

**CITY OF CHESAPEAKE, VIRGINIA**

**NUMBER: 2.35**

**ADMINISTRATIVE REGULATION**

**EFFECTIVE DATE: 02/23/05**

**SUBJECT: DEPARTMENT OF HUMAN RESOURCES      SUPERCEDES: 07/11/02**  
**DECLARED ESSENTIAL OPERATIONAL**  
**CONDITION ASSIGNMENTS AND COMPENSATION**

**I. PURPOSE**

This Administrative Regulation establishes the responsibilities of City employees and outlines the procedure for compensating employees during a declared essential operational condition. The intent of this Regulation is to provide a balance between the safety of all City employees and the provision of an acceptable level of customer service during a declared essential operational condition. When necessary, the City Manager will assess the severity of the emergency and declare an Essential Operational Condition. Interruption of City operations resulting from inclement weather is not covered by this Policy and is addressed separately in Administrative Regulation 2.48.

**II. DEFINITIONS**

**Alpha employees:** employees who are required to work when the City is closed as the result of a declared essential operational condition.. 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 a declared essential operational condition. This includes, but is not limited to, the services of Fire, Police, Sheriff, Water Treatment Plant, Bridge and Toll Operations, Detention Home, and Community Services Board (residential homes, adult home care and emergency mental health functions).

**Bravo employees:** employees who are required to work when the City is closed only upon designation by department head or designee in order to respond to customer needs as determined by the department/agency head or designee.

**Declared Essential Operational Condition:** periods, as determined by the City Manager, when the City delivers only those services deemed essential to the public and the organization.

**Normal Operational Condition:** the provision of all regular City services with standard and established operating hours.

**III. ELIGIBILITY**

The provisions of this Policy covers all employees of the City of Chesapeake under the direction of the City Manager.

**IV. POLICY**

Department/agency heads are responsible for determining which, if any, of their employees are considered Alpha. An Alpha designation indicates that an employee must report to work when City offices are closed during a declared essential operational condition, unless otherwise instructed. All City employees not designated Alpha are considered Bravo. Bravo-designated employees may be called upon to report for work during a declared essential operational condition based on City or department needs. These individuals will convert to Alpha status once they have been instructed to report to work. Each department is responsible for maintaining a current list of Alpha-designated positions. This list must be updated and forwarded to the Department of Human Resources semi-annually, by May 1<sup>st</sup> and November 1<sup>st</sup> of each year.

## V. COMPENSATION PROCEDURES

### A. Alpha Employees

The City of Chesapeake's compensation system operates under five pay codes:

- 1 – Non-exempt hourly, full and part-time classifications eligible to receive overtime pay or overtime leave.
- 2 – Exempt classifications not eligible to receive overtime compensation or compensatory leave.
- 3 – Non-exempt salaried classifications eligible to receive overtime pay or leave for hours that exceed FLSA limit and compensatory leave for hours between normal work week or work cycle and FLSA limit.
- 4 – Exempt classifications eligible to receive compensatory leave.
- 5 – Exempt classifications eligible to receive straight pay or compensatory leave.

For the purposes of this Policy, Alpha-designated employees in pay codes 1 & 3 who are required to work during a declared essential operational condition shall be paid at twice their regular rate of pay for hours worked.

*(Example: A pay code 1 employee is working to remove fallen trees blocking City roads during a declared essential operational condition in which City offices are closed from 2:00 p.m. – 8:00 p.m. at \$10 per hour. The employee will receive 6 hours of pay at \$20 per hour for the time spent removing trees.)*

Alpha-designated employees in pay codes 4 & 5 who are required to work during a declared essential operational condition shall be paid at their regular rate of pay for all hours worked. Additionally, the employee's compensatory leave balance shall be credited for all hours worked.

*(Example: A pay code 4 employee is called to remove fallen trees blocking City roads during a declared essential operational condition in which City offices are closed from 2:00 p.m. – 8:00 p.m. The employee will receive pay for the 6 hours worked and have 6 hours added to their compensatory leave balance.)*

The City Manager may, at his discretion, provide some type of recognition in the form of pay or leave to those Alpha-designated employees in pay code 2 who are required to work during a declared essential operational condition.

Alpha hours worked are paid a rate based on the employee's pay code and not included in calculating overtime pay. The hours stand by themselves.

*Example:*

	<u>Employee A</u>	<u>Employee B</u>	
<i>Monday</i>	<i>6 Alpha hours</i>	<i>6 Alpha hours</i>	
<i>Tuesday</i>	<i>8 hours</i>	<i>8 hours</i>	
<i>Wednesday</i>	<i>8 hours</i>	<i>8 hours</i>	<i>2 hours extra</i>
<i>Thursday</i>	<i>8 hours</i>	<i>8 hours</i>	<i>2 hours extra</i>
<i>Friday</i>	<i>8 hours</i>	<i>8 hours</i>	<i>1 hour extra</i>
<i>Total Hours</i>	<i>38</i>	<i>43</i>	
<i>Straight Pay</i>	<i>32</i>	<i>32</i>	
<i>Double Pay</i>	<i>6</i>	<i>6</i>	
<i>Overtime Pay</i>	<i>0</i>	<i>5</i>	

Compensation provisions under Administrative Regulations 2.06-On Call Policy and 2.08-Overtime Policy shall not apply during this period for Alpha-designated employees.

Employees who are called out to work in anticipation of a declared essential operational condition shall be compensated at their regular rate of pay for hours worked prior to the declaration.

Alpha-designated employees who fail to report to work as directed during a declared essential operational condition may not be paid or granted use of annual, compensatory or overtime leave for time missed from work. They may also be subject to disciplinary action.

Depending on the type of declared essential operational condition, some employees who are designated as Alpha may not be required to work. In such instances, these employees will be compensated consistent with Bravo employees.

Based on the type of declared essential operational condition, 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 overtime compensation.

B. Bravo Employees

1. **Closure on an employee's scheduled work-day:** All City employees receive their regular rate of pay for the hours they were scheduled to work.

2. **Closure on an employee's scheduled day off (including flex days):** Employees will not receive any additional pay or additional time off.
3. **Closure while an employee is on approved 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. Employees who leave prior to the early closure must use leave from the time of departure up to the early closing time.
5. **Delayed opening events for the first morning shift:** Employees will receive their regular rate of pay from their regularly scheduled start time until the delayed opening. All subsequent shifts shall report at their regular time with no additional compensation.
6. **Bravo employees converted to Alpha status:** Employees shall be compensated in accordance with Alpha compensation (Section V, A. above)

Time off with pay during a declared essential operational condition will be considered hours worked for overtime compensation purposes.

In instances of delayed opening, when an employee is not aware of the revised opening schedule and reports to work at their regularly scheduled time, compensation will be as follows:

- The employee will receive time off with pay equal to the amount of time that is the difference between the employee's regularly scheduled time and the revised opening schedule; and
- The time off must be used within one week of the occurrence and should not be reflected on the payroll in order to avoid dual compensation. In the event that subsequent severe weather or unusual circumstance precludes the use of this time within the week of occurrence, the supervisor may grant an extension of the time allotted to utilize the time-off with pay not to exceed thirty (30) days.

Employees will not receive additional compensation in the following situations:

- The employee is in a situation (on official travel, attending a training session, etc.) that prevents him or her from returning to the City at the time of closing; or
- The employee elects to work after being advised that the City is closing for a declared essential operational condition. If a Bravo-designated employee fails to leave work, as directed, during a declared essential operational condition, he/she may be subject to disciplinary action.

C. Extended Essential Operational Condition Compensation

In the event that the City is operating under a declared essential operational condition for longer than a 72-hour period, the additional compensation provided to eligible Alpha-designated employees may be discontinued at the discretion of the City Manager. Throughout this period, the City Manager will assess the conditions and needs of the City and may downgrade the operational condition.

**VI. RESPONSIBILITIES**

A. The City Manager or designee is responsible for making decisions regarding City operations during declared essential operational conditions.

B. Department/agency head responsibilities include:

- understanding the provisions of this Policy and ensuring payroll is processed correctly and in a timely manner in accordance with this Administrative Regulation;
- providing a copy of this Policy to all employees and obtaining their signed statement that they have received and are responsible for knowing the contents of same;
- designating Alpha positions according to the type of emergency condition;
- maintaining a current list of Alpha positions according to the type of emergency and forwarding same to the Department of Human Resources semi-annually, by May 1<sup>st</sup> and November 1<sup>st</sup> of each year;
- informing employees of their status and responsibilities during an emergency;
- providing Alpha-designated employees contact options for supervisors (cellular phone and pager numbers, alternate person to contact) during a period of a declared essential operational condition.
- ensuring that department coverage is sufficient to respond to the needs of the citizens during periods of minimum staffing.

C. Employee responsibilities include:

- obtaining information regarding City operations during non-duty hours by calling the Employee Alert Hotline locally at (757) 382-6550 or toll-free at 1 (888) 311-9905, or tuning into WTAR 850-AM (radio) or WVEC Channel 13 (television); and

- knowing their Alpha or Bravo status according to the type of condition and meeting the responsibilities that accompany that status.

Employees are encouraged to develop a personal plan of action that would aid them in fulfilling their family and other personal responsibilities in conjunction with their work responsibilities in such situations. Recognizing that a declared essential operational condition is 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 can be made to address individual situations.

If an employee is unable to report during a declared essential operational condition as directed, he/she is required to notify the supervisor immediately.

- D. The Director of Human Resources or designee is responsible for interpretation of this Policy.

## **VII. SPECIAL INSTRUCTIONS**

When an essential operational condition is declared outside of regular operating hours affecting non-critical services which operate during these hours, the responsible Deputy City Manager is designated to make the decision regarding the operational status of these departments.

When a declared essential operational condition results in a late opening or early closing, an announcement will be made indicating the specific opening time, length of delay or the specific closing time to avoid confusion for employees working flexible schedules. Such employees should adjust their schedules based on the announced opening and closing times.

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Dr. Clarence V. Cuffee, City Manager

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Date