

ORDER NO. 2020-14**RANDALL COUNTY JUDGE****ORDER DESIGNATING AND EXEMPTING EMERGENCY RESPONDERS
FROM THE PAID TIME OFF AND EXTENDED FAMILY AND MEDICAL LEAVE
PROVISIONS OF THE FAMILIES FIRST CORONAVIRUS RELIEF ACT**

WHEREAS, a pandemic has been declared by the World Health Organization regarding the spread of the novel coronavirus and its resulting illness, COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency because of COVID-19; and

WHEREAS, on March 13, 2020, the Governor of Texas declared a state of disaster because of COVID-19; and

WHEREAS, on March 18, 2020, the Randall County Judge declared a local state of disaster because of COVID-19; and

WHEREAS, on March 20, 2020, the Randall County Commissioners Court extended the County Judge's declaration of disaster; and

WHEREAS, the spread of COVID-19 constitutes a public emergency; and

WHEREAS, Texas Government Code Sections 418.108 and 418.1015 authorize the Randall County Judge to declare a local state of disaster and exercise the powers granted to the Governor on an appropriate local scale; and

WHEREAS, a declaration of a local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk and promote the health and safety of individuals in Randall County; and

WHEREAS, the County Judge of the County of Randall, Texas has determined from the statements and information provided by the Office of the President of the United States, the United States Centers for Disease Control, the Office of the Texas Governor, the Local Health Authority for the Amarillo Area Public Health District, City of Amarillo Public Health Department personnel, health professionals and other emergency service agencies serving Randall County, and other health agencies serving the State of Texas, that extraordinary measures must be taken to limit the development, contraction and spread of COVID-19 in

Randall County, Texas and to promote and protect the public health, safety and welfare of citizens;

WHEREAS, in response to the severe economic consequences resulting from the recommendations of the above officials and entities to reduce the spread of COVID-19, the United States Congress passed House Resolution 6201, entitled the *Families First Coronavirus Response Act* (hereinafter "FFCRA"), which, among other things, mandates paid time off and expanded family and medical leave for employees who cannot work because of COVID-19; and

WHEREAS, Randall County is subject to the mandates of the FFCRA; and

WHEREAS, the FFCRA allows employers to exclude employees who are health care providers or emergency responders from the paid time off and expanded family and medical leave requirements of the FFCRA and grants authority to the Secretary of Labor to exclude by rulemaking certain health care providers and emergency responders from the requirements of the FFCRA; and

WHEREAS, on April 2, 2020, the Secretary of Labor promulgated temporary rules to implement the FFCRA and, at Title 29, Code of Federal Regulations, Section 826.30(c), authorized employers to exclude emergency responders from the paid time off and expanded family and medical leave requirements of the FFCRA; and

WHEREAS, the Secretary of Labor, at Title 29, Code of Federal Regulations, Section 826.30(c)(2)(i), defined emergency responders as, among others, law enforcement officers, correctional institution personnel, fire fighters and emergency medical services personnel, as well as individuals who work for facilities employing these individuals and whose work is necessary to maintain the operation of the facility; and

WHEREAS, the Randall County Sheriff, in providing law enforcement protection and managing the county jail, employs law enforcement officers and correctional institution personnel; and

WHEREAS, the Randall County Fire Department employs fire fighters and emergency medical services personnel; and

WHEREAS, the Youth Center of the High Plains is a juvenile detention facility employing correctional institution personnel and the Randall County Juvenile Probation Department employs personnel who may be assigned to replace correctional personnel at the Youth Center of the High Plains in the event they become ill or otherwise unavailable for duty;

NOW, THEREFORE, BE IT ORDERED BY THE RANDALL COUNTY JUDGE:

A. The following Randall County employees are designated as emergency responders and excluded from the paid time off and expanded family and medical leave provisions of the FFCRA:

1. All personnel of the Randall County Sheriff's Office;
2. All personnel of the Randall County Fire Department; and
3. All personnel of the Youth Center of the High Plains;
4. Personnel of the Randall County Juvenile Probation Department who hold any certification from the Texas Juvenile Justice Department or any professional license from the State of Texas and who, accordingly, may be assigned duties within the Youth Center of the High Plains.

B. The continued presence of these emergency responders in the workplace is necessary to protect the health and safety of Randall County citizens as well as persons incarcerated or detained in the Randall County Jail or the Youth Center of the High Plains.

C. The designations and exclusions in this order are limited to the paid time off and expanded family and medical leave provisions of the FFCRA and shall not otherwise affect application of the FFCRA.

This order is effective April 7, 2020, at 11:59 p.m., and shall continue in effect through December 31, 2020, or when modified or rescinded by the Randall County Judge or the Randall County Commissioners Court.


Ordered this 7 day of April, 2020 at 12:15 o'clock a.m.

ATTEST:



Susan Allen, County Clerk




Ernie Houdashell, County Judge