

CITY OF CHESAPEAKE, VIRGINIA

NUMBER: 2.48

ADMINISTRATIVE REGULATION

EFFECTIVE DATE: 02/23/05

**SUBJECT: DEPARTMENT OF HUMAN RESOURCES
CLOSING OF CITY OFFICES DUE TO
INCLEMENT WEATHER OR OTHER
CONDITIONS-COMPENSATION**

SUPERCEDES: N/A

I. PURPOSE

The intent of the City is to remain open during severe weather conditions, whenever possible, to carry out the City's mission. However, during periods of extreme weather when the health and safety of employees are at risk, City offices may remain closed, open late or close early. This Administrative Regulation establishes payroll instructions for those instances when City offices close during severe/inclement weather or other unusual conditions. Unusual conditions that warrant an interruption in City operation will be treated under this regulation. A declared emergency/essential operation is mutually exclusive of this Policy and is addressed separately in Administrative Regulation 2.35.

II. DEFINITIONS

Alpha employees: employees who are required to work when the City is closed as the result of adverse weather 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 inclement weather or any emergency situation.

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.

Condition: any circumstance (i.e., chemical spill, train derailment, threat of violence, etc.) severe enough to warrant an interruption in City operation or which might jeopardize the safety of both City employees and the public.

Delayed Opening: any instance where the normal City business hours (8:30 a.m. – 5:00 p.m.) are modified to accommodate inclement weather or other conditions and City offices open later than 8:30 a.m.

Early Closing: any instance where the normal City business hours (8:30 a.m. – 5:00 p.m.) are modified to accommodate inclement weather or other conditions and City offices close earlier than 5:00 p.m.

Inclement weather: any weather occurrence that might jeopardize the safety of both City employees and the public (may include natural disasters).

Liberal leave: the leave (compensatory, annual, overtime or leave without pay) taken by an employee from the start of the work day to the time the employee actually reports to work following the announcement that the City is open and liberal leave is in effect.

III. ELIGIBILITY

The provisions of this Policy cover 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 inclement weather or other conditions, unless otherwise instructed. 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 conditions 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 1st and November 1st of each year.

V. LIBERAL LEAVE

An announcement of liberal leave does not apply to Alpha-designated employees. When liberal leave is in effect, Bravo-designated employees are expected to notify their supervisor prior to their normal or designated starting time when using liberal leave. Liberal leave is announced during inclement weather or other conditions when the City is open for business and fully operational. It is not the intent of liberal leave to permit a full day of leave. Instead, liberal leave is permitted only for the time period when conditions prohibit safe travel to work or result in an emergency situation for the employee. Employees are expected to report to work when conditions permit safe travel. Supervisors may approve or disapprove requests for liberal leave as business needs dictate.

VI. 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 Regulation, Alpha-designated employees in pay codes 1 and 3, who are required to work during inclement weather or other conditions, shall be paid for their regularly scheduled hours and receive their regular rate of pay per hour for actual time worked during the hours the City offices are closed.

(Example: A pay code 1 employee is called to shovel snow during a full day City office closure from 4:00 p.m. – 8:00 p.m. The employee normally works 8:30 a.m. -5:00 p.m. The employee will receive pay for the 8 hours that the City was closed and 4 hours pay for the time shoveling.)

Alpha-designated employees in Pay codes 4 & 5, who are required to work during inclement weather or other conditions, shall be paid for their scheduled hours and receive hour for hour compensatory time for actual time worked during the hours the City Offices are closed.

(Example: A pay code 4 employee is called to shovel snow during a full day City office closure from 4:00 p.m. – 8:00 p.m. The employee normally works 8:30 a.m. -5:00 p.m. The employee will receive pay for the 8 hours that the City was closed and 4 hours of compensatory time for the time shoveling.)

Employees who work in 24-hour operations will receive no additional compensation during inclement weather or other conditions. 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.)

Alpha hours worked are paid at the employee’s regular rate of pay 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>8 hours closure</i>	<i>5 Alpha hours</i>	<i>8 hours closure</i>	<i>5 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>45</i>		<i>50</i>	
<i>Straight Pay</i>	<i>45</i>		<i>45</i>	
<i>Overtime Pay</i>	<i>0</i>		<i>5</i>	

Time off with pay during inclement weather or other conditions will be considered hours worked for overtime compensation purposes. 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.

Alpha-designated employees who fail to report to work as directed during periods of inclement weather or other conditions 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 inclement weather event or other conditions, some Alpha-designated employees may not be required to work. In such instances, these employees will be compensated consistent with Bravo employees.

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 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 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.

(Example 1: An employee is scheduled to start work at 7:00 a.m. and the City has a 2-hour delayed opening. The employee shall report to work at 9:00 a.m. and receive regular compensation for the 2-hour delay.)

(Example 2: An employee is scheduled to start work at 7:00 a.m. and the City has announced a 10:30 a.m. opening. The employee shall report to

work at 10:30 a.m. and receive regular compensation for the 3.5 hour delay.)

6. **Bravo employees converted to Alpha status:** Employees shall be compensated in accordance with Alpha compensation (Section VI, A. above).

Time off with pay during inclement weather or other conditions 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/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 early due to inclement weather or other conditions. If a Bravo-designated employee fails to leave work as directed during severe weather, he/she may be subject to disciplinary action.

VII. RESPONSIBILITIES

- A. The City Manager or designee is responsible for making decisions regarding City operations during inclement weather or other 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 condition;
- maintaining a current list of Alpha-designated positions according to the type of condition and forwarding same to the Department of Human Resources semi-annually, by May 1st and November 1st of each year;
- informing employees of their status and responsibilities during inclement weather or other conditions;
- providing Alpha-designated employees contact options for supervisors (cellular phone and pager numbers, alternate person to contact, etc.) during periods of inclement weather or other conditions; and
- 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 weather situations 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 can be made to address individual situations.

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

VIII. SPECIAL INSTRUCTIONS

When conditions develop outside of regular operating hours and affect 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 conditions result in a delayed 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.

Dr. Clarence V. Cuffee, City Manager

Date