

Policy and Administrative Regulations

CHAPTER 5: EMPLOYEE GENERAL PRACTICES

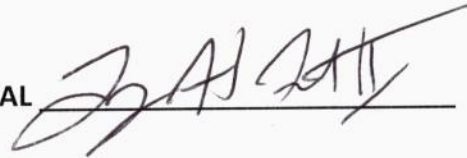
TITLE: Emergencies and Closings (5.3)

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EFFECTIVE DATE: January 2, 2020

POLICY ORGANIZATION: Department of Human Resources

APPROVAL

A handwritten signature in black ink, appearing to be "J. A. Smith", written over a horizontal line.

I. PURPOSE

The City of Norfolk is committed to providing the highest quality public service. The purpose of this policy is to provide guidelines to ensure the continuance of essential City services during an emergency or inclement weather conditions. These guidelines include the work status and compensation of City employees during such events, as well as communications to the City's workforce before and during periods of emergency or inclement weather conditions.

II. POLICY

The City Manager shall determine the existence of an emergency or inclement weather conditions of such intensity or severity that may threaten or endanger the safety and/or welfare of the community, and as a result may close all or part of the City's buildings or facilities and suspend such operations in order to mitigate the impact of such conditions on City employees, City operations, and the public. The Department Director will determine which City employees will be excused from departmental duty, which employees will be required to continue to render normally scheduled services during the event, and which employees will be required to render services outside of their normal work schedule in response to or in mitigation of the event.

The compensation of City employees in such circumstances shall be as provided in this policy and the regulations for the administration of the City's Compensation Plan.

III. PROCEDURE

Emergency Planning

The Office of Emergency Preparedness and Response will coordinate the response and recovery to emergency and weather-related incidents that have disaster potential. Department heads will be responsible for preparing and maintaining updated emergency plans to ensure continued operations and essential services, provided by their assigned department, during emergency and inclement weather events. These plans include the designation of essential and non-essential personnel.

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Declarations

Emergencies and Closings

Emergencies and closings shall be declared by the City Manager. Section 2-33 of the City Code provides that the deputy city manager or a properly qualified person is designated to perform duties of the City Manager during his/her absence or disability. Emergency and inclement weather declarations will be automatically canceled at the end of each day unless otherwise specified by the City Manager. Announcements will be made as early as possible based on available information on the day prior to the following day while an emergency or inclement weather event remains in effect.

Essential and Non-Essential Personnel

Department heads will be responsible for designating essential and non-essential personnel within their department and annually providing an updated list of these designations to the Department of Human Resources by March 1st of each year. At that time, employees are to be provided notification in writing of their designation. However, department heads may notify employees in writing, as soon as reasonably possible, of a change in their designation. Such change is based upon the needs of the Department / City due to the emergency or inclement weather event. These changes shall be immediately communicated in writing to the Department of Human Resources.

Notices

The declaration of an emergency or inclement weather conditions will be communicated through various means to include, but not limited to, the City's website, local news media, official City social media, electronic mail, or text message in a manner best determined to reach the maximum number of employees under the existing circumstances.

Employees are responsible for monitoring the identified communication outlets or checking with their supervisory chain of command for information related to closings and work status and reporting for work of shelter duty as required.

Emergency Shelters

The Department of Human Services will establish, implement and maintain guidelines and procedures for emergency shelter operations.

All non-essential personnel will provide emergency shelter and other emergency duties as assigned. Employees may be assigned emergency shelter duties as necessary.

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- Employees assigned to a shelter team will be notified of the need or potential need to open shelters.
 - Employees will be given as much notice to report for shelter duty as possible based upon the circumstances.
 - If notification to report for shelter duty is received during the normal workday, employees may be excused from work to take care of personal matters before reporting, time permitting and based upon operational needs. Department heads may authorize that non-exempt employees be paid their normal rate of compensation for up to two (2) hours of preparation time after they are excused from work for this purpose.
 - Employees are responsible for arranging for transportation to and from shelters.
 - Employees must remain on duty at the shelter until being released by the Shelter Manager.
 - Employees are encouraged to bring their families to the shelter.
 - Employees assigned to a shelter team are responsible for completing shelter training every year. However, failure to receive training should not preclude employees from reporting to shelter duty as assigned. Such training must be completed within 90 days of hiring date for new employees.

Exemptions from shelter duty supported by medical certification may be granted by the City Manager, or designee, for the following reasons:

- Personal illness; medical certification shall substantiate the illness that prevents the employee from carrying out shelter responsibilities.
- Sole caregiver for a child under twelve (12) years of age or a relative living in the employee's home with an acute illness or disability; medical certification shall substantiate the illness or disability.
- Pregnancy; medical certification shall substantiate performing shelter duty would be physically harmful.

As a part of the medical certification, requests for exemption from shelter duty must include the beginning and end dates for the exemption period. A request for exemption will not be granted for more than a six (6) month period. Exemption requests are to be submitted to the employee's supervisor. Requests must be approved by the department head and forwarded to the Director of Human Resources. To allow appropriate planning for staffing shelters, requests will not be reviewed within two (2) weeks of a known emergency or weather-related event unless the medical situation could not reasonably be anticipated.

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Employees on any type of pre-approved leave prior to the City Manager's announcement of a closing due to a situation constituting an emergency or inclement weather condition will be exempt from shelter duty for the duration of their pre-approved leave.

Compensation

The City Manager may determine that an emergency merits the modification or suspension of basic City services and is authorized to take such action and provide paid closure time to personnel who are unable to work during their normally scheduled work hours due to the emergency or weather-related closure of their normal work operations. Subject to the City's Compensation Plan, the City Manager may authorize additional appropriate compensation or leave to employees required to work during this period.

Non-exempt, non-sworn employees, including task employees, shall receive pay at twice their base rate (excludes supplements, allowances, and other special additions to base hourly rate) of pay for hours worked during the emergency or inclement weather event when basic City services are modified or suspended. Hours worked by non-exempt, non-sworn employees, including task employees, beyond their regular shift to prepare for an emergency event shall receive pay at twice their base rate for hours worked.

Non-exempt, non-sworn employees, including task employees, who have been asked to report and work during an emergency or inclement weather event when basic City services are modified or suspended and have worked in excess of forty (40) hours during their established Fair Labor Standards Act (FLSA) work week while the emergency event is ongoing shall be paid two and one-half times (2.5) their base rate of pay for those hours in excess of forty (40) hours. Paid time off will not count as hours worked toward eligibility for overtime for non-sworn employees during a work week in which an emergency or inclement weather event occurs. The maximum compensation for an employee working during a period of modified or suspended services is two-and-one-half (2.5) times their base rate of pay.

Non-exempt, non-sworn employees, including task employees, whose classification is eligible for holidays and who report to work on a City holiday which falls during an emergency event or inclement weather event will receive twice their rate of pay for the hours worked on the holiday and will bank the holiday for use later.

Employees engaged in damage assessment and clean-up after the end of an emergency declaration period, and who are performing such duties outside their regular duty hours, will be eligible to receive compensation as outlined above.

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Sworn personnel in the Police Department, and Fire and Rescue Department shall receive inclement weather time of up to a total of 72 (seventy-two) hours for actual time worked during the hours of the emergency or weather event when basic City services are modified or suspended. Such hours will not accrue for partial shifts which may be worked prior to the City Manager's declaration of modification or suspension of City services. Inclement weather time must be used within one (1) year of the date of earning such time.

Non-sworn exempt employees working a full shift (tour of duty) during a declared emergency shall receive a bonus of two hundred dollars (\$200.00) in recognition of their support of the emergency response. Such bonus shall be provided for each day on which the non-sworn exempt employee completes an assigned tour of duty during the hours of the declared emergency. Employees serving in a standby capacity will be eligible for a bonus based on being available during the hours that they were assigned to be on standby. Documentation of hours worked shall be provided by the employee's supervisor or by the Shelter Manager for those employees reporting for shelter duty. Department directors and assistant directors are not eligible for this bonus.

Leave

When an employee is on pre-approved leave with pay during an authorized closing and is not directed to report to work, his/her hours of leave will be charged to his/her leave balances. If an employee reports to work during the period of pre-approved leave after being directed to do so by his/her supervisor or department head, the leave will not be charged, and other compensation provisions of this policy apply.

If an employee on pre-approved leave is required to cancel travel and accommodation reservations, the employee shall be reimbursed by the department for these expenses provided that:

- The employee was essential to operations during the emergency event.
- The Department Director approves the cancellation and reimbursement prior to cancellation of reservations.
- The employee provides documentation to substantiate the un-refunded expense that was incurred.

Prior to approval, employees requesting leave after a City declared emergency or inclement weather condition will be required to substantiate that the requested leave is related to a medical condition, death of qualified family member, or medical condition of a qualified family member for whom the employee must provide care.

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An employee may request to not report for their regularly assigned schedule of work on a day on which delayed opening or early closing is implemented. If that request is approved and the employee does not report for any part of the work day, the employee will be charged annual leave or other available discretionary leave hours equal to their assigned work schedule, including any period of closure.

An employee may request to report later or leave earlier than the time determined for a delayed opening or early closing of the City. If that request is approved, the employee must use annual leave, available discretionary leave or be placed on leave-without-pay for the time between the delayed opening to their arrival and/or from their departure to the time of the early closure. In lieu of use of leave, the employee may be provided an opportunity by their supervisor, where possible, to work additional hours during the work week in which the event occurs.

Reporting

Department heads, based upon direction of the City Manager, will determine the work status of essential personnel within their assigned department during an emergency or inclement weather event. Department heads will issue guidance to assigned employees regarding duties and responsibilities during such events, including but not limited to employees' duties to maintain reliable means of communication with their supervisors and make necessary arrangements to be able to report to their assigned work site and alternate work sites as directed during the emergency or inclement weather event.

Employees failing to report as directed during an emergency or inclement weather event, including shelter duty will be placed on leave-without-pay and may be subject to corrective action.

IV. RESPONSIBILITY

A. Employees

All employees are responsible for adhering to the guidelines established in this policy and for ensuring their personnel records reflect current contact information and reporting to work as requested.

B. Managers/Supervisors

Managers and supervisors are responsible for adhering to the guidelines established in this policy.

C. Department Heads

Department heads will be responsible for:

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- Adhering to the guidelines established in this policy;
 - Developing and maintaining updated emergency plans for their department;
 - Designating essential and non-essential personnel within their department, annually reporting by March 1st of each year these designations to the Department of Human Resources, and notifying employees in writing of their designation;
 - Determining the work status of essential personnel within their department during an emergency or inclement weather event, including the conversion of non-essential personnel to essential status prior to and during such an event; and
 - Reviewing any preapproved leave cancellations that could require reimbursement to an employee for reservation cancellation costs.

D. Human Resources

The Department of Human Resources is responsible for providing policy administration and guidance.

E. City Manager

The City Manager is responsible for determining if an emergency or inclement weather event merits the modification or suspension of basic City services, which employees will be required to continue to render services, which employees will be excused from duty, and the compensation of employees in such circumstances.

V. DEFINITIONS

- A. Emergency Conditions – Emergency conditions may include, but are not limited to, explosions, fires, major power or system failures, inclement weather conditions, and other natural or man-made events as determined by the City Manager.
- B. Inclement Weather Conditions – Inclement weather conditions may include, but are not limited to, snow, storms, hurricanes, tornadoes, floods, and/or the reasonable anticipation of such conditions.
- C. Essential Personnel – Employees designated to work during an authorized emergency or closing because their positions have been designated by their department head as essential to operations during such events. Non-Essential Personnel – All employees not designated as essential; however, certain emergency conditions may require a department head to designate a non-essential employee as essential for that event.
- D. Shelter Duty Exempt Personnel – Employees who have requested an exemption from shelter duty and have had such exemption approved by the Department Director in advance of an emergency event.

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- E. Delayed Opening – A delayed opening is any instance where normal City business hours (8:30 a.m. to 5:00 p.m.) are modified to accommodate emergency or inclement weather conditions and City offices open later than 8:30 a.m.

It is acknowledged that employees have varied work schedules. When City business hours are modified for a delayed opening, employees are expected to report and be ready to begin work at the time of the scheduled opening. If unable to report and absence is approved by supervisor, annual leave or other available discretionary leave will be charged for all hours absent from their scheduled shift.

- F. Early Closing – An early closing is any instance where the normal City business hours (8:30 a.m. – 5:00 p.m.) are modified to accommodate emergency or inclement weather conditions and City offices close earlier than 5:00 p.m.

It is acknowledged that employees have varied work schedules. When City business hours are modified for an early closing, employees work until the end of their assigned schedule or until the early closing time, whichever occurs first.

- G. Closure – The closing of a specific City facility or all Citywide operations (excluding 24-hour operations) for regularly scheduled operating hours (8:30 a.m. – 5:00 p.m.).

VI. HISTORY

This policy replaces *Emergencies and Closings*, Policy Number 5.3, dated 8/21/2019.

VII. AUTHORITY

This policy has been established by the City Manager.

VIII. REGULATION UPDATE

Modifications of this policy shall be the responsibility of the Department of Human Resources under the advisement of the City Manager.

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Approved as to Content:



Date: 11/6/19

Marva Smith

Human Resources Director



Date: 12/4/19

Christine Garczynski

Finance Director



Date: 11/4/19

Greg Patrick

Budget and Strategic Planning Director



Date: 13 Dec 19

Catheryn Whitesell

Deputy City Manager

Action / Clarification Transmittal Form to the City Manager

(Use this form for items other than Contracts, Agreements, RFPs, and Grants)

To: Catheryn Whitesell	From: Marva Smith
Subject/Title: Emergencies and Closings Policy (5.3)	Date: 12/6/2019
TYPE of DOCUMENT	
<input type="checkbox"/> Administrative Salary Adjustment <input type="checkbox"/> Demotions <input type="checkbox"/> Grievance Panel Hearing Results <input type="checkbox"/> Request to Fill Constitutional Officers <input type="checkbox"/> Request to Rehire/Reinstatement <input type="checkbox"/> Unclassified Salary Recommendation <input type="checkbox"/> Public Safety Promotions <input type="checkbox"/> PMRS <input type="checkbox"/> Certificates	<input type="checkbox"/> Holiday Leave Payout <input type="checkbox"/> Bonuses >5% <input type="checkbox"/> Administrative Leave Memo <input type="checkbox"/> Suspensions > 5 Days <input type="checkbox"/> Terminations <input checked="" type="checkbox"/> Other (specify): <u>Administrative Policy</u>
Brief Description of Document: This is a revision to the Administrative Policy on Emergencies and Closings to reflect needed refinements and clarifications identified with Hurricane Dorian primarily regarding cancellation of leave and eligibility for bonuses.	
DESCRIPTION OF ACTION NEEDED BY CITY MANAGER OR DESIGNEE	
<input type="checkbox"/> Review / provide feedback <input type="checkbox"/> Request a meeting to discuss <input checked="" type="checkbox"/> Sign / Approve <input type="checkbox"/> For note and file	<input type="checkbox"/> Other Action needed (briefly describe)
Please indicate if there is a legitimate required date by which the City Manager needs to respond. Due Date: N/A Reason for Due Date:	

Review and Concurrence by DCM

Review and Concurrence by City Manager

Deputy City Manager

Date

City Manager

Date

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POLICY ORGANIZATION: Department of Human Resources

APPROVAL _____

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- Employees assigned to a shelter team will be notified of the need or potential need to open shelters.
 - Employees will be given as much notice to report for shelter duty as possible based upon the circumstances.
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Exemptions from shelter duty supported by medical certification may be granted by the City Manager, or designee, for the following reasons:

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Compensation

The City Manager may determine that an emergency merits the modification or suspension of basic City services and is authorized to take such action and provide paid closure time to personnel who are unable to work during their normally scheduled work hours due to the emergency or weather-related closure of their normal work operations. Subject to the City's Compensation Plan, the City Manager may authorize additional appropriate compensation or leave to employees required to work during this period.

Non-exempt, non-sworn employees, including task employees, shall receive pay at twice their base rate (excludes supplements, allowances, and other special additions to base hourly rate) of pay for hours worked during the emergency or inclement weather event when basic City services are modified or suspended. Hours worked by non-exempt, non-sworn employees, including task employees, beyond their regular shift to prepare for an emergency event shall receive pay at twice their base rate for hours worked.

Non-exempt, non-sworn employees, including task employees, who have been asked to report and work during an emergency or inclement weather event when basic City services are modified or suspended and have worked in excess of forty (40) hours during their established Fair Labor Standards Act (FLSA) work week while the emergency event is ongoing shall be paid two and one-half times (2.5) their base rate of pay for those hours in excess of forty (40) hours. Paid time off will not count as hours worked toward eligibility for overtime for non-sworn employees during a work week in which an emergency or inclement weather event occurs. The maximum compensation for an employee working during a period of modified or suspended services is two-and-one-half (2.5) times their base rate of pay.

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Non-sworn exempt employees working a full shift (tour of duty) during a declared emergency shall receive a bonus of two hundred dollars (\$200.00) in recognition of their support of the emergency response. Such bonus shall be provided for each day on which the non-sworn exempt employee completes an assigned tour of duty during the hours of the declared emergency. Employees serving in a standby capacity will be eligible for a bonus based on being available during the hours that they were assigned to be on standby. Documentation of hours worked shall be provided by the employee's supervisor or by the Shelter Manager for those employees reporting for shelter duty. Department directors and assistant directors are not eligible for this bonus.

Leave

When an employee is on pre-approved leave with pay during an authorized closing and is not directed to report to work, his/her hours of leave will be charged to his/her leave balances. If an employee reports to work during the period of pre-approved leave after being directed to do so by his/her supervisor or department head, the leave will not be charged, and other compensation provisions of this policy apply.

If an employee on pre-approved leave is required to cancel travel and accommodation reservations, the employee shall be reimbursed by the department for these expenses provided that:

- The employee was essential to operations during the emergency event.
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Reporting

Department heads, based upon direction of the City Manager, will determine the work status of essential personnel within their assigned department during an emergency or inclement weather event. Department heads will issue guidance to assigned employees regarding duties and responsibilities during such events, including but not limited to employees' duties to maintain reliable means of communication with their supervisors and make necessary arrangements to be able to report to their assigned work site and alternate work sites as directed during the emergency or inclement weather event.

Employees failing to report as directed during an emergency or inclement weather event, including shelter duty will be placed on leave-without-pay and may be subject to corrective action.

IV. RESPONSIBILITY

A. Employees

All employees are responsible for adhering to the guidelines established in this policy and for ensuring their personnel records reflect current contact information and reporting to work as requested.

B. Managers/Supervisors

Managers and supervisors are responsible for adhering to the guidelines established in this policy.

C. Department Heads

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- Adhering to the guidelines established in this policy;
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The Department of Human Resources is responsible for providing policy administration and guidance.

E. City Manager

The City Manager is responsible for determining if an emergency or inclement weather event merits the modification or suspension of basic City services, which employees will be required to continue to render services, which employees will be excused from duty, and the compensation of employees in such circumstances.

V. DEFINITIONS

- A. Emergency Conditions – Emergency conditions may include, but are not limited to, explosions, fires, major power or system failures, inclement weather conditions, and other natural or man-made events as determined by the City Manager.
- B. Inclement Weather Conditions – Inclement weather conditions may include, but are not limited to, snow, storms, hurricanes, tornadoes, floods, and/or the reasonable anticipation of such conditions.
- C. Essential Personnel – Employees designated to work during an authorized emergency or closing because their positions have been designated by their department head as essential to operations during such events. Non-Essential Personnel – All employees not designated as essential; however, certain emergency conditions may require a department head to designate a non-essential employee as essential for that event.
- D. Shelter Duty Exempt Personnel – Employees who have requested an exemption from shelter duty and have had such exemption approved by the Department Director in advance of an emergency event.

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- E. Delayed Opening – A delayed opening is any instance where normal City business hours (8:30 a.m. to 5:00 p.m.) are modified to accommodate emergency or inclement weather conditions and City offices open later than 8:30 a.m.

It is acknowledged that employees have varied work schedules. When City business hours are modified for a delayed opening, employees are expected to report and be ready to begin work at the time of the scheduled opening. If unable to report and absence is approved by supervisor, annual leave or other available discretionary leave will be charged for all hours absent from their scheduled shift.

- F. Early Closing – An early closing is any instance where the normal City business hours (8:30 a.m. – 5:00 p.m.) are modified to accommodate emergency or inclement weather conditions and City offices close earlier than 5:00 p.m.

It is acknowledged that employees have varied work schedules. When City business hours are modified for an early closing, employees work until the end of their assigned schedule or until the early closing time, whichever occurs first.

- G. Closure – The closing of a specific City facility or all Citywide operations (excluding 24-hour operations) for regularly scheduled operating hours (8:30 a.m. – 5:00 p.m.).

VI. HISTORY

This policy replaces *Emergencies and Closings*, Policy Number 5.3, dated 8/21/2019.

VII. AUTHORITY

This policy has been established by the City Manager.

VIII. REGULATION UPDATE

Modifications of this policy shall be the responsibility of the Department of Human Resources under the advisement of the City Manager.

Policy and Administrative Regulations

CHAPTER 5: EMPLOYEE GENERAL PRACTICES

TITLE: Emergencies and Closings (5.3)

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Approved as to Content:



Date: 11/6/19

Marva Smith

Human Resources Director



Date: 12/4/19

Christine Garczynski

Finance Director



Date: 11/4/19

Greg Patrick

Budget and Strategic Planning Director

Date: _____

Catheryn Whitesell

Deputy City Manager