

CITY OF CHESAPEAKE, VIRGINIA**NUMBER: 2.59****ADMINISTRATIVE REGULATION****EFFECTIVE DATE: 3/30/2020****SUBJECT: DEPARTMENT OF HUMAN RESOURCES
CITY CLOSURE POLICY****SUPERCEDES: 2/1/2019****I. PURPOSE**

This Administrative Regulation establishes compensation instructions for those instances when City offices close during severe inclement weather or other emergency or unusual conditions that warrant an interruption in City operations. The intent of the City is to remain open during normal operating hours, whenever possible, to carry out the City's mission and to provide the highest level of customer service possible. However, during periods of extreme weather and/or emergency situations when the health and safety of employees are at risk, City offices may remain closed, open late, or close early.

II. DEFINITIONS

Alpha employees - Employees who are required to work when the City is closed as the result of severe inclement weather or other emergency or unusual conditions. Alpha employees include those who are involved in preparedness and recovery efforts as well as those who provide services that must be continued regardless of the conditions necessitating City closure.

Bravo employees - Employees who are required to work when the City is closed only when designated to do so by their department head or designee, based on the situation, in order to respond to customer needs.

Condition - Any circumstance (e.g. inclement weather, chemical spill/attack, threat of violence, incident of violence/terrorism) severe enough to warrant an interruption in City operations or which might jeopardize the safety of both City employees and the public.

Delayed Opening - Any instance where the normal City business hours (8:00 a.m. – 5:00 p.m.) are modified and City office(s) open later than 8:00 a.m.

Early Closing - Any instance where the normal City business hours (8:00 a.m. – 5:00 p.m.) are modified and City office(s) close earlier than 5:00 p.m.

Exempt Employees – Employees who are excluded from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA).

General Employees - Employees other than sworn public safety employees.

Inclement weather - A particular condition which involves any weather occurrence or natural disaster (e.g. snow, severe storms, hurricanes, tornadoes, floods) that might jeopardize the safety of both City employees and the public.

Liberal leave - A pronouncement by the City Manager that affords flexibility to bravo employees, when operationally feasible, as determined by an employee's supervisor, to take full or partial day leave (e.g. annual, overtime, paid time off, without pay) due to severe inclement weather or other adverse conditions, even though the City is open.

Non-Exempt Employees - General employees who are eligible for overtime compensation in accordance with the provisions of the Fair Labor Standards Act (FLSA).

On-call - The time spent by an employee, after his/her regular work hours, in his or her own pursuits, during which he/she must remain available to be contacted about work or called back to work if the need arises.

Overtime - The total hours worked which exceed the FLSA overtime threshold for non-exempt employees or, for partially exempt employees, regularly-scheduled hours and for which employees receive pay or leave at one and one half times their regular rate.

Partially Exempt Employees - Public safety employees who are covered by § 207(k) of the FLSA.

Recognition leave – Leave that is awarded to non-exempt and partially exempt employees who work in 24-hour operations and are required to work within the 24-hour day of City closure.

Workweek - A regularly recurring period of seven consecutive days or 168 consecutive hours.

III. ELIGIBILITY

The provisions of this Policy cover all employees under the direction of the City Manager as well as classified employees under the purview of elected and appointed officials.

IV. POLICY

The City Manager or designee will assess the severity of the situation and determine the appropriate modification of the City's operations. Department/agency heads or designees are responsible for determining which, if any, of their employees are designated alpha. All City employees not designated alpha are considered bravo. Bravo-designated employees may be called upon to report for work during inclement weather or other adverse conditions based on City or department needs. These individuals will convert to alpha status once they have been instructed to report to work. The Director of Human Resources is responsible for interpretation of this Policy.

V. LIBERAL LEAVE

Liberal leave may be announced during inclement weather or other adverse conditions when the City is open for business and fully operational. When liberal leave is in effect, bravo-designated employees are expected to notify their supervisor prior to their designated start or departure time, as applicable, when using liberal leave. An announcement of liberal leave does not apply to alpha-designated employees. Liberal leave is permitted for bravo employees only for the time period when conditions prohibit safe travel to/from work. Bravo employees are expected to

report to work when conditions permit safe travel. Supervisors may approve or disapprove requests for liberal leave based on operational needs.

VI. COMPENSATION

A. Non-Exempt and Partially Exempt Alpha Employees

1. Closure on an Employee's Scheduled Workday – Non 24-Hour Operations

Non-exempt employees not working in 24-hour operations who are required to work within the 24-hour day of City closure due to inclement weather or other adverse conditions shall be paid for their regularly scheduled hours and receive their regular rate of pay per hour for actual time worked. Actual hours worked must exceed forty in a workweek for non-exempt employees to accrue overtime (pay or leave). Partially exempt employees accrue overtime if they work in excess of their regularly scheduled hours in accordance with AR 2.54 Pay Provisions Policy.

Example A: On Monday, a non-exempt employee is called to shovel snow from 3:00 p.m. to 8:00 p.m. during a full day City office closure. The employee normally works 8:00 a.m. to 5:00 p.m. with a one hour lunch period. The employee will receive pay for the 8 hours that the City was closed on Monday and 5 hours of pay for the time spent shoveling. For the workweek, all hours are paid at the employee's regular rate of pay unless/until worked hours exceed forty for the workweek (as shown in the table below).

Example B: On Monday, a non-exempt employee is called to shovel snow from 3:00 p.m. to 8:00 p.m. during a full day City office closure. The employee normally works 8:00 a.m. to 5:00 p.m. with a one hour lunch period. The employee worked additional hours on Wednesday, Thursday, and Friday (as shown in the table below). The employee will receive pay for the 8 hours the City was closed on Monday and 5 hours of pay for the time spent shoveling. For the workweek, the employee will receive 2 hours of overtime pay and 48 hours at the employee's regular rate of pay.

Example C: On Monday, a non-exempt employee is called to shovel snow from 3:00 p.m. to 8:00 p.m. during a full day City office closure. The employee normally works 8:00 a.m. to 5:00 p.m. with a one hour lunch period. The employee worked additional hours on Wednesday and Friday (as shown in the table below) and took leave on Thursday. The employee will receive pay for the 8 hours the City was closed on Monday and 5 hours of pay for the time spent shoveling. For the workweek, all hours are paid at the employee's regular rate of pay.

<u>Workday</u>	<u>Employee A</u>	<u>Employee B</u>	<u>Employee C</u>
Monday	5 alpha hours 8 hours closure	5 alpha hours 8 hours closure	5 alpha hours 8 hours closure
Tuesday	8 hours	8 hours	8 hours
Wednesday	8 hours	10 hours	10 hours
Thursday	8 hours	10 hours	No leave needed *
Friday	8 hours	9 hours	9 hours
Total Hours Worked	37	42	32
Overtime Pay	0	2	0
Straight Pay	45	48	40
Total Hours Paid	45	50	40

**For general employees, leave cannot be used to bring an employee's paid hours over his/her regularly scheduled hours for the work week.*

2. Closure on an Employee's Scheduled Workday - 24-Hour Operations

Non-exempt and partially exempt employees who work in 24-hour operations and are required to work within the 24-hour day of City closure due to inclement weather or other adverse conditions, shall be paid for their hours worked (general employees) or scheduled hours (public safety employees) and receive hour for hour recognition leave up to eight (8) hours for actual time worked each day. This recognition leave must be used within 120 days of the City closure, at which time it will be purged. The 24-hour operations include, but are not limited to, the services of Fire, Police, Sheriff, Water Treatment Plant, Bridge and Toll Operations, Chesapeake Juvenile Services, and Chesapeake Integrated Behavioral Healthcare.

Example A: A toll collector worked 7:00 a.m. until 4:00 p.m. with a one hour lunch period during a full day City closure. The employee will receive pay for the 8 hours the employee actually worked and 8 hours of recognition leave equal to the hours worked.

Example B: A toll collector is scheduled to work 7:00 a.m. until 4:00 p.m. with a one hour lunch period during a full day City closure. The employee works from 7:00 a.m. until 12:00 p.m. but is released to go home at 12:00 p.m. The employee will receive 5 hours of pay for hours worked, 5 hours of recognition leave for actual time worked and 3 hours of pay for scheduled hours not worked (per the bravo compensation provision detailed in Section VI,C,1).

3. Seasonal/substitute Employees

Seasonal/substitute employees working in 24-hour operation departments who are converted to alpha status during a City closure period will be paid for their scheduled hours during the closure period (up to a maximum of eight hours), in

lieu of recognition leave, and will receive their regular rate of pay per hour for actual time worked.

4. Failure to Report to Work

Alpha-designated employees who fail to report to work as directed during periods of inclement weather or other adverse conditions may not be paid for their regularly scheduled hours during the closure period or granted use of annual, sick, or overtime leave for time missed from work. They may also be subject to disciplinary action.

5. Alpha Employees Not Required to Work During an Emergency

Depending on the inclement weather event or other adverse conditions, some alpha-designated employees may not be required to work. In such instances, these employees will be compensated as bravo employees.

6. Schedule Modifications

Based on the type of situation, it may be necessary to alter the regular working hours of alpha-designated employees. In those cases, the new schedule becomes the employee's work schedule for the purposes of compensation. Employees will not be permitted to use leave for their former schedule in order to be eligible for additional compensation.

B. Exempt Alpha Employees

Exempt alpha employees do not receive any additional compensation or leave for hours worked during any period of City closure. In extraordinary circumstances, the City Manager may grant additional pay or leave at his/her discretion.

C. Bravo Employees (Exempt, Non-Exempt, and Partially Exempt)

1. Closure on an Employee's Scheduled Workday

All City employees receive their regular rate of pay for the hours they were scheduled to work. Employees who work a flexible schedule of more than eight (8) hours a day will be paid a maximum of eight (8) hours for the closure day. The employee must either work additional hours or use annual leave to make up the difference during the pay week.

2. Closure on an Employee's Scheduled Day Off

Employees will not receive pay or time off for the period of closure if such closure occurs on their scheduled day off or while the employee is on leave without pay.

3. Closure While an Employee Is on Approved Paid Leave

The period of time in which the City is closed will not be charged against an employee's leave balance.

4. Early Closure Events

Employees will receive their regular rate of pay from the early closure time to the end of their scheduled shift. Non-exempt employees who are authorized to leave work prior to the early closure time must use accrued leave or, with supervisory approval, plan to offset hours from the time of departure up to the early closing time.

5. Delayed Opening Events

Employees will receive their regular rate of pay from their regularly-scheduled start time until the delayed opening. Employees who routinely report to work at a time later than the delayed opening shall report at their regular time with no additional compensation.

Example A: An employee is scheduled to start work at 7:00 a.m., and the City has announced a 10:30 a.m. delayed opening. The employee shall report to work at 10:30 a.m. and receive regular compensation for 3.5 hours.

Example B: An employee is scheduled to work at 12:00 p.m., and the City has announced a 10:30 a.m. delayed opening. The employee shall report to work at 12:00 p.m. and receive no additional compensation, as he/she was not scheduled to work during the period of closure.

6. Bravo Employee Who Reports to Work During City Closure

When an employee reports to work during the period of City closure, he/she will receive pay for any hours worked plus City closure pay to make up the difference remaining in the employee's scheduled hours. Employees who work a flexible schedule of more than eight (8) hours a day will be paid a maximum of eight (8) hours for the closure day.

Example A: An employee is scheduled to start work at 8:00 a.m., and the City has announced a 10:30 a.m. delayed opening. The employee reports to work at 9:00 a.m., aware or unaware of the delayed opening, and works until 5:00 p.m., taking a one hour lunch. The employee will receive 7 hours of regular compensation for the hours actually worked plus 1.0 hour of closure pay.

Example B: An employee is scheduled to start work at 8:00 a.m., and the City has announced a City closure for the entire day. The employee reports to work at 8:00 a.m. and leaves at 12:30 p.m. The employee will receive 4.5 hours of regular compensation for the hours actually worked plus 3.5 hours of closure pay.

7. Bravo Employees Converted to Alpha Status

- a. All bravo employees may be converted to alpha status depending on the severity of the event and operational needs of the City. All employees should be prepared to report for duty if called to assist with emergency/recovery operations. Employees may be tasked with duties not associated with their normal position, e.g. water/ice distribution.
- b. When converted to alpha status, bravo designated employees shall be compensated in accordance with applicable alpha compensation provisions (Section VI, A and B, above).

8. Bravo Employees on Official Travel

Employees will not receive additional compensation when they are on official travel that prevents them from returning to the City at the time of closing and they are not impacted by the inclement weather or other adverse condition affecting City operations. Alpha employees on official travel are considered bravo during the period of travel.

D. Employees On-Call During an Event

Employees who are scheduled to be on-call during a period in which inclement weather or another adverse condition arises, and are subsequently required to work during this period in support of operations related to the inclement weather or other adverse conditions (i.e. designated as alpha employees), will get paid in accordance with the alpha compensation provisions outlined in this Policy. The on-call status for alpha employees may be canceled during the period. The on-call status of employees who are not required to work during inclement weather or other adverse conditions is unaffected.

VII. DEPARTMENTAL / FACILITY CLOSURE

When a condition occurs which affects a particular facility or department, or which occurs outside of normal City business hours impacting non-essential services of a particular department, the City Manager or designee shall determine the operational status of affected facilities/departments. In such cases wherein affected facilities/departments are closed, the compensation provisions outlined in Section VI of this policy will apply.

VIII. RESPONSIBILITIES

- A. The City Manager or designee is responsible for making decisions regarding City and/or departmental operations during inclement weather or other adverse conditions.
- B. Department/agency head responsibilities include the following:
 - 1. understanding the provisions of this Policy and ensuring payroll is processed correctly, and in a timely manner, in accordance with this Administrative Regulation as well as AR 2.54 Pay Provisions Policy;

2. determining which alpha positions to activate based on the type of condition;
3. informing employees of their status and responsibilities during inclement weather or other adverse conditions;
4. ensuring alpha-designated employees are provided contact options for supervisors (e.g. cellular phone numbers, alternate person to contact) during periods of inclement weather or other adverse conditions; and
5. ensuring department coverage is sufficient to respond to the needs of the citizens during periods of minimum staffing.

C. Employee responsibilities include the following:

1. obtaining information regarding City operations during non-duty hours by calling the Employee Alert Hotline locally at (757) 382-6550, tuning in to WCTV (television) or FM 88.7 (radio), or viewing the City's website (<http://www.cityofchesapeake.net/>) or social media pages (Facebook and Twitter);
2. ensuring his/her department has current contact information;
3. knowing his/her status (alpha/bravo) and meeting the responsibilities that accompany that status, including responding promptly when contacted;
4. developing a personal plan of action that would aid him/her in fulfilling family and other personal responsibilities, in conjunction with work responsibilities in such situations; and
5. notifying his/her supervisor immediately if unable to report during an inclement weather or other adverse condition as directed.

D. Public Communications responsibilities include the following:

1. ensuring an announcement is made indicating the specific opening time, length of delay, or the specific closing time to avoid confusion for both employees and citizens; and
2. ensuring up-to-date information is provided via the Employee Alert Hotline, WCTV (television), FM 88.7 (radio), and the City's website and social media pages (Facebook and Twitter).

E. Recognizing that many conditions are generally unpredictable, every effort will be made to assist employees in meeting their personal and work responsibilities. Employees are encouraged to discuss any related issues or concerns with their supervisor in advance in order that a collaborative effort may be made to address individual situations.

IX. MODIFICATION

The City Manager may modify or discontinue provisions of this policy as necessary due to fiscal or operational considerations; e.g., an extended period of closure.

APPROVED AS TO FORM AND CONTENT:

Melissa A. Hamann
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March 30, 2020
Date

APPROVED AND ADOPTED:

CP
Christopher M. Price, City Manager

3-30-20
Date