



### **POLICY 3.805-ER**

**4-A** I recommend that the Board adopt the proposed emergency rule, Policy 3.805-ER, entitled "Emergency or Disaster Compensation and Cost Policy," and make the findings as to an emergency as set forth in the Board Report.

[Contact: Michael Burke, PX 48584]

#### **Emergency Adoption      CONSENT ITEM**

- This emergency rule will create a policy allowing payment when essential employees are working during a hurricane or other emergency and allow for reimbursement by FEMA.
- The Policy needs to be adopted immediately as an emergency rule because FEMA requires that a policy be in place prior to such an emergency.
- Upon approval by the Board, this emergency rule would take effect August 4, 2010, and remain in effect up to 90 days, or until superseded by adoption of the regular Policy before that date. (Substantially the same content will be developed through the regular rulemaking process, which should be completed within the 90 days). Regular development of this proposed new Policy is anticipated to begin on August 18, 2010.

**POLICY 3.805-ER**

**Emergency or Disaster Compensation and Cost Policy**

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3 1. **Purpose.** To provide guidance on employee compensation to be paid to  
4 District employees performing work during the occurrence of an emergency or  
5 disaster, and to ensure the District's compliance with requirements of the Federal  
6 Emergency Management Agency of the US Department of Homeland Security.
- 7 2. **Definitions.** For the purposes of this policy, the following terms have the following  
8 definitions.
  - 9 a. Disaster shall be defined as provided in Section 252.34 (1), Florida Statutes,  
10 as now or hereafter amended.
  - 11 b. Emergency shall be defined as provided in Section 252.34 (3), Florida  
12 Statutes, as now or hereafter amended.
  - 13 c. Essential Employees mean employees designated by the District's continuity  
14 plan or such employees as designated by the Superintendent as being  
15 needed for work during a particular emergency.
  - 16 d. Nonessential Employees means employees designated by the District's  
17 continuity plan or such employees as designated by the Superintendent as not  
18 being needed for work during a particular emergency.
- 19 3. **Statement of Policy.** In accordance School Board Policy 1.012, the  
20 Superintendent will determine when to close District locations for emergency or  
21 disaster situations. An Executive Order by the Governor may supersede or  
22 supplement the emergency or disaster policy. Upon determination that District  
23 operations may resume, the Superintendent will determine when this emergency  
24 policy is deactivated.
- 25 4. **Compensation and Reporting of Time during an Emergency/Disaster.**
  - 26 a. Employees on pre-approved sick, vacation or FMLA leave will be deducted in  
27 the normal manner during an emergency or disaster.
  - 28 b. All hours worked will be in the form of pay. No compensatory time will be  
29 reported for work during an emergency or disaster.
  - 30 c. A memo regarding pay treatment will be sent to School Principals and  
31 Department Heads following an emergency or disaster, from the  
32 Superintendent.
  - 33 d. Non-Essential Emergency or Disaster Employees:

- 34 i. In the event of an impending or declared disaster or emergency, the  
35 Superintendent may direct employees to not report for their regular duty  
36 assignments.
- 37 ii. The Superintendent will determine the number of days paid, if any, for  
38 non-essential employees who are directed to not report to work.
- 39 iii. During the period of a disaster of emergency, employees should regularly  
40 contact their applicable department emergency activation call in number,  
41 monitor local radio and television stations for information and instructions,  
42 and when directed, to report back to work.
- 43 e. Essential Emergency or Disaster Employees:
- 44 i. Non-exempt employees (overtime eligible) that are required to work  
45 during an emergency will be paid time and one-half for all hours worked  
46 during the affected period not to exceed 16 hours in a 24-hour period; in  
47 addition employees will receive their regularly scheduled salary.
- 48 ii. Exempt employees in bargaining units, that are required to work during  
49 an emergency, will be paid straight time pay for all hours worked during  
50 the affected period not to exceed 16 hours in a 24-hour period, in addition  
51 to their regularly scheduled salary.
- 52 iii. Exempt employees in the non-bargaining unit that are required to work  
53 during an emergency will not be paid for the first 8 hours worked. Hours  
54 worked over the initial 8 hours will be paid at straight time pay not to  
55 exceed 16 hours in a 24-hour period, in addition to their regularly  
56 scheduled salary.

57 **5. Documentation of Emergency or Disaster Personnel and Other Costs.**

- 58 a. The Superintendent, or his designee, shall establish the procedures for the  
59 proper documentation of employee work performed during a response to an  
60 emergency or disaster. Such documentation shall be used by the  
61 Superintendent, or designee, to seek any applicable state or federal  
62 reimbursement associated with the emergency or disaster.
- 63 b. It will be the School Principal's and Department Head's responsibility to  
64 immediately document and verify hours worked by an essential employee or  
65 any other costs associated with an emergency or disaster. It is important to  
66 carefully review the hours submitted.

67 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41 (1) & (2); 1001.43(2); Chapter 252  
68 LAWS IMPLEMENTED: Robert T. Stafford Disaster Relief and Emergency Assistance  
69 Act (Stafford Act), 42 U.S.C. 5121-5205, as now or hereafter amended; 44 Code of

70 Federal Regulations (CFR), Sections 204.42, 206.224 and 206.225, as now or hereafter  
71 amended  
72 HISTORY: / /2010

Legal Signoff:

The Legal Department has reviewed proposed emergency rule, Policy 3.805-ER, and finds it legally sufficient for emergency adoption by the Board.

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Attorney

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Date