

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS AMENDING ARTICLE I TITLED "EMPLOYMENT POLICIES" BY REVISING SECTION 3.01.041 TO THE CODE OF ORDINANCES OF THE CITY OF GEORGETOWN RELATING TO THE REGULATION OF HEALTH INFORMATION PRIVACY; AMENDING ARTICLE IV TITLED "EMPLOYEE BENEFITS AND SERVICES" BY REVISING SECTION 3.01.322 TO THE CODE OF ORDINANCES OF THE CITY OF GEORGETOWN RELATING TO THE REGULATION OF FAMILY AND MEDICAL LEAVE; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; AND SETTING AN EFFECTIVE DATE.

WHEREAS, Section 2.16 of the Georgetown City Charter provides that the City Council shall, by ordinance, establish personnel policies; and

WHEREAS, the "policy statement" portion of each personnel policy is codified in the Code of Ordinances, and the implementing procedures for each personnel policy are codified in a separate Personnel Manual; and

WHEREAS, the City Council finds that it is necessary to update the personnel policy governing Health Information Privacy and Family and Medical Leave.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS THAT

**Section 1.** The meeting at which this ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 2.** Section 3.01.041 of the Code of Ordinances "Health Information Privacy" is revised to the Code as follows:

- A. Policy: To establish standards by which protected health information (PHI) is maintained and to provide you with a notice of the City's legal duties and privacy practices regarding your PHI.

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- B. This policy applies to employees, the administrators of the Plan and Departments listed in Resolution #012621-Q.
- C. Purpose: The Health Insurance Portability and Accountability Act of 1996 (HIPAA) establishes certain regulations that cover health plans and health care providers, including the City of Georgetown's (the "City") health plan ("Plan") and the Fire Department, which provides emergency health services. The City's Police Department, Information Technology Department, City Attorney's Office, Finance Department, City Manager's Office, and City Secretary's Office are also included to the extent that it performs related covered functions. Because the City has many other functions besides providing a health plan, emergency medical services, and services performed by the Departments listed above, the City has designated itself as a hybrid entity. Therefore, no other departments except those listed above will be covered by the regulations. However, individual employees who are covered by the Plan have certain privacy rights because of the HIPAA regulations, as do patients cared for by the City's Fire Department. This policy is for the protection of those rights.

**Section 3.** Section 3.01.022 of the Code of Ordinances "Family and Medical Leave" is revised to the Code as follows:

- A. Purpose: To enable eligible employees to receive time away from work without pay for limited periods to attend to specific family members needs or their own serious health condition with job protection and no loss of accumulated service.
- B. Policy: Eligible employees may take up to twelve weeks of unpaid leave per a rolling 12-month period for a qualifying event(s) or up to 26 weeks of Qualifying Exigency unpaid leave in a single 12-month period to care for a covered service member with a serious injury or illness. The maximum of 26 weeks of combined unpaid leave in a single 12-month period of which 12 weeks may be for non-qualifying exigency leave. Qualifying events are:
- the birth of the employee's child, placement of a child with the employee for adoption or foster care,
  - a serious health condition of a child, spouse, or parent
  - an employees' own serious health condition,
  - a qualifying exigency arising out of the fact that your spouse, son or daughter, or parent is on active duty or call to active-duty status in support

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of a contingency operation as a member of the National Guard or Reserves or

- because you are the spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness.

Up to twelve (12) consecutive weeks of leave may be taken for the birth or placement of a child. Request for FMLA intermittent leave for the birth or placement of a child will require Department Director and City Manager or designee approval. Up to twelve (12) weeks of leave may be taken consecutively or intermittently if the employee, spouse, child, or parent has a serious health condition. Eligible spouses working for the City are limited to a combined total of 12 workweeks of unpaid leave in a 12-month period to share for FMLA qualifying events and a combined total of 26 work weeks for military caregiver leave.

Employees must use their leave time, including but not limited to vacation, sick, personal holiday, and compensatory time, during the FMLA leave. No loss of seniority will occur while the employee is on this leave of absence. Employees must continue to pay any premiums that are paid for his/her group health insurance coverage and that of his/her dependents. If the employee is on a leave without pay status during FMLA, the employee is responsible for coordinating with Human Resources and Payroll to discuss arrears benefit payments through payroll deductions.

If the employee fails to return to work at the end of the approved leave, the City may recover from the employee the cost of any payments made to maintain the employee's coverage, unless the failure to return was beyond the employee's control.

**Section 4.** If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

**Section 5.** The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective in accordance with the provisions of the Charter of the City of Georgetown.

**PASSED AND APPROVED ON FIRST READING on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

**PASSED AND APPROVED ON SECOND READING on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

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**Date Approved:** \_\_\_\_\_

**ATTEST:**

**THE CITY OF GEORGETOWN:**

\_\_\_\_\_  
Robyn Densmore,  
City Secretary

\_\_\_\_\_  
Josh Schroeder,  
Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Skye Masson, City Attorney

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