

POLICY NUMBER:

APM- 3-19

DATE:

8/30/19

ISSUED BY:

Emilio Gonzalez
City Manager/Designee


SIGNATURE

CITY OF MIAMI



ADMINISTRATIVE POLICY

REVISIONS

REVISED SECTION

Created
Revised

DATE OF REVISION

8/26/2019

SUBJECT:

STATE OF EMERGENCY PAY

PURPOSE:

The purpose of this policy is to determine how employees are to be paid in the event of a declared all-hazards City emergency.

1) POLICY

Whenever an all-hazards emergency or disaster is declared within the City of Miami, it is the policy of the City to fairly compensate its employees and comply with applicable Code of Federal Regulations. When the Mayor or his/her designee issues a proclamation declaring a state of emergency in the City, the implementation of the policy will occur automatically and be applied to all employees unless otherwise defined by the specific provisions of a Collective Bargaining Agreement.

The policy will remain in effect until the Mayor or his/her designee declares the state of emergency over. The Mayor or his/her designee may extend the policy as needed following the end of the declared emergency.

2) DEFINITIONS

Essential Employees: Employees in positions designated by the Department Heads as Essential are required to report to work before, during and/or after a declared emergency, depending on their function.

Non-Essential: Employees in positions designated by the Department Heads as Non-Essential are generally not required to report to work until after the Mayor or his/her designee has declared the immediate emergency is over and it is safe to leave a secured area. However, these employees must be aware of the emergency and any changes to the job location, duties and functions.

Part-time, Seasonal and/or Temporary Employees: Employees will not be considered as Essential or Non-Essential unless said employee performs a unique function not capable of being performed by a full-time employee.

Work Hours: Under the policy, work hours will be defined as all hours actually worked, hours sequestered at a designated area as instructed (e.g. Emergency Operations Center, pre-storm staging area sheltering in place, etc.) in preparation for assignment for the emergency or disaster. Calculation of the hours worked will be consistent with any applicable CBAs and FLSA.

3) PROCEDURES

A. ESSENTIAL EMPLOYEES

1. NON-EXEMPT (HOURLY) EMPLOYEES

- A. Non-exempt employees who are required to work will be compensated in accordance with their prospective collective bargaining agreement for all hours worked in excess of 40 hours per week.
- B. If the declared emergency was a scheduled day off and the employee was called in to work, premium pay shall be paid in accordance with their prospective collective bargaining agreement for hours worked in excess of 40 hours per week.
- C. If the employee had previously scheduled a vacation day during the declared emergency and they are not called in to work, they will receive vacation pay as previously approved.
- D. If the employee had previously scheduled a vacation day during the declared emergency and they are called in to work, vacation time will be credited back to the leave bank.

2. EXEMPT (SALARY) EMPLOYEES

- A. Exempt employees who work during a declared emergency will receive their usual salary for their regular work schedule. Additionally, they will be compensated with administrative leave per the City Manager's authorization for all hours worked in excess of 40 hours per week.

B. NON-ESSENTIAL EMPLOYEES

The assistance of these employees is normally not required during a declared Emergency.

1. NON-EXEMPT AND EXEMPT EMPLOYEES

- A. When released from duty by the City Manager during a declared emergency, Non-Essential Employees will be paid the remainder of their scheduled hours for that day at their regular rate of pay.
- B. Non-essential and Essential Employees scheduled for pre-approved leave (i.e. vacation, sick, compensatory time, FMLA) will have the time deducted from the appropriate leave bank if they are not called into work.
- C. Should circumstances require a Non-Essential Employee to be called in to work, he/she will be compensated as an Essential Employee.

2. ATTENDANCE AND ASSIGNMENTS

- A. All employees who are directed to report for work during the declared emergency are required to do so. Employees who fail to respond or report to work and/or abandon their post, are subject to discipline up to and including dismissal.
- B. Essential Employees who are directed to report for work during the declared emergency and are not able to do so due to a catastrophic event affecting their personal circumstances may use accrued leave time as approved by their department head.
- C. Essential Employees may be assigned to other departments, tasks or responsibilities not normally associated with their permanent position. This is necessary for the general welfare and operation of the City during a declared emergency.
- D. Non-Essential Employees who are willing to work during or after a declared emergency may notify their supervisor. If work is available and approved by their department head, employees will be directed where and when to report and compensated accordingly.
- E. If the declared emergency time period should encompass a holiday, an employee is eligible to receive any applicable holiday pay they are due in addition to any special compensation that is to be paid under the conditions outlined.
- F. Following the declared emergency time period, if an employee is unable to return to work for any reason, the situation will be assessed by the Department Head and the City Manager to determine the employee's status. If it is determined that the employee has failed to return to work without appropriate justification, time will be deducted from their accrued leave balance.