



## SPECIAL PAY PROVISIONS

### Purpose:

The purpose of this policy is to determine how employees are to be paid when Town offices are closed due to inclement weather or declared emergencies.

### Policy:

When inclement weather, confined emergency or other emergency situations require Town office closings and/or additional working hours by essential Town personnel, the Town Manager can declare the implementation of Special Pay Provisions. When Special Pay Provisions have been declared, special pay rules, as set forth in this policy, will take effect.

This policy describes special pay provisions applicable to non-exempt (hourly) and exempt (salaried) employees, whether performing their regular responsibilities or reassigned as a result of inclement weather, confined emergency or a declared emergency. See Table 1 for an overview of this policy.

All Town employees are considered to be essential to Town operations prior to, during and following declared emergencies until otherwise released by the Town Manager. Failure to check in when required or report when scheduled may result in disciplinary action up to and including termination. An employee communication from the Town Manager or designee will be provided to advise work schedules for essential staff.

It is not possible to anticipate every possible contingency. Additional measures may be taken, and based upon the severity of the event, the time parameters of this policy may be adjusted by the Town Manager or designee as needed to support actions in the best interest of public safety.

### Definitions:

**Essential Staff:** all staff are considered essential until informed otherwise by their supervisor, or someone upwards in their chain of supervision and will be advised when to report for duty during times of inclement weather, natural disaster or any emergency situation.

**Emergency Stand-By:** this is the time when an employee is required to be at work during emergency conditions and must remain at or near an assigned emergency operations center or other facility as designated by the Town Emergency Operations Center Commander.

**Work-Ready Status:** this refers to employees not required to work during any emergency, but who should be able to report within 24-hours notification.

**Short Term Emergency:** Generally will be a period of time of not more than 4 days when work locations are closed due to inclement weather or a confined emergency.

**Response and Recovery Period:** this refers to the time period when an emergency situation is not resolved, and the Emergency Operations Center may still be in full or partial operation.

**Temporary Supplemental Compensation:** pay authorized at the sole discretion of the Town Manager for certain or all Employees who meet the following conditions: (i) the exposure to unusually hazardous working conditions is temporary; (ii) any exposure is likely to result in

serious incapacitation, long period of time lost, or possible loss of life; (iii) exposure or accidents are likely to occur frequently in spite of reasonable safety precautions; and (iv) the unusually hazardous working conditions have not been considered in the determination of base pay for qualifying Employee(s).

#### **Inclement Weather/Short-Term Emergency Situation:**

The Town Manager may close one or more Town work locations due to inclement weather, confined emergency, or another short-term emergency situation. During such closures, the following pay provisions will be in effect:

- a) Employees whose work locations close and the employee is unable to telecommute, will be considered to be on paid administrative leave and will receive their regular straight time earnings if scheduled to work during the hours of closure.
- b) Employees on approved leave for any reason will not receive administrative leave pay.
- c) Employees who are deemed essential and whose jobs require that they report are expected to report to work as instructed. These employees will be provided a PTO credit for their hours worked up to a maximum of 12 hours.
- d) When operations at or for the work location resume, employees are expected to return to work. Employees who are unable to return to work due to the emergency will have leave charged to their PTO accrual. Employees who do not return to work or report in may be subject to disciplinary action up to and including termination.

#### **Declared Emergencies:**

- a) The provisions of a Declared Emergency become effective when all the following conditions are met:
  - i. The Mayor of the Town of Bluffton has declared that a State of Emergency exists in the Town; or a state of emergency for an area encompassing Bluffton has been declared by the Governor or other competent authority; and
  - ii. The Town has suspended normal Town operations and is operating under emergency conditions, as determined by the Town Manager; and
  - iii. The Town has activated its Emergency Operations Center and is operating under OpCon 1 (see OpCon Definitions in Table 2).
- b) Pay During first 120 hours (5 days) of Declared Emergency:
  - i. Non-exempt (hourly) essential employees required to work during this period are eligible to receive 1.5 times their regular rate of pay for all hours worked. This rate of pay is applicable even if they have taken PTO during the pay cycle.
  - ii. Exempt (salaried) essential employees required to work out of the EOC during this period are eligible to receive 1.5 times an hourly rate for hours worked, which is determined by dividing the employee's weekly salary by the number of regularly scheduled work week hours.
  - iii. Non-exempt and exempt employees who are required to work remotely and instructed not to report because of the declared emergency will receive their regular rate of pay for regularly scheduled work hours. Any Town building or alternate work location is subject to opening at any time as conditions allow. Employees should be reachable by phone or other means during normal work hours to receive communication updates or information. Employees are expected to work remotely and able to report within 24 hours unless

otherwise specified by the Town Manager, or designee.

- iv. All employees (exempt and non-exempt) will be required to complete a timesheet for the entire pay period when the emergency was declared. Timesheets and appropriate hours codes will be provided by Finance.
- v. Emergency Stand-By
  - 1) An employee is considered to be on emergency stand-by when he/she is required to work during this period and must remain at or near an emergency operations center, other company facility, motel or some other assigned place. During the emergency stand-by time at a shelter-in-place designated location, he/she will receive pay at their regular rate of pay.
  - 2) Employees scheduled to work during a Declared Emergency are expected to be fit for duty during the duration of the event. Employees will be expected to rest when not on duty, but remain subject to immediate recall to remain alert, sober and competent to perform assigned duties. Employees who feel they are not able to perform assigned tasks due to a unique circumstance may request a waiver from duties and will receive no pay for these hours.
- c) Payroll Following First 120 hours (5 days) of Declared Emergency
  - i. Non-exempt and exempt employees that are not able to work remotely and not assigned responsibilities during the first 120 hours of a declared emergency should expect to receive work assignments by the end of that period. If they remain unassigned at the end of the 120-hour period, administrative pay will cease until they are assigned responsibilities. These employees may use accrued PTO, personal day, or compensatory time (non-exempt employees) to receive compensation during this period.
  - ii. Non-exempt and exempt employees that have been instructed to work remotely will receive their regular pay consistent with the regulations applicable to their classification.
  - iii. Non-exempt employees who are required to report in and assigned work during the declared emergency will receive their regular pay and overtime consistent with the overtime regulations applicable to their classification.
  - iv. Exempt (salaried) employees who are required to report in and assigned work during the declared emergency will receive their regular pay. The Town Manager must authorize the continuation of any overtime compensation for exempt employees. Should such authorization be given, exempt employees are eligible to receive overtime pay equal to the hourly rate of pay calculated in *b).ii* above for all hours worked over 40 during the work week.
  - v. Overtime compensation payments to exempt employees may continue during the response and recovery period. The duration of such payments will vary by department and function as determined by the Town Manager, or designee. Once a department returns to normal work schedules, overtime for exempt employees will cease.
  - vi. All employees (exempt and non-exempt) will be required to complete a timesheet for the entire pay period when the emergency was declared. Timesheets and appropriate hours codes will be provided by Finance.
- d) Declared Pandemic Emergency:

During a Declared Emergency due to a Pandemic such as COVID-19 or the like, the Town Manager, in his/her sole discretion, may authorize Temporary Supplemental Compensation (in addition to or in lieu of Emergency Pay) for certain or all Employees who meet the following conditions: (i) the exposure to unusually hazardous working conditions is temporary; (ii) any exposure is likely to result in serious incapacitation, long period of time lost, or possible loss of life; (iii) exposure or accidents are likely to occur frequently in spite of reasonable safety precautions; and (iv) the unusually hazardous working conditions have not been considered in the determination of base pay for the qualifying Employee(s). Temporary Supplemental Compensation may be issued in the form of a weekly stipend, monthly stipend, an increase in base pay rate, and/or an increase in Emergency Pay.

- e) Deviation from Policy: The Town Manager reserves the right to consider unique pay situations as they arise throughout an Emergency Period and may make exceptions or supplement the provisions of this Policy as s/he deems necessary in his/her sole discretion. Instances not covered by this Policy shall be decided on a case-by-case basis by the Town Manager or appropriate designee.
  
- f) Elected Officials and Municipal Judges will be paid their regular compensation.
  
- g) Applicability of Approved Leave
  - i. During and following a declared emergency, scheduled leave may be canceled and employees on leave may be recalled.
  - ii. Employees on paid or unpaid leave who are not recalled to duty during or following an emergency are not subject to special pay provisions until such time as their leave ends and they return to duty.
  - iii. If an employee does not report to work or check in at the designated time and/or location during a declared emergency, the employee may be considered to have resigned from employment with the Town.
  
- h) Resuming Normal Operations
  - i. If an employee does not report for work when required or does not request and receive approval for time off, the employee may be considered to have resigned from employment with the Town.

Table 1

<b>SPECIAL PAY PROVISIONS</b>			
	<b>Inclement Weather/Short Term ER Situation</b>	<b>Declared Emergency - First 120 Hours</b>	<b>Declared Emergency - Following 120 hours</b>
Employees NOT REQUIRED to report in	Employees who work in locations that are closed will be paid Admin Leave during short term ER situation.	Non-Exempt and Exempt employees scheduled to work but not required to come in will receive their regular rate of pay for their scheduled hours.	Non-exempt and exempt employees not assigned responsibilities may use PTO, or compensatory time or personal leave.
Employees REQUIRED to work remotely	Non-exempt and Exempt employees scheduled to work will be required to telecommute during normal business hours and will receive their regular rate of pay for regularly scheduled hours.	Non-exempt and Exempt employees scheduled to work will be required to telecommute during normal business hours and will receive their regular rate of pay for regularly scheduled hours.	Non-exempt and Exempt employees scheduled to work will be required to telecommute during normal business hours and will receive their regular rate of pay for regularly scheduled hours.
Employees REQUIRED to report in	Employee in positions where they are required to work will be paid for their time worked and will receive an hour of PTO for every hour worked up to a maximum of 12 hours.	Non-Exempt and Exempt employees required to work will be paid 1.5 times their hourly rate of pay or hourly equivalent rate of pay for all hours worked during the Declared Emergency	Non-exempt employees required to work will receive their regular pay and overtime consistent with the overtime regulations. Exempt employees required to work will be paid their regular rate of pay, unless such overtime is approved by the Town Manager.
Employees on LEAVE STATUS	Employees on approved leave would not get Admin Leave and will utilize their PTO, Personal Time or Comp	Employees on approved leave will utilize their PTO, Personal Time or Comp Time as approved for leave until such time as their approved leave ends. The Town may cancel PTO in some	Employees on approved leave will utilize their PTO, Personal Time or Comp Time as approved for leave until such time as their approved leave ends. The Town may cancel PTO in some

	Time as approved for leave.	circumstances if necessary.	circumstances if necessary.

**Table 2****OpCon Operation Conditions**

**OpCon 3** - Maintain normal daily operations.

**OpCon 2** – Enhanced Awareness. A disaster or emergency is likely to affect the state. Emergency Operations plans are implemented. The State Emergency Operations Center is partially activated if necessary.

**OpCon 1** – Full Alert. A disaster or emergency is imminent or occurring. The State Emergency Operations Center is fully activated. All state emergency response team personnel are activated or ready to deploy.