

RESOLUTION NO.

WHEREAS, many of those living in the United States, including in the City of Austin, lack immigration status because they were brought to this country as children through no choice of their own; and

WHEREAS, these individuals have spent virtually their entire lives in the US, live and identify as Americans, and may have little to no memory of and/or lack any ties to their familial countries of origin; and

WHEREAS, despite graduating school, attending college, starting businesses, and serving in the military at above average levels, these individuals have been barred from certain schools, employment, loans and financial aid, public service, and other essential aspects of life even though they have made enormous contributions to our communities and desire to do more; and

WHEREAS, attempts to confer legal status on such childhood arrivals culminated in the proposed DREAM Act, earning them the nickname “DREAMers,” but Congress has repeatedly failed to act on the issue since the bill was introduced over twenty years ago in 2001; and

WHEREAS, in response to the lack of Congressional action, the Deferred Action for Childhood Arrivals (DACA) policy was announced by the Obama Administration in 2012; and

WHEREAS, DACA is not a change in law, but an administrative policy allowing the deferral of removal and temporary employment authorization for DREAMers; and

24 **WHEREAS**, recent federal court decisions have placed the continued
25 existence of the DACA policy in jeopardy and have already halted the acceptance
26 of new applications; and

27 **WHEREAS**, the City is currently facing a staffing crisis, including in
28 critical public safety agencies such as Austin-Travis County Emergency Medical
29 Services (EMS); and

30 **WHEREAS**, EMS serves an essential, frontline role in saving lives and
31 combating the COVID-19 pandemic, but like other cities around the country, has
32 struggled to recruit and retain employees for increasingly demanding positions;
33 and

34 **WHEREAS**, despite these challenges, several DREAMers have made great
35 personal sacrifices and overcome tremendous obstacles to serve the people of
36 Austin as EMS employees, risking their lives for others while under constant threat
37 of losing their homes and the only lives they have ever known; and

38 **WHEREAS**, Council has made fully staffing EMS an urgent priority, as
39 well as addressing the personnel shortage citywide, as demonstrated by the wage
40 increases approved in the FY2023-24 City budget and the EMS meet and confer
41 contract; and

42 **WHEREAS**, on October 13, 2022, Council proclaimed Austin Hispanic
43 Latinx Employees Day, recognizing the DREAMer employees that keep us safe
44 and critical services running; and

45 **WHEREAS**, given the current personnel shortages faced by nearly all City
46 departments and by employers throughout the country, critical unmet needs in
47 emergency and essential services, the benefits of retention over recruitment, and
48 our commitment to those who serve; **NOW, THEREFORE**,

49 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

50 The Council recognizes the immense contribution to the City by our
51 employees who are also DACA recipients, especially within high-vacancy first
52 responder roles such as EMS.

53 **BE IT FURTHER RESOLVED:**

54 The City Manager is directed to develop, to the greatest degree reasonably
55 and lawfully possible, a process and identify resources for the City to petition for
56 DACA recipient employees to obtain immigrant and/or non-immigrant statuses
57 that include employment authorization for which they are legally eligible, up to
58 and including for lawful permanent residency.

59 **BE IT FURTHER RESOLVED:**

60 The City Manager is directed to design a policy which would, subject to any
61 applicable legal restrictions or requirements, including municipal civil service rules
62 and meet and confer or collective bargaining agreements, protect City employees
63 whose employment is terminated or suspended as a result of a lapsed DACA work
64 permit, so that the former employee may, to the greatest degree reasonably and
65 legally possible, retain their seniority, benefits, and wage level with appropriate
66 adjustments for cost of living changes in the interim once they secure the legally
67 required work authorization and resume employment with the City in their former
68 or new position.

69 **BE IT FURTHER RESOLVED:**

70 Taking into consideration any applicable legal restrictions or requirements,
71 including municipal civil service rules and meet and confer or collective
72 bargaining agreements, the City Manager is directed to work with all City

73 departments to develop a policy that would, to the greatest degree reasonably and
74 legally possible, provide for alternative work for non-US workers employed by the
75 City that are prohibited from performing any of their job duties because of the
76 pending approval of any required license, certification, or permit that is dependent
77 on the pending approval, renewal, or extension of such employee's immigration
78 status. To the greatest degree reasonably and lawfully possible, the policy will not
79 require such employees to use any leave, benefit time, or compensatory time, and it
80 would prohibit any penalty, negative evaluation or notation, or other adverse action
81 to be taken against any such employee who must be placed on limited, restricted,
82 or alternative duties in such a manner, provided that such employee has acted
83 timely and diligently to obtain the required approval, renewal, or extension. As part
84 of the policy, the City Manager shall consider designating a city employee as a
85 liaison officer for DACA recipients to provide guidance on employment and
86 immigration matters as well as address any concerns employees may have.

87 **BE IT FURTHER RESOLVED:**

88 The City Manager will report to Council by April 30, 2024, with their
89 recommendations for the above policies, including any changes that require
90 Council action, and a proposed timeline and budget for implementation.

91 **BE IT FURTHER RESOLVED:**

92 The City Manager is directed to develop a citywide policy to provide legal
93 or other forms of support to help retain immigrant employees in the city workforce.
94 In developing the policy, the City Manager shall, among other things, examine
95 providing the following forms of support:

- 96 1. Petitioning for renewal, extension, change, or adjustment of status;

