STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

INTEROFFICE COMMUNICATION

TO: Department Directors and Agency Heads
Associate Directors and Assistant Directors
Human Resources Administrators
Key Personnel Officers
Chief Payroll Officers
Labor Union Officials

FROM: Michael DiBiase
Director
Department of Administration

DATE: January 26, 2015 (Monday)

SUBJECT: **CLOSURE OF STATE GOVERNMENT/SNOWSTORM JUNO – COMPENSATION POLICY: Disaster emergency for period ranging from 11:00 PM Monday, January 26, 2015, through 4:30 PM Tuesday, January 27, 2015**

BACKGROUND:
Governor Gina M. Raimondo directed closure of state government due to a severe snow storm.

SPECIFICALLY:
For purposes of compensation policy non-essential State offices and agencies shall be closed on Tuesday, January 27, 2015 and non-essential personnel (as defined by the applicable department or agency head) shall not report to work for the period ranging from 11:00 PM on Monday, January 26, 2015 through 4:30 PM on Tuesday, January 27, 2015. For purposes of this policy, all personnel (essential and non-essential) shall report to work as scheduled beginning at 4:30 PM Tuesday, January 27, 2015.

DEFINITIONS:
For purposes of this policy memo, the following definitions shall apply:

ESSENTIAL EMPLOYEES shall be those state employees who for the period ranging from 11:00 PM on Monday, January 26, 2015 through 4:30 PM on Tuesday, January 27, 2015 are determined by their respective department or agency head (or his/her designee) to be necessary and are required to work in order to carry out during said hours the critical business of that department under the existing emergency condition.

NON-ESSENTIAL EMPLOYEES shall be those state employees normally considered necessary to the business of the State but whose department or agency head (or his/her designee) determines that for the period ranging from 11:00 PM on Monday, January 26, 2015 through 4:30 PM on Tuesday, January 27, 2015 that such employees are not essential during said hours to carry out the critical business of that department. Therefore, they were excused from duty.

COMPENSATION POLICY:
This compensation policy includes the **total rate** for the hours physically worked and is **not a premium to be calculated on top of the regular** wage. Further, Union business leave is not an acceptable leave discharge. Finally, this compensation policy is consistent with collective bargaining agreements with one exception/modification regarding credit for "administrative leave" for non-essential employees as discussed below. This policy is applicable to all employees as follows:

- All **non-essential nonunion** employees and all **non-essential bargaining unit** employees excused from duty for their regular scheduled work shift (during the closure) shall be compensated at the **straight time rate of compensation (administrative leave)** for those hours regularly scheduled but not worked. This option shall not set a precedent of any kind and shall not be used or referred to for any purpose in any case for any future like incidents/closures.
- All **essential non-union** "standard work week" employees, all essential nonunion "nonstandard work week" employees, and all essential non-union "nonstandard/nonexempt work week" employees directed/required to work (as defined by the applicable department or agency head) by their respective department or agency head (or his/her designee) shall be compensated for all hours worked at the **rate of time and one half** for each hour worked during the period ranging from 11:00 PM on Monday, January 26, 2015 through 4:30 PM on Tuesday, January 27, 2015.
- All **essential bargaining unit** "standard work week" employees, all essential bargaining unit "nonstandard work week" employees, and all essential bargaining unit "nonstandard/nonexempt work week" employees directed/required to work (as defined by the applicable department or agency head) by their respective department or agency head (or his/her designee) shall be compensated for all hours worked at the **rate of time and one half** for each hour worked during the period ranging from 11:00 PM on Monday, January 26, 2015 through 4:30 PM on Tuesday, January 27, 2015.
- All hours worked prior to 11:00 PM on Monday, January 26, 2015 and after 4:30 PM on Tuesday 27, January 27, 2015 shall be compensated at the normal standard straight time rate of compensation for those hours worked during the employee's regular scheduled work shift.

NOTE: Employee pre-requested/pre-planned/management pre-approved leave hours scheduled within the regular standard work shift during the hours of the disaster emergency (11:00 PM on Monday, January 26, 2015 through 4:30 PM on Tuesday, January 27, 2015) stand as scheduled. Administrative Leave is not credited. Examples of such include vacation leave, personal leave, sick leave, pay reduction leave, compensatory leave, military leave with pay and all leaves without pay. The reasoning behind this decision focuses on the fact that an employee who is scheduled to discharge pre-planned/management pre-approved leave by his or her own choosing is unavailable for work and therefore is not available to be scheduled for work during said hours. Under this circumstance, the employee is neither categorized as "essential" (time and one half) or "non-essential" (straight time administrative leave) because of the employee's preplanned unavailability to report to work or be available to be scheduled for work on that particular shift during said hours. More importantly, the purpose of "non-essential" employees being allowed to remain at home as opposed to being required to work is to keep them safe and out of harm's way when their services are not absolutely necessary. If no storm was to occur, the employee(s) would have been out of work and unavailable regardless.

NOTE: All provisions of a collective bargaining agreement which modify or supplement this policy shall take precedent over any portion of this policy that may be in conflict with such agreement. **In** case of such modification or supplementation by a collective bargaining agreement, those portions of this policy not affected thereby remain in full force and effect.

NOTE: Inquiries relating to policy requirements should be addressed initially to respective department Human Resources Administrators and subsequently to Melanie Marcaccio, Acting Personnel Administrator (telephone: 222-2160 email: Melanie.Marcaccio@hr.ri.gov.

NOTE: PAYROLL REPORTING guidelines shall follow in a separate communication.

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