



POLICY 3.805

4-A I recommend that the Board adopt the proposed new Policy 3.805, entitled "Emergency or Disaster Compensation and Cost Policy."

[Contact: Michael Burke, PX 48584.]

Adoption

CONSENT ITEM

- The Board approved development of this Policy at the development reading on September 1, 2010.
- This policy provides for the District's documentation of the work time and payment to essential employees of the District who work during an emergency or disaster, and provides for the Superintendent to seek reimbursement for such payments from FEMA.
- FEMA requires that a policy be in place prior to an emergency for an agency to be eligible for reimbursement of such compensation and costs.

POLICY 3.805

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 of 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 iv. The provisions of subparagraph 4.e. i., ii., and iii herein shall not apply to
58 School Police law enforcement personnel who are paid during
59 emergencies/disasters pursuant to a contract with the Palm Beach
60 County Board of County Commissioners.
- 61 5. Documentation of Emergency or Disaster Personnel and Other Costs.
- 62 a. The Superintendent, or his designee, shall establish the procedures for the
63 proper documentation of employee work performed during a response to an
64 emergency or disaster. Such documentation shall be used by the
65 Superintendent, or designee, to seek any applicable state or federal
66 reimbursement associated with the emergency or disaster.
- 67 b. It will be the School Principal's and Department Head's responsibility to
68 immediately document and verify hours worked by an essential employee or
69 any other costs associated with an emergency or disaster. It is important to

70 carefully review the hours submitted.

71 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41 (1) & (2); 1001.43(2); Chapter 252
72 LAWS IMPLEMENTED: Fla. Stat. §§ Robert T. Stafford Disaster Relief and Emergency
73 Assistance Act (Stafford Act), 42 U.S.C. 5121-5205, as now or hereafter amended; 44
74 Code of Federal Regulations (CFR), Sections 204.42, 206.224 and 206.225, as now or
75 hereafter amended
76 HISTORY: 8/4/10 (ER); ___/___/2010

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.805 and finds it legally sufficient for adoption by the Board.

Attorney

Date