

Sec. 8B-11.1. - Unlawful Retaliation Against Employees During Emergency Disasters.

- (1) For purposes of this section,
 - a. "Essential employee" shall mean any employee that is critical to the essential functioning of the following employers:
 - (i) Hospital or health care provider;
 - (ii) Public or private utility;
 - (iii) Media;
 - (iv) Government agency;
 - (v) Government contractor;
 - (vi) Public safety agency; and
 - (vii) Any other business that provides essential emergency related public safety supplies or services.
 - b. "Unlawful retaliation" shall mean termination, demotion, or withholding or nonpayment of wages, salary, bonuses or benefits.
- (2) Upon a declaration of a state of emergency applicable to any portion of Miami-Dade County, it shall be unlawful for any employer to retaliate or threaten to retaliate against any employee who is not an essential employee and who complies with County evacuation orders or other County Executive Orders issued during a declared state of local emergency.
- (3) To ensure that employees that rely on mass transit services are evacuated from vulnerable areas, for purposes of this section, any non-essential employee that depends on mass transit service to commute to work to an area that is subject to a County evacuation order shall comply with County evacuation orders prior to the suspension of transit services. No employer shall retaliate or threaten to retaliate against such an employee for complying with a County evacuation order.
- (4) This section shall not apply to any employer who has promulgated a written policy that:
 - a. Defines essential and non-essential employees, and
 - b. Requires that only essential personnel report to the place of employment during a declared state of local emergency.

No policy shall be considered promulgated unless conveyed to all employees in writing at least 30 days prior to the declaration of local emergency and enforced by the employer.

- (5) In addition to any remedies elsewhere provided in the County Code or under law, any employer who violates any provision of this section may be punished by a fine not to exceed \$500.00, or by imprisonment for not more than 60 days, or both. An employer who violates this section shall be subject to a separate violation for each employee unlawfully retaliated or threatened to be retaliated against.

(6) Applicability and enforcement. This section shall apply to both the incorporated and unincorporated areas, and in the unincorporated areas shall be enforced by the County and in the incorporated areas shall be enforced concurrently by the municipalities and the County.

(Ord. No. 18-62, § 1, 6-5-18)