

From: DOH Bulletin
Sent: Monday, June 04, 2007 3:04 PM
To: DL All DOH Employees
Subject: Update Hurricane Guidelines for Attendance and Leave
Importance: High

In preparation for the hurricane season, we have updated the emergency/disaster guidelines for attendance and leave as well as a [Question and Answer](#) document. Please familiarize yourself with these guidelines and address any questions to your local human resource staff.

All offices should have their COG/COOP plan in place to address pre- and post- emergency situations. Employees should be familiar with this plan which includes information on calling-in to determine whether they should report to work and in addition should listen to the radio or TV for public service announcements regarding the closing of government offices. Department facilities are to follow the lead of their local county government and if the local government offices are closed, employees within those areas will be granted administrative leave for office closures. **However, essential or activated employees** must be available either by phone, beeper, or electronic communication 24/7.

All employees should be prepared to assist with storm related activities and relief efforts. In order to properly maintain our ability to provide public health services to the citizens and visitors of Florida, effective immediately plans for vacation previously approved through the end of September should be reviewed by supervisors on a case by case basis and may be cancelled if: 1) the individual is designated as an essential employee; 2) is a disaster-response related manager; or 3) will be needed before, during, or immediately after the storm.

This information is being provided as a reminder of the department's leave and pay issues during an emergency.

The following is applicable only during the period of time covered by an executive order.

A. Administrative Leave for Career Service, SES, and SMS employees

1. Employees located in a closed facility are granted administrative leave for the period the facility is closed.
2. An employee who is on a prior approved leave (annual, sick, personal holiday, etc.) during the period the facility is closed due to the disaster shall not be entitled to the use of administrative leave.

B. Employees sent home during their normal work hours to get ready for a storm or to prepare to work in a shelter will use personal leave for that time or offset the leave by additional hours worked.

C. Payment for Additional Hours Worked (Work during declared emergency conditions by Executive Order)

1. Career Service and SES Excluded employees. Excluded employees designated to perform duties directly related to the disaster, are eligible to be paid straight time payment for the additional hours physically worked beyond the 80-hour pay period in lieu of earning regular compensatory leave. Career Service and SES employees below bureau chief level (non-FNA) required to provide essential services will receive special compensatory leave on an hour-for-hour basis for the number of hours worked for the period the facility is closed (**normal business hours only, does not include weekends**).

2. Career Service, OPS, and Selected Exempt Employees Included employees: Included employees that are normally eligible for overtime payment will continue to receive overtime payment for all hours worked in excess of 40 hours during the workweek. Career Service employees (non-FNA) required to provide essential services will receive special compensatory leave on an hour-for-hour basis for the number of hours worked for the period the facility is closed (**normal business hours only, does not include weekends**).

Note for 1 and 2 above: Due to the People First system limitations, you will not be able to credit the administrative leave hours for the office closure and show additional hours worked. We are asking that you add a comment to the timesheet to include the dates of office closure and submit your People First timesheet in accordance with the examples available on our web site. Please use the “Disaster & Preparedness Timesheet” or a copy of the DTKS timesheet to indicate the number of special compensatory leave hours (will not exceed the number of hours the facility is closed) and submit a copy to your servicing HR office so they can update your special compensatory leave in People First.

3. Contracted Employees: Contracted employees are not covered by the Department of Health's plan; therefore, each contracted employee must contact their contract coordinator to determine eligibility for payment of additional hours worked as a result of the storms. Each contract manager should check with the appropriate vendor to determine eligibility for payment of any additional hours.

4. FNA Employees: An employee providing essential services shall be credited with hours of work and, in addition, receive disaster compensation on an hour-for-hour basis for the number of hours worked for the period the facility is closed (employee's home base facility). **Employees who receive disaster pay shall not receive special compensatory leave for the same period.** At the end of the workweek or pay period, as appropriate, employees shall be compensated in the following order:

a. Employees shall be credited with time actually worked. If the hours worked exceed the normal pay for the workweek or pay period, employees will be compensated for all overtime earned (excluded employees will earn regular compensatory leave);

b. If the hours actually worked are still below the normal pay for the workweek/pay period, leave shall be used to bring the employee to the normal rate of pay in the following order:

(1) Any annual leave, sick leave, or regular compensatory leave that had been approved;

(2) Any administrative leave for which the employee is eligible. **Any unused administrative leave eligibility that is not needed to bring the employee to the normal pay shall be cancelled.**

(3) In addition to the above, the employee providing essential services shall receive disaster compensation to be paid at the employee's current regular hourly rate of pay for each hour worked while the facility is closed by order of the Governor, regardless of whether overtime was earned or leave used during the workweek or pay period.

c. For FNA employees whose county remains open but who are deployed to a county that is closed, special manual processing will be required. Please contact Penny Dyer or Mandi Kirkland in the Central Office Human Resource Office for instructions.

The Bureau of Human Resource Management's web site has timesheet examples for emergency duty. If you have any questions regarding this information, please contact your supervisor or your local servicing human resource office. Please be safe and stay in contact with your supervisor in case you are needed to assist with storm related activities and the relief efforts.

**Working During an Emergency/Disaster
Questions and Answers
Updated 04/13/2007**

Question 1: How are Career Service and SES employees compensated during office closings?

Answer 1:

Leave Compensation: Pursuant to Rule 60L-34.0071(3)(e), Florida Administrative Code, all essential employees in the Career Service and SES below the Bureau Chief level, (regardless of included or excluded status) shall be granted Special Compensatory Leave credits for the hours worked during the period the facility is closed. This same Rule provides that all non-essential employees shall be granted administrative leave during the time for which the facility is closed.

Note: The People First system is not programmed to allow you to indicate the facility closure (administrative leave) and work additional hours. In order for you to get credit for the special compensatory leave, you must submit the "Disaster & Preparedness Timesheet" to your servicing HR office. Your servicing HR office will update your special compensatory leave balances in People First. Please review the power point examples for SES employees for how to complete the People First Timesheet.

Pay Compensation: Career Service and SES excluded employees are eligible for disaster pay when they have actually worked over 80 hours for the pay period.

Question 2: What is an "essential employee"?

Answer 2: An Essential Employee is an employee whose presence is necessary to perform or support the State's emergency relief or continuance of operations during a declared state of emergency; or an employee whose assigned duties and responsibilities must be accomplished despite the declaration of a state of emergency.

Questions 3: When are SES employees eligible for emergency related pay?

Answer 3: Pursuant to Rule 60L-34.0031(3), Florida Administrative Code, all SES employees are expected to work the necessary hours required to complete their work. However, this rule also allows for extraordinary pay, on an hour for hour basis, for all hours worked over 80.

Question 4: Can we allow our SES employees to earn special compensatory leave for holidays?

Answer 4: No. Rule 60L-34.0032, is specific in providing special compensatory leave to Career Service employees only.

Question 5: Must administrative leave be offset with additional hours worked during emergencies?

Answer 5: Yes, Rule 60L-34.0071(1), Florida Administrative Code, states that; "administrative leave counts as hours of pay, but does not count as hours of work for overtime purposes." This is applicable to all types of administrative leave.

Question 6: If an employee is on a prior approved leave of absence or approved Annual Leave will they be eligible for administrative leave if there is an office closure?

Answer 6: No. Pursuant to Rule 60L-34.0071(3)(e)1.c. employees with prior approved leave are not eligible to exchange approved leave hours with administrative leave hours during the same period.

Question 7: Can I be called to return to work while on vacation? If so and I have prepaid fees, can the department reimburse me for expenses?

Answer 7: Yes, your supervisor can cancel approved leave or call you to return early from leave. The reimbursement of prepaid fees will be determined on a case-by-case basis.

Question 8: If I work a flex schedule, can my supervisor make me change the schedule?

Answer 8: Yes, a supervisor may temporarily suspend a flex schedule.

Question 9: If I am deployed to an area where the facility is closed and I am in a FNA covered position, will I earn disaster pay? Example: I am working in Leon County and that facility is open, and I am deployed to Pensacola; their facility is closed.

Answer 9: No, you are not eligible for disaster pay since your home base facility, Leon County, is not closed. However, you will be entitled to overtime payment (time and one-half) for all hours worked over 40 in the work week.

Question 10: Employees must be available either by phone, beeper, or electronic communication 24/7. Does this mean we have to put everyone on On-Call and pay them?

Answer 10: No, during an emergency situation this is not required.

Question 11: We have an employee that worked over the weekend in a shelter. Does she count the travel time from home to the shelter or just the hours that she worked in the shelter?

Answer 11: The employee may count the travel time as work time. Employees deployed to other counties also will count travel time as work time.

Question 12: I am an FNA employee and worked during the time my facility was closed. How am I compensated for working while the facility is closed; will I also earn special compensatory leave?

Answer 12: You will receive disaster compensation pay for working during the normal business hours your facility is closed. Please review the power point examples for how to complete the People First Timesheet. No additional leave adjustment will be needed if the timesheets are properly completed and submitted through People First.

Question 13: I am an FNA Nurse and I am deployed to another county to assist with disaster relief efforts. What "Hours Type" code do I use to complete my timesheet in People First, 1015 or 1016?

Answer 13: Since your home base facility is not closed, you cannot use "Hours Type" 1015; that is restricted to office closures by executive order.

Question 14: I am a part-time SES employee working 64 hours per pay period. If I am required to work beyond my 64 contracted hours, will I be compensated?

Answer 14: Yes, you are entitled to be paid for all hours worked beyond your normal contracted hours if those hours of work are directly related to the disaster. You will need to record those hours as hours type 1017.

Question 15: I was scheduled to work at a shelter for 24 hours. During portions of that time, I was not actively working. Do I record all of the 24 hours as work?

Answer 15: Staff working 24-hour shifts are considered "working" unless they are relieved (without interruptions) for a minimum of five consecutive hours. Staff working shifts of less than 24-hours are considered "working" even though they may be permitted to sleep or engage in other personal activities when not busy. This is based upon the Fair Labor Standards Act.