert systems require detailed information before an alert can be issued, ensuring completeness of the packets when they are initially filled out allows for efficiency and efficacy. In the event of an emergency, the police department can quickly notify surrounding law enforcement agencies, fire departments,
and emergency medical services without having to scramble to gather this information from multiple sources. Further, by having this information readily available, officers can provide pertinent details about a person suffering from cognitive impairment to other first responders present in the event the impaired person is unable to effectively communicate.

In the event a person suffering from cognitive impairment goes missing and a report needs to be filed, the packet can assist family members and caretakers during what is often a stressful and troubling time. When a loved one is in a crisis, a family member or caretaker may be unable to recall or articulate important information that can expedite locating and providing needed medical attention. Having that information on file eliminates the additional stress of answering these questions.

The goal of the consumer information program is to provide Horseshoe Bay police officers with the time and ability to treat the individual suffering from cognitive impairment and their family with dignity, integrity, and compassion. While lowering costs is not the main focus, the program reduces the time and manpower spent researching and gathering information. Officers have immediate access to the resources available, allowing them to focus on assisting or locating the affected individual.

It is the mission of the Horseshoe Bay Police Department to identify individuals who can benefit from the program and distribute the consumer information packets so that law enforcement has readily accessible information when needed. To further these goals, the department co-instructs the mental health officer certification course on an on-going basis. It is a priority of the department that all uniformed officers are certified by the State of Texas as mental health peace officers to ensure they are better prepared to recognize behaviors associated with cognitive impairments such as Alzheimer’s and dementia and provide outstanding service and care to those individuals.

Family members and caretakers of those suffering from cognitive impairment have responded positively to the opportunity to provide information that will assist everyone involved in the event of an emergency. ★

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On February 1-2 at the Hays CISD Performing Arts Center (PAC) in Kyle, the City of Kyle welcomed more than 235 Texas teens from various youth programs, their adult leaders, and other city officials to the 20th Annual Texas Youth Advisory Commission (YAC) Summit.

The YAC Summit is a two-day statewide event hosted by a different Texas city each year and sponsored by the Texas Municipal League. It is an opportunity for cities, schools, and community youth groups to share the experiences of their programs and the positive impact their programs have had in their communities. The Summit is organized to promote a fun and inspiring environment for youth and city leaders to learn from and work with each other, while acquiring lifelong leadership skills. Adults and students gain a greater appreciation of their own programs and leave with new ideas to move their group forward in coming years. The theme of this year’s event was “Envision 2020: Focus on Your Future” and paid homage to the Summit’s 20th anniversary while also focusing on empowering the youth leaders in attendance.

Kyle Councilmember Dex Ellison, along with members of the Kyle Area Youth Advisory Council (KAYAC), got attendees ready to officially begin the Summit Saturday morning with an energizing welcome that included a fun, dancing icebreaker. Following the welcome, David Flood, a youth motivational speaker, took to the stage to address the group about the importance of hard work, respect, integrity, and compassion while giving moving examples. After Flood’s keynote speech, an important panel session took place for everyone on the topic of what life looks like after high school. It included panelists representing the areas of college, skilled-trade, law enforcement, and more.

Attendees then chose from educational breakout sessions with topics ranging from financial preparedness, career readiness, and leadership skills. These morning sessions led by sought-after industry leaders gave participants practical tools to take back home.

After the morning sessions, attendees grabbed lunch, visited with the sponsors, and enjoyed the beautiful day hanging outside the PAC. Donation items, including toiletries and care packs for the community service project benefiting the Hays Caldwell Women’s Center, were brought in and organized during and after lunch.

Saturday afternoon included additional breakout sessions focused on more active involvement. Attendees were given
options that ranged from self-defense to active shooter situation readiness, plus a repeat of the important financial preparedness session. Following these sessions, groups that wanted to compete in the “This is How We YAC” video competition had time to create a short video explaining what their group is all about, including projects and accomplishments. Networking sessions ended the Saturday educational portion with the adult leaders breaking out into roundtables discussing fundraising, community involvement, recruiting, and more. On the other side, the youth leaders had a blast connecting with different groups in a “riff-off.”

After a busy day, everyone was invited to socialize at EVO, a local entertainment venue. Guests were treated to arcade games, bowling, pizza, and cupcakes to celebrate the YAC Summit’s 20th anniversary. Before the start of the movie, Kyle Councilmember Tracy Scheel shared some encouraging words with the youth leaders and thanked them for attending the Summit.

Sunday morning came early, but the attendees were enthusiastic on the final day of the Summit thanks to the KAYAC members and their entertaining ice breakers. The KAYAC members brought up Former Kyle Councilmember Daphne Tenorio to thank her for her commitment to their program. Tenorio expressed her appreciation to all of the youth leaders in the room and their commitment to serve.

Sunday’s keynote presentation from youth motivational speaker and author Jonathan Jones was the perfect way to cap off the educational part of the event. His inspiring personality woke up the crowd by asking for involvement, and inspired everyone with his message of empowerment through trying new things, pursuing your goals through perseverance, and asking for help when needed. The Summit came to an official end with a highlight reel recapping the action-packed weekend plus a screening of all the “This is How We YAC” videos that showcased the amazing things that Texas YACs do for their communities – a great way to end this two-day event.

Thanks to the City of Kyle, all of the volunteers, and the sponsors for a successful 20th Annual YAC Summit. The City of Killeen will host the 21st Annual YAC Summit in the winter of 2021. For more information about Texas YACs and resources for starting a YAC in your own community, please visit https://www.tml.org/262/Youth-Programs.
The information in this article was updated on April 20, 2020. For the most current update, visit https://www.tml.org/654/Coronavirus-COVID-19-Resources.

Q Does TML have a web page with COVID-19 resources for cities?

A Yes, TML has a Coronavirus Resource page with helpful state and federal links, TML and other resources, and current news items. The page is updated every day, and it can be accessed from the TML home page at www.tml.org. More information on the questions in this abbreviated list of Q&As is available on the page by subject matter. City officials with legal questions can always email legalinfo@tml.org or call 512-231-7400 and select option 2.

Q Can you summarize the governor’s orders that apply right now (as of April 20)?

A Yes. The following are in effect now:

- **STAY HOME/WORK HOME:** Stay home/work home, with exceptions for essential businesses and activities, is still in place (GA-14, expires April 30).

- **BUSINESS OPENINGS:** re-emphasizes stay home/work home (with exceptions), provides that any business may open only if it can provide pickup or delivery service and follows CDC guidelines (GA-16, begins April 24 and expires April 30), and directs the governor’s “Strike Force to Open Texas” to make recommendations on more openings by May 1 (GA-17, no expiration).

- **SCHOOLS:** schools shall remain closed until the end of the 2019-2020 school year (GA-16, expires April 30).

- **NURSING HOMES:** people shall not visit nursing homes, state supported living centers, assisted living facilities, or long term care facilities, unless to provide critical assistance (GA-16, expires April 30).

- **STATE PARKS:** now open with requirements, including requiring visitors to wear face coverings, maintain a six-foot distance from individuals outside of their party, and prohibiting the gathering of groups larger than five (GA-17, no expiration).

- **MEDICAL PROCEDURES:** Health care professionals and facilities can begin to provide medical procedures that: (1) would not deplete the hospital capacity or personal protective equipment; or (2) if a licensed health care facility has certified in writing to the Texas Health and Human Services Commission both: (a) that it will reserve at least 25 percent of its hospital capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients; and (b) that it will not request any personal protective equipment from any public source, whether federal, state, or local, for the duration of the COVID-19 disaster (GA-15, begins April 21 and expires May 8).

On Monday April 27, the governor will announce additional ways to open Texas. In the next 10 days, the strike force will prepare a phased in strategy considering testing and hospital preparedness.

Q Does GA-16 supersede local orders?

A Yes, at least partially. It provides verbatim that: “This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services or reopened services allowed by this executive order or allows gatherings prohibited by this executive order. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.”

Q Has the governor taken action to make video conference and teleconference meetings easier under the Texas Open Meetings Act?

A Yes. The governor has suspended various provisions of the Open Meetings Act pursuant to his state disaster authority, and the attorney general’s office has issued guidance on the suspension. The changes are effective March 16, 2020, until
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further notice or until the state disaster declaration expires. According to the attorney general, “statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that governmental bodies must offer alternative methods of communicating with their public officials.”

TML understands this to mean that a city doesn’t have to allow members of the public to physically attend meetings, but it would need to allow them to submit comments via videoconference, telephone, written submissions, email, or similar means. Id. § 551.007. The idea is to provide as much transparency as possible, while avoiding contact with COVID-19.

Q Do cities have to provide two-way communication for the public to make comments during an open meeting via telephonic or video conferencing during the emergency?

A The answer isn’t exactly clear. After the governor suspended various requirement of the Texas Open Meetings Act, the attorney general’s office issued guidance on his suspensions. (See detailed reporting on that in a previous update.) The guidance states:

“[T]he dial-in number or videoconference link provided in the [meeting] notice must make the meeting audible to members of the public and allow for their two-way communication...”

Many cities are struggling with finding the technology to allow two-way communications in a reasonable format. The questions above and below provide guidance and options on that issue. However, one quirk has become apparent.

In addition to the above guidance, the governor suspended the new requirement (added by H.B. 2840 last legislative session) that the public has a right to speak on agenda items. The suspended provision reads as follows:

“Sec. 551.007. PUBLIC TESTIMONY... (b) A governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body’s consideration of the item...”
Because - for the duration of the statute suspensions - that section no longer mandates a city to allow public comment on normal agenda items, a city isn’t required to do so. And, if a city doesn’t allow public comment on normal agenda items, the requirement to have two-way communications is superfluous.

Thus, a city might be able to have a telephone conference for city councilmembers and not provide a general public comment session or allow members of the public to speak on agenda items. In any case, it makes sense for a city to allow as much public input as possible. One way cities have done so is to provide an email address and/or drop box where citizens can submit written comments. Another way is that some cities have required citizens who wish to comment to sign up in advance with a telephone number, and then have city staff call the person on the phone at the appropriate time to make their comments.

That advice DOES NOT apply to statutorily-mandated public hearings, such as zoning and similar hearings. A city would need to arrange for public communication at those. Because the attorney general’s guidance has conflicting provisions, city officials should consult with local legal counsel regarding their open meetings efforts.

Q Are Public Information Act (PIA) deadlines modified by COVID-19 disaster response?

A In certain circumstances. The days that a city is closed, working with a skeleton crew, or working remotely do not count as business days for purposes of the PIA. The attorney general’s office has released a clarification at www.texasattorneygeneral.gov concerning the PIA, calculating business days, and COVID-19.

Q Are cities eligible for reimbursement from the federal government for expenses related to COVID-19?

A On March 13, 2020, the President declared an emergency in response to the COVID-19 pandemic. As a result, local governments, including cities, are eligible to apply for federal assistance.

The declaration provides that eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of FEMA’s public assistance program. More detailed information on the eligibility of expenses can be found on the TML Resources heading on the League’s Coronavirus Resources web page.

Q What action has the governor taken with regard to the May 2, 2020 election?

A The governor issued a proclamation authorizing all political subdivisions holding general or special elections on May 2, 2020 to postpone that election to the November 3, 2020 uniform election date. Please be advised that a postponement of your election does not happen automatically; the governing body of the political subdivision MUST take an official action for such a change to be effective.

The Elections Division of the Secretary of State’s Office subsequently issued guidance that all but mandates cities make the move:

“Governor Abbott’s March 31, 2020 executive order includes, but is not limited to, the following items. It: (1) extends social distancing guidelines through April 30th, (2) defines essential services, and (3) extends school closures across the state through May 4, 2020. If you haven’t already moved your May 2nd election, you must take action to do so immediately! This most recent executive order will prevent you from securing polling places, recruiting election workers, and allowing voters a safe way to exercise their right to vote. If you don’t move your May 2nd election, you are subjecting voters to health risks and potential criminal violations. Failure to postpone your election will put your election at severe risk for an election contest. (Please note, that while Elections Personnel have been included in the federal government’s advisory on essential critical infrastructure workers, this does not include voters.)”

Q What is the Families First Coronavirus Response Act?

A The Families First Coronavirus Response Act (the “Act”) is a federal law that was passed by Congress on March 18, 2020 in response to COVID-19. The Act creates, among other things, Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act. The Act provides payroll tax credits to employers to cover the wages paid to employees under the Act, but state and local governments are not eligible to claim these credits. The law goes into effect on April 2, 2020, and the Department of Labor has issued guidelines at www.dol.gov to help employers navigate the new law.”
In recent months, the news has been dominated by coverage of the novel coronavirus (COVID-19). With the rapid spread of the virus in the United States, the World Health Organization’s declaration that COVID-19 constitutes a global pandemic, and the latest wave of local shelter-in-place orders, Texas employers are faced with questions of how to continue operations in these unprecedented times. As employment lawyers, we have counseled public and private employers through disasters including hurricanes, floods, wildfires, and financial crises. Recently, we have been using that experience to assist clients in preparing for and operating during COVID-19, including assisting employers in creating pandemic action plans, advising clients on how to move their offices to remote work, monitoring the interplay of questions about medical conditions within the bounds set by the Americans with Disabilities Act, and taking a crash course in new legislation fundamentally changing laws that have been around for years. Because the situation surrounding COVID-19 is fluid, we are continually updating our advice as new developments occur.

This article explores a number of important employer considerations for disaster management during this pandemic and beyond.

**DISASTER PREPAREDNESS FOR EMPLOYERS DURING COVID-19 AND BEYOND**

*By Sheila Gladstone, Sarah Glaser, and Emily Linn*

Lloyd Gosselink Rochelle & Townsend P.C.’s Employment Law Practice Group

Develop plans for how your organization will handle disasters before they happen.

Employers must have a plan in place before disaster strikes. The type of disaster may change the plans slightly: A pandemic plan would not anticipate that there would be damage to the worksite, whereas a natural disaster response plan might. However, many of the elements will be the same, including provisions for telecommuting, designating essential and non-essential employees, communicating news to your employees, and handling payment of employees if they are unable to work.

Employers may also consider adding certain disaster-related policies to their personnel handbooks. An emergency leave policy that allows for adjustment of employee’s schedules and provision of additional paid leave in the event of disaster or public health emergency can provide flexibility without violating rules about gifts to public servants. Another recommendation is an inclement weather policy outlining procedures and pay for when employees should stay home due to severe weather conditions.

Develop a good communication system to notify employees of updates.

Employers should ensure they have a system in place to provide employees with important updates in real time. A broadcast emergency text messaging or voice recording system is a good means of getting the word out quickly.

Do employers have to pay employees who choose to stay home due to safety concerns?

It depends. If an employee does not come to work because of fear of exposure to an illness, but does not have a doctor’s order authorizing the absence for individualized health reasons, the absence is for personal reasons. Similarly, if the office is open, but an employee will not travel to work because of bad weather conditions, the absence is for personal reasons. An exempt employee absent for personal reasons may be placed on unpaid leave for any full day they fail to report to work, without affecting salaried status. Paid time off, however, may be docked in shorter increments. Employers may dock the pay or leave banks of nonexempt employees who are absent for personal reasons in any increment.

Under what circumstances are employees entitled to take leave during a pandemic or a disaster?
If an employee develops a serious health condition during a pandemic or a disaster, they may be eligible for jobprotected leave under the Family and Medical Leave Act (FMLA) (if the employer is covered by the Act and the employee is eligible for leave). Employees may also be entitled to a leave of absence as a reasonable accommodation under the Americans with Disabilities Act.

Additionally, on March 18, 2020, President Trump signed into law the Families First Coronavirus Response Act (FFCRA), which requires most employers, including almost all public employers, to provide two weeks of paid sick leave to employees affected in various ways by COVID-19 and twelve weeks of "expanded", partially paid FMLA leave to employees who must care for a child whose school or primary caregiver is closed or unavailable for COVID-19 related reasons. First responders and healthcare providers may be exempted, and possibly others as guidance continues to be released.

**Can an employer reduce the number of hours that employees work because of a disaster or pandemic?**

The answer depends on whether the employee is non-exempt or exempt. Non-exempt employees are paid based on the number of hours they work. If there is no work available, work hours are reduced, or they are unable to perform their work because of a shelter-in-place order, their employer does not have to pay them for hours they have not worked. Note there is an exception to this rule for employees who are paid a fixed salary for a fluctuating work week.

Exempt employees must be paid for the whole week in which they do work. If an exempt employee is able to work only a partial week, they must be paid for that entire week (they may be required to use accrued leave to cover this), unless their weekly salary is temporarily reduced. If they are unable to work for more than one week, they are not owed pay for any subsequent weeks not worked.

**Can employers require employees to work from home, and if so, how should employers compensate employees for their remote work?**

Yes, in most cases, unless they are sick or their caretaker responsibilities under FMLA do not allow work from home. If telecommuting becomes necessary due to a disaster or pandemic, when possible, employers should provide those employees who are able to work remotely with necessary technology and resources. If an employee is injured while working at home, they may be eligible for workers’ compensation, so employers should talk to employees about maintaining a safe remote work space.

Non-exempt employees who are eligible to telecommute should be paid only for the time they are actually working. Employers should make sure their employees have access to timekeeping systems and should remind employees to sign in and out when working remotely.

Absent an emergency leave policy providing for it, employees who cannot work from home are not eligible for regular pay during mandatory telecommuting periods, but may use their accrued sick leave and/or vacation pay, after exhausting any mandatory emergency/FMLA paid leave under the FFCRA.

**Can employees receive unemployment compensation when they are out of work due to a disaster or pandemic?**

Yes, in most cases. If an employee is laid off or furloughed due to a lack of work after a disaster or pandemic, they can apply for and obtain unemployment benefits. The federal Disaster Unemployment Assistance (DUA) Program provides unemployment benefits to individuals who have become unemployed as a direct result of a presidentially-declared major disaster. The Texas Workforce Commission (TWC) is responsible for publishing an announcement about the availability of DUA. Additionally, the TWC has a program called “Shared Work,” which provides Texas employers with an alternative to layoffs, providing partial unemployment benefits to supplement wages lost due to reduced hours. However, employees who are not able to seek other work because of illness or childcare responsibilities are not eligible for unemployment, and should instead be placed on FMLA.

**Do employees who volunteer with the National Guard have any special rights?**

For those employees who are away from work because service in an emergency services organization (such as the National Guard, Public Health or a Reserve unit), the Uniformed Services Employment and Reemployment Act (USERRA) may apply. USERRA prohibits adverse employment action because of such service. Employees must give “timely” notice, in writing or orally, when they learn they will be called into service.

**Are employers required to pay volunteers who are assisting the employer during a disaster or pandemic?**
No, individuals who volunteer their services to a public employer in an emergency capacity are not considered employees owed compensation under the Fair Labor Standards Act if the volunteer (1) performs the services for civic, charitable, or humanitarian reasons without promise, expectation, or receipt of compensation; (2) offers their services freely and without coercion, direct or implied; and (3) is not otherwise employed by the same public agency to perform the same services for which they propose to volunteer. Employers should be very careful when allowing their own employees to volunteer.

How can employers help maintain employees’ health coverage in the event of layoffs?

If an employee is no longer working and paying premiums, they may lose their group health plan coverage. Employers should check their group health plan document or certificate of coverage (or speak to their broker) to determine how long employees may remain covered if they are not actively working. Once this period has expired, active employee coverage must be terminated and a COBRA notice sent (unless the insurer or self-funded plan sponsor agrees to temporarily waive eligibility provisions, or during FMLA coverage). If the plan is self-funded, employers should check if any stop-loss coverage insurance carriers will agree to cover claims relating to employees who would otherwise be ineligible.

“Some employers may choose to pay the COBRA rate for employees who are temporarily laid off due to COVID-19. In rare cases where an employee has an expensive ongoing health condition, healthcare providers have been known to step in and cover the COBRA costs to ensure continuation of treatment.”

What obligations do employers have under the Americans with Disabilities Act during a pandemic or other disaster?

Under the ADA, employees who are physically or emotionally injured as a result of a catastrophe may be entitled to reasonable accommodation by the employer as long as it would not place undue hardship on the operation of the employer’s business, or create an imminent safety risk.

A pandemic raises particular concerns under the ADA because the disaster intrinsically involves a medical condition. Some of the ADA’s parameters regarding medical inquiries have been relaxed to protect public health. For example, the EEOC has said that during the current COVID-19 pandemic, employers may take an employee’s temperature or ask about their symptoms in order to protect the workplace as a whole.

Are employees who contract COVID-19 at work eligible for workers’ compensation?

To be eligible for workers’ compensation, the illness must generally be contracted in the course and scope of an employee’s employment and be specific to the work performed by that employee. For example, a paramedic whose duties are to treat those who may have the virus, may have a better workers’ compensation claim than an employee who contracted it from a coworker. If an employee contracts COVID-19 and it is not occupationally related, they may still be entitled to disability and medical benefits under other health and disability insurance plans.

What are employers’ obligations under the Health Insurance Portability and Accountability Act?

The Health Insurance Portability and Accountability Act’s (HIPAA) Privacy Rule applies to “covered entities,” such as medical providers or employer-sponsored group health plans, and generally prevents them from sharing individually identifiable health information. The Department of Health and Human Services issued a bulletin reminding HIPAA-covered entities and their business associates that the Privacy Rule is not waived during an emergency. However, only medical providers and administrators of self-insured plans are covered by HIPAA. Employers should still take care under the ADA to treat medical information confidentially, unless limited disclosure is required in the interest of public health or for locating or identifying emergency contacts.

Public employers are covered under the FMLA no matter how many employees they have, however, their employees will not be eligible for the benefit unless they have worked for their employer for a total of 12 months, and for at least 1,250 hours during the 12 months prior to the leave, and at a location where the employer has 50+ employees within a 75 mile radius.★

This article was prepared by Lloyd Gosselink’s Employment Law Practice Group: Sheila Gladstone, Sarah Glaser, and Emily Linn. If you would like more information, please contact Sheila at sgladstone@lglawfirm.com or 512.970.5815, Sarah at sglaser@lglawfirm.com or 512.221.6585, or Emily at elinn@lglawfirm.com or 214.755.9433.
Sixteen year-old Hannah was hoping to sleep late one more time before school started back from spring break. Instead, she was startled from her sleep at 4:00 in the morning by what sounded like a serious altercation. She rushed from her bed to find her mother, Trish, being pinned to her bed by her boyfriend, Mike. There was shouting—Trish was begging Mike to stop. When he started strangling her mother, Hannah called 911.

After officers arrived, Mike denied putting his hands on Trish but the abrasions on her neck, and the fact that she had urinated on herself, were clear signs that he had strangled her. The urination was an indication of possible serious internal injuries that could lead to major complications or even death.

Mike’s actions had implications beyond Trish’s immediate health. Abusers who strangle their intimate partner are 750% more likely to ultimately kill their victim. They are a risk to the community as well: multiple studies have shown that a majority of people who kill police officers have a demonstrated history of strangling an intimate partner.

There were also ramifications for Hannah. Children exposed to domestic violence are:

- Six times more likely to commit suicide;
- 50 percent more likely to abuse drugs or alcohol;
- 74 percent more likely to commit a violent crime; and
- Three times more likely to be involved in domestic violence as an adult.

Perhaps most significant, children like Hannah are physically abused or seriously neglected at a rate 1500 percent higher than the national average. The bottom line is that children who witness domestic violence suffer the same kind of harm to their mental health and learning as children who are physically abused.

Trish and Hannah’s ordeal was horrific but it wasn’t particularly unique – not in the City of Burleson where it occurred – or anywhere else. Each year, more than 5,000,000 children witness acts of domestic violence in the United States and most of those children witness multiple incidents. Strangulation is also alarmingly common in incidents of domestic violence. Up to 68 percent of victims of intimate partner violence experience near-fatal strangulation. Many strangulation victims, like Trish, assume they are “fine” but may actually have serious or life-threatening injuries. Even if they don’t “feel fine,” many victims are reluctant to ask for medical assistance for fear of further retribution from their abuser. As a result, victims of strangulation often do not get the medical attention they need. These special challenges faced by child witnesses and victims of strangulation have not historically been sufficiently addressed by our legal or social service systems.

While there are good strangulation provisions in almost every state’s penal code, including Texas, first responders have lacked the tools they need for an effective on-scene response to incidents involving strangulation. On the child witness front, most states, including Texas, do not recognize the criminality of committing an act of domestic violence in the presence of a child. Worse yet, the only study we have found on the subject concluded that roughly 75 percent of the time law enforcement responds to a domestic violence incident involving a child witness, the child is not properly engaged by law enforcement on the scene. Within the last few years, the City of Burleson has passed unique ordinances to help overcome the historic inadequacy in responding to these incidents.

In September 2017, Burleson passed an ordinance creating a criminal offense for intentionally, knowingly, or recklessly...
committing unjustified violence in the presence of a child relation or a child of the person’s household, with the primary goal of taking the first step toward building a system that recognizes and addresses the serious trauma suffered by child witnesses. Recently, with the benefit of research finding children who witness domestic violence benefit from law enforcement engagement on the scene, the ordinance was amended to add a protocol for proper engagement of child witnesses. Perhaps the most important result of the ordinance is that, for the first time, children who suffer the trauma of exposure to domestic violence are now systematically identified in police reports and there is a coordinated, cross-system response to ensure these children get the help they need.

In February 2018, Burleson once again broke new ground in passing an ordinance creating a better response to incidents of strangulation. The law requires the creation of a multi-disciplinary task force responsible for advising the fire and police chiefs to help ensure that appropriate checklists, questionnaires, and education programs are available to first responders. Most importantly, police officers are required to summon emergency medical personnel to the scene to evaluate and render aid to a victim any time strangulation is alleged or suspected. Not only does the ordinance ensure officers have the training they need to recognize strangulation and respond appropriately, it ensures victims of domestic violence are getting the medical attention they need. One significant benefit of the ordinance is that it aids in effective prosecution, even in cases where victims decide not to participate in the prosecution of their case because information victims provide to medical personnel for the purpose of examination is not excluded at court under hearsay rules.

Both ordinances are working. The number of incidents of strangulation has more than doubled each year following the adoption of the ordinance. This is not a result of an up-tick in incidents of strangulation, but rather a result of officers who are better trained to ask the right questions and recognize the signs of strangulation. As the number of identified incidents of strangulation increased, so did the number of cases charged as felony aggravated assault (meaning more dangerous offenders received the jail time they needed). Most importantly, since the passage of the strangulation protocol ordinance, emergency medical responders have been called to the scene of every incident involving strangulation and victims have gotten the medical attention they needed.

In the first two years that the child witness ordinance was in place, officers identified 135 violations of the ordinance and 242 children who had witnessed incidents of domestic violence. Burleson Police Chief Billy Cordell has now implemented a protocol, based on recommendations from the International Association of Chiefs of Police and Yale Child Study Center, ensuring child witnesses are properly engaged on the scene of incidents and a task force including personnel from the police department, school district, and social service partners is working to connect our child witnesses with the help they need.

**What’s Next**

We are looking for partner cities! Not only do we believe lives can be changed and saved in every city that adopts similar policies, we are confident that we will find more effective ways to serve these two vulnerable populations if more cities are engaged in the effort.

For some cities, creating a new offense under a child witness ordinance may be too complicated or cumbersome. If that is the case, we recommend cities consider simply adopting a protocol ensuring child witnesses are identified in police reports and properly engaged by law enforcement on the scene. The key is to develop policies that ensure we begin to identify these children and recognize their victimization. It is a necessary first step to building a system to reverse the effect of the trauma they are suffering.

When the Texas legislature reconvenes next year, we will pursue legislation that would extend these policies statewide. However, we are not going to wait on the state. Texas cities have always led the way. We have the opportunity today to make life better for women and children who are suffering the most devastating effects of domestic violence. ★

For more information, including copies of the ordinances, training curriculum, protocols, and checklists, contact:

- **Ken Shetter**
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- **Bryan Langley**
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- **Billy Cordell**
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- **Matt Ribitzki**
  Deputy City Attorney, City of Burleson
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Names and minor details from the story at the beginning of this article were changed to protect the individuals involved.
January 23, 2020

7:00 a.m. The day begins

Brittany Williams, recreation programmer at Wylie Recreation Center, arrived at work an hour earlier than her usual 8:00 a.m. start time. She was working on a project and wanted to have plenty of time to make rounds, check on staff, and make sure the fitness floor and climbing wall were ready to go. It seemed like a normal day. It was not.

As Williams settled in at her desk, ready to begin the day’s work, she heard commotion, and Justine McGee at the recreation center’s front desk shouted, “Brittany!” She rushed out of her office, wondering what had happened.

“So many things go through your mind,” she said. “Is there trouble with a guest, an active shooter, has someone had a stroke or heart issue?”

McGee told her that a guest had collapsed upstairs; recreation center patron Garrett Pittman ran down with the news. Williams confirmed that McGee was calling 911; McGee tossed her a walkie-talkie and she rushed upstairs.

8:01:51 a.m. Dispatch is called

8:02:55 a.m. Wylie Fire Rescue (WFR) is en route

As Williams arrived on the second floor, she saw a group gathering around recreation center regular, Antonio McPherson, age 51, who had collapsed on the fitness floor. Those who work out in the morning had become a close-knit community, and two patrons, Zayhab Salim and Nahari Abdullah, had seen him fall and immediately alerted recreation center monitor Hector Ramirez with cries of “Help! Help!” Ramirez ran to McPherson and saw that he was on the floor and unresponsive.

As Williams drew near the group, she heard a haunting sound she said she will never forget: the low, abnormally constant moan of someone in cardiac distress. “I didn’t know whether he had fallen, maybe hit his head, until I heard that moaning. It was steady, non-stop; from my training, I knew this was a sign of a heart issue.”

Williams automatically slipped into a leadership role. CPR training is a requirement for recreation center employment.
in Wylie, and she had taken it many times. She’s also worked at a high school and holds a degree in exercise and sports management. “First aid response teaches you to be the one in charge - this is a problem, let’s fix it. There’s an issue, he needs help now – I can do it.”

Ramirez, who had been kneeling beside McPherson, went to retrieve the automated external defibrillator (AED), which was coincidentally located near where McPherson had collapsed. Williams administered 10 to 15 CPR compressions while Ramirez pulled up McPherson’s shirt in preparation for the electrical AED pads; however, McPherson inhaled a gasping breath – then stopped. Williams did a second round of compressions, and once more he breathed then stopped. She performed a third set. He breathed a third time and stopped again.

8:03:15 a.m. Classification changed to cardiac arrest

Meanwhile, as McGee stayed on the phone with Wylie Dispatch, she continued to receive updates from upstairs. When she learned that CPR had begun, she informed Dispatch, and the classification was changed to cardiac arrest, which meant the situation was grave, and additional units would be needed to render aid. McGee asked a recreation center childcare monitor to wait out front for the first responders. Wylie Police Officer Matthew Tallo arrived at approximately 8:03 a.m. and took over CPR.

8:04:53 a.m. Wylie Fire Rescue arrives

Wylie Fire Rescue Squad 142, a medical unit with firefighter/paramedics Edwin Barney and Corey Watts on board, arrived at 8:04 a.m., a quick three minutes after the call. They took over patient care and began administering life support care until the ambulance arrived, staffed by Paramedic Catherine Buckmire and EMT Jacob Nichols. Williams and other recreation center staff continued to support the rescue efforts, moving people back, cordonning off the area, and clearing a path to the elevator, hopeful that the patient would revive and need to be transported.

8:11 a.m. First defibrillation shock administered

Wylie Fire Rescue Battalion Chief Katy Willoughby, who oversaw the rescue effort, said that McPherson was found in “V fib,” or having an abnormal heart rate that cannot sustain a pulse. The squad administered a life-giving shock at 8:11 a.m. There was no change. McPherson received a second shock at 8:13 a.m. – again no change. He was shocked a third time and given medication at 8:18 a.m. This time he returned to a normal rhythm.

8:23:14 a.m. Patient transported to hospital

“The patient was then moved to the cot and taken to the ambulance,” Willoughby said.
8:36:09 a.m. **Patient arrives at hospital**

McPherson was taken to Methodist Richardson Medical Center, where he was treated by John George, MD, FACP, FACC, interventional cardiologist on staff. “Everyone involved did exactly what they were supposed to do to save this patient,” Dr. George said. “When cardiac arrest happens outside of a hospital setting, the survival rate is very low. That’s why bystander CPR is so important.”

“Everyone was willing to do their part; everybody played their role so well!” Williams said, adding that staff members did what they had been trained to do, and she was impressed with the patrons who pitched in and assisted, then stepped back when it was more helpful to clear the way.

McPherson is alive and well and attended the February 25 Wylie City Council meeting to assist with the presentation of plaques of recognition to everyone who acted so rapidly and correctly to save his life.

“The patient, Mr. Antonio McPherson, is here tonight because of the efforts of all these individuals,” said Fire Chief Brandon Blythe. “Everyone did what they were trained to do. The initial call was amazingly calm. Citizens, recreation center staff, first responders – everyone did everything right.”

He reminded those gathered of the rapid response time. “Advanced Life Support Squad 142 arrived three minutes and five seconds after the call, and, from the event to the emergency room was only 35 minutes and 31 seconds. Everyone’s actions made a difference and saved this man’s life.”

Blythe also noted that this was the second such incident in Wylie within a week. On January 19, two citizens, Jason Crump and Conner Johnston, saw a young man, Landon Wyrick, collapse while jogging. Johnston’s wife called 911, and the men administered CPR until first responders arrived. Blythe stressed the importance of CPR training and being ready to take action.

“According to the National Heart Association, 90 percent of sudden cardiac arrest incidents are fatal; however, that drops to 45 percent if bystander CPR is administered,” he said. “The way everyone jumped into action makes me extremely proud and should make city management and the city council proud as well.

“Unlike more than half of the workers who can’t get CPR or AED training and may not even know where the AED is in their place of business, all our employees are trained at all levels, will know how to respond, and will take action.”

McPherson had his opportunity to speak at the meeting. “I moved here three years ago from Plano, and I thought this was ‘a little old town, little old Wylie.’ I work with seniors, as an activities director at a facility in Plano, and when I take that road to Wylie, and see that big old sky, Wylie just feels different, dreamy, almost movie-like.” Describing himself as a runner who has jogged on all the roads in town, he said he joined the recreation center so he could run inside when the weather is too hot or cold.

“I’ve embraced this town in ways that I ever thought I would,” he added. “Every day when I get up at 3:30 a.m., I think about the days since the incident. I have visited the fire stations and the recreation center and have given more hugs and said more ‘thank yous’ than I ever thought I would do, say, or administer.

“I love you all so much; I feel like a ‘son of Wylie.’ So I’ll say it again! I love y’all – and thank you!”

**Response Timeline**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:01:38 a.m.</td>
<td>911 call received, unknown medical emergency at recreation center</td>
</tr>
<tr>
<td>8:01:51 a.m.</td>
<td>First WFR unit dispatched</td>
</tr>
<tr>
<td>8:02:55 a.m.</td>
<td>WFR en route</td>
</tr>
<tr>
<td>8:03:15 a.m.</td>
<td>Classification changed to cardiac arrest</td>
</tr>
<tr>
<td>8:03:51 a.m.</td>
<td>WPD Officer Tallo arrives</td>
</tr>
<tr>
<td>8:04:53 a.m.</td>
<td>WFR Squad 142 - medical unit arrives</td>
</tr>
<tr>
<td>8:11 a.m.</td>
<td>Patient shocked, no change</td>
</tr>
<tr>
<td>8:13 a.m.</td>
<td>Patient shocked, no change</td>
</tr>
<tr>
<td>8:18 a.m.</td>
<td>Patient shocked and medication administered – normal rhythm</td>
</tr>
<tr>
<td>8:23:14 a.m.</td>
<td>Patient transported to hospital</td>
</tr>
<tr>
<td>8:36:09 a.m.</td>
<td>Arrived at hospital</td>
</tr>
</tbody>
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Get rewarded for shopping.

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Right now in America, anxiety is the new normal. With all that’s changed over the past few weeks, it’s not hard to see why. Even more unnerving that what is happening is what might happen. Yet in the middle of the bad news and worry, there is a welcome bright spot: right now, those who so passionately believe in the power of community are being proven right.

On a national level, it may look like we are falling apart, but remember that our strength has always manifested on the local level. I’ve said it before and I’ll say it once more: Locally is where America is at its best.

My revitalization work has given me the gift of getting to know leaders and citizens who make up communities of all shapes and sizes.

I’ve come to see that Americans are made of incredibly strong stuff. We’re innovative and resourceful. We’re connected, caring, and compassionate. Even in the face of challenge, we’re optimists at heart. And that’s why I feel this is our time to shine.

Communities can be the saving grace in a nation wracked by the coronavirus and the fear of the coronavirus.

I believe this with everything in me. And in the same way people are catching the “panic” bug, can’t we also catch the “help each other” bug? I believe we can—and I believe it will happen on a community level.

HERE ARE A FEW TIPS TO KEEP IN MIND:

Remember that localism matters. Locally is where leaders in all sectors can make the most difference. It’s where we need to concentrate our best thinking and our best efforts. People are getting the rugs pulled out from under them in every arena: business, work, financial, family, and personal life. We have to help create the safety nets inside our community.

Think of this like an old-fashioned barn raising. We need to come together to provide help where and when it is needed. It’s up to us to create safety nets inside our communities.

Pull together a guiding coalition to map out a local plan. Include the organizations that touch people’s lives including chamber, government officials, healthcare, small businesses, larger corporations, education, nonprofits, and religious organizations. These groups can help identify who is the most vulnerable and help direct and funnel resources to the people who need it most. Meet regularly (virtually is best) and stay connected. Coordination will be key. Make sure the plan is clear to everyone, that services are managed wisely, and that no one falls through the cracks.

Communicate, communicate, communicate. After you map out the plan, you’ll need to create a communication loop that makes sense for your community. Share where things are now and what’s coming next, not just once, but
daily. Be calm, intentional, transparent, and brief. You can say only so much at a time, and people can hear and process only so much. But at times like these, people really need to hear from leaders. When they don’t hear anything, they assume and expect the worst.

Groups involved in the guiding coalition can get vital information to their members and help share it with the larger community. Elect a point person with good communication skills to ensure everyone is getting a unified message. Be available for questions.

**Look after vulnerable populations.** Organizations involved in creating the plan can help identify these groups and figure out ways to help. Think elderly, sick and housebound people, those who live in underprivileged areas, and small children without access to food.

**Consider taking it one community at a time to make sure no one falls through the cracks.** One neighborhood is now updating their “block-by-block” system and seeking volunteers to keep tabs on elderly people who may need help with vital tasks like having prescriptions picked up or groceries delivered. This is a great best practice that every community can adopt.

**Support the small/local business community.** Right now, small businesses are really hurting. They are facing cash flow shortfalls, layoffs, and other serious issues. One of the first things you might do is create a clearinghouse of available resources and connect small businesses with the resources they need, such as SBA loans. The chamber can play a pivotal role here. Chamber leaders can urge members to come talk to them before it’s too late.

Also, small business owners can come up with creative ways to help each other. If you’re a property owner, could you accept late rent payments? Is there a way to join forces with another small business to create a mutually beneficial partnership? Restaurants, bars, and coffee shops are really struggling. You might help by promoting them as a great source for takeout lunches (as dining rooms close) or urge citizens to purchase gift cards for later use.

**Expend all your social capital.** Think, “who do I know who needs help...and who else do I know who might be able to assist them?” Put them in touch with each other. This can be an incredibly valuable service.

**If you lead a business or organization, find creative ways to help.** Some pharmacies are waiving home delivery fees for prescriptions for the elderly and others at high risk. Some cable companies are offering free access to Wi-Fi for 60 days to certain students who need to move to online learning, and one moving truck company is offering to store students’ belongings for free (as they rush to vacate dorms). Some restaurants are delivering meals to high-risk people. Many school systems are providing meals to students at designated drop-off points, and some are putting people to work delivering food to students’ homes.
Think creatively. Helping others builds goodwill and makes everyone feel better.

**Support your local healthcare workers.** These people are incredibly stressed. They put themselves at risk every day. And yet they find the courage and compassion to get up every morning and go in to work to care for others. They do this every day, all year long, but in times of crisis we’re especially grateful. These men and women are heroes. Find ways to celebrate them and make their lives easier. Correct misinformation when you hear it.

**Model “helping” behaviors at every turn.** Lead by example. Every time you go shopping for an elderly person, provide financial grace to someone who owes you, share supplies with someone who doesn’t have them, or calm someone’s fears, you are showing others how to live in truly unprecedented times.

**Harvest ideas from other communities.** Many of the people on your guiding coalition will belong to organizations that have local, state, and national organizations (i.e., the chamber). They are all sharing information and cascading it through their organizations. You can often find out what other communities are doing through these channels. Can you tailor what they’re doing to work in your community? Relate; don’t compare.

**Collect inspiring stories of neighbors helping neighbors.** Open meetings with these stories. Share them on social media. Positive stories are incredibly powerful. These are the “bright spots” that make us feel better and put us in a better frame of mind so we can get real work done. Plus, they inspire others to jump in and help.

**Find ways to create vibrancy where you can.** In his book *The Social Animal*, David Brooks writes about “the urge to merge.” Social isolation will take its toll. We need to engage with others and feel that we belong to the human family. People and communities are putting their Christmas lights back up in a show of hope in these dark times (and you can enjoy them from your car)! In Italy, people are singing from open windows, and in Spain, fitness instructors are leading group workouts from their balconies. Get creative about ways you can bring people together virtually even when they can’t be together physically.

**Keep health concerns in mind always.** You might think it goes without saying to wash your hands, practice social distancing, and follow all the CDC guidelines, but it can never be repeated too many times. Be vigilant. Follow the rules. Nothing is more important than keeping people safe. This is part of leading by example.

**Activate the “can-do” attitude in your community.** Celebrate small wins. Make a big deal out of them. People really need something positive to think and talk about right now. With enough small wins, you’ll start to create momentum. Also, focus on resilience. Assure people that as bad as things are right now, they are strong enough to get through this crisis.

Remember that the hard times won’t last forever. When we get intentional about doing what we can to strengthen and build up our communities now, we’re doing more than surviving. We’re setting the stage for renewed growth and revitalization once this pandemic dies down. One day in the not-too-distant future, we will find we made it through the tough times and came out on the other side stronger, better, and closer than ever.

Quint Studer is author of *Building a Vibrant Community: How Citizen-Powered Change Is Reshaping America* and *Wall Street Journal* bestseller *The Busy Leader’s Handbook: How to Lead People and Places That Thrive*. He is founder of Pensacola’s Studer Community Institute, a nonprofit organization focused on improving the community’s quality of life, and Vibrant Community Partners, which coaches communities in building out a blueprint for achieving growth and excellence. He currently serves as Entrepreneur-in-Residence at the University of West Florida, Executive-in-Residence at George Washington University, and Lecturer at Cornell University. For more information, please visit www.thebusyleadershandbook.com, www.vibrantcommunityblueprint.com, and www.studeri.org
In calmer times, many cities may have optionally offered telecommuting to employees under special circumstances. Today, for many, there is no option—especially because the current national health emergency qualifies as a Family and Medical Leave Act event for municipalities. This Act requires municipalities to pay employees for 10 out of 12 weeks of leave. That is, according to the law, unless an employee can telecommute.

Working from home helps with social distancing and prevents the spread of the coronavirus. And while preferable to paying employees for 10 weeks of non-productive leave, telecommuting also makes sense in terms of business continuity. It’s important to keep your city’s operations running when your citizens need you most. Telecommuting allows many of your employees to continue serving citizens.

Because of modern technology, fast and reliable internet bandwidth, and wide mobile connectivity, telecommuting is a much more viable option for employees compared to a decade or two ago. Many employees can seamlessly do their work from home with just a computer, internet connection, and smartphone.

This change from working in the office to working from home may require some adjustment. Many of your employees may be telecommuting for the first time, or telecommuting regularly for the first time. On top of this change, we are in the midst of a national health emergency—the worst since the flu pandemic of 1918-1920. Employees need to stay healthy while working from home during this crisis. And, beyond the coronavirus, this is a good opportunity to educate employees about other telecommuting best practices to stay safe—especially if they lack the daily amenities of your city’s office setup.

To address these concerns, we offer five best practices that will help keep your employees safe and healthy while telecommuting.

1. **Follow CDC and government guidance about keeping yourself safe from the coronavirus.**
   First and most importantly, follow CDC and government guidance. That includes recommendations that you’re hearing all over the news such as:
   
   - Stay home as much as possible, leaving only for essential reasons.
   - Wash your hands.
   - Avoid touching your face.
   - Sneeze or cough into a tissue or your elbow.
   - Disinfect commonly used surfaces and objects (such as your computer keyboard).

   If your employee is sick or has sick family members—whether the sickness is caused by coronavirus or not—they need to stay home and remain isolated while following the direction of their healthcare provider.

2. **Leverage technology to schedule meetings and communicate informally throughout the day.**
   We live in an age when technology exists to help us stay connected. Video technology is easy-to-use and seamless. Instant messaging technology allows us to constantly communicate during the day. Smartphones keep us talking and texting all day. Encourage your employees to use these technologies in place of any in-person meetings.

   This may seem obvious for people used to remote work, but old habits die hard for office workers. Some employees may think that telecommuting only applies to “work work” and not “meeting work,” and so they may attempt to set up in-person meetings in a public place. Employees may also want to sneak out for a working lunch with a co-worker. Urge them to stay home. For all meetings, tell them they must use video conferencing technology from their desktop computer, laptop, or mobile device.

3. **Avoid typical social errands.**
   When we work in an office, our routine includes stepping out to grab lunch, running to the bank or a store, or meeting
up with people. Employees need to avoid these activities, despite temptation. Urge them to practice alternatives such as:

- Order takeout and have it delivered.
- Order groceries online and have them delivered or pick them up curbside.
- Use online banking.
- Order items (such as office supplies) online.
- Use drive-thru services.

Overall, employees need to avoid groups of 10 or more people and avoid any bars, restaurants, and food courts—no matter how tempting it is to grab a bite to eat.

4. Cybersecurity
While staying inside because of the coronavirus, employees will—or should—discover that cybersecurity applies to their home as well as the office. You don’t want employees opening your city to cyberattacks—especially during these uncertain times when you’ve got enough on your plate. In the office, you may have cybersecurity tools and best practices built into your daily operations. At home, employees may be less secure.

This may be time to address cybersecurity weaknesses such as:

- Ensuring that the employee’s device (workstation or laptop) is updated, patched, supported, encrypted, and maintained by IT professionals.
- Securing Wi-Fi—such as the employee using a strong password or passphrase instead of their wireless router’s default password or no password.
- Ensuring that the employee has antivirus software—ideally business-class antivirus software centrally managed by IT professionals.
- Ensuring basic network best practices, such as having a firewall with appropriate security standards. If you want to be extra careful, provide your employees a VPN and city-issued laptop.
- Ensuring that any web-based systems accessed by employees are secure (using an “https” URL and not just “http”). If two-factor authentication (2FA) is available, it should be enabled on these systems.
- Taking physical security into consideration, including basic tips like locking doors and windows so that workstations and laptops with valuable information are not stolen.

While this is a scary time for our country, cities are playing a huge role during this crisis. Local government is an important link in the chain of helping citizens, and cities need to stay operational. Telecommuting gives you an opportunity to keep your local government running as seamlessly as possible—and supporting your employees’ health and safety through the best practices above is important.
@planolibrary
If you’re looking for some quality educational content for your family, our library staff have been working to record a variety of storytimes and other fun to-do-at-home activities! Head over to our Facebook page to see what we’ve posted so far (link in bio) #morethanbooks #mytexascity #citiesprovide

@allentpubliclibrary
We hope you all enjoyed our first Virtual Story Time Tuesday morning! Be sure to tune in on our Facebook page every morning this week at 10:15 for story time with your favorite APL Librarians! #allenlibrary #storytime

@cedarparkpolice
Hey, let’s be real Cedar Park. Desperate times call for desperate measures. We’re doing our part—are you? #SocialDistancing #6feetapart It’s still a great day for washing your hands and not criming. K. thanks.
TML Well was created with you and your staff in mind. TML Well programs are evidence-based and cost-efficient. It’s designed to engage members to take care of their health before they get sick. It also offers a $150 cash or reward incentive to get people motivated.

For information on how to implement a TML Well program, contact us at TMLWell@tmlhb.org.