

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

INTER-OFFICE MEMORANDUM

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

FROM: Richard A. Licht
Director
Department of Administration



DATE: February 11, 2013 (Mon)

SUBJECT: **COMPENSATION POLICY: SNOW STORM - CLOSURE OF STATE GOVERNMENT** for period ranging from 1:00 PM Friday, February 8, 2013 through 4:00 PM Saturday, February 9, 2013

BACKGROUND:

Governor Lincoln D. Chafee 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 (as defined by the applicable department or agency head) on Friday, February 8, 2013 and Saturday, February 9, 2013 and non-essential personnel (as defined by the applicable department or agency head) shall not report to work for the period ranging from 1:00 PM on Friday, February 8, 2013 through 4:00 PM on Saturday, February 9, 2013. For purposes of this policy, all subsequent shift operations shall resume and personnel (as defined by the applicable department or agency head) shall report to work as scheduled at 4:00 PM Saturday, February 9, 2013.

DEFINITIONS:

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

ESSENTIAL EMPLOYEES shall be those state employees who on Friday, February 8, 2013 between the hours of 1:00 PM through Saturday, February 9, 2013 at 4:00 PM were determined by their respective department or agency head (or his/her designee) to be necessary and were required to work in order to carry out on that date during said hours the critical business of that department under the emergency condition that then existed.

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) determined on Friday, February 8, 2013 between the hours of 1:00 PM through Saturday, February 9, 2013 at 4:00 PM that such employees were not essential on that date during said hours to carry out the critical business of that department. Therefore, they were excused from duty.

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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 nonessential 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 non-union “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 1:00 PM on Friday, February 8, 2013 through 4:00 PM on Saturday, February 9, 2013.
- 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 1:00 PM on Friday, February 8, 2013 through 4:00 PM on Saturday, February 9, 2013.
- All hours worked prior to 1:00 PM on Friday, February 8, 2013 and after 4:00 PM on Saturday, February 9, 2013 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 state of emergency (1:00 PM on Friday, February 8, 2013 through 4:00 PM on Saturday, February 9, 2013) 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 pre-planned 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

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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 Anthony A. Bucci, Personnel Administrator (telephone: 222-2160 email: Anthony.Bucci@hr.ri.gov).

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

*****END*****

INTER-OFFICE MEMORANDUM

Office of Accounts and Control

TO: Chief Payroll Officers
All State Agencies

DATE: February 11, 2013

FROM: Louise M. Anderson
Associate Controller - Operations

SUBJECT: Posting Employee Hours for Pay Period 16
CPO 13-14

Posting Hours for Non-Essential Employees:

For non-essential employees **who did not come into work** on Friday, February 8 and elected to discharge time for their entire shift, please use normal leave codes.

For non-essential employees **who came into work** on Friday, February 8 and left early or left at 1:00 PM due to the Executive Order:

- Post R for all hours worked prior to 1:00 PM
- Discharge leave for any hours not worked prior to 1:00 PM
- Post A (Administrative Leave) for all scheduled hours not worked between 1:00 PM and 4:00 PM

Posting Hours for Essential Employees:

For essential employees who worked between 1:00 PM Friday, February 8 and 4:00 PM Saturday, February 9, please post hours as follows (hours worked from home are not to be charged):

- Any hours to be paid at extra half time - QH
- Any overtime hours to be paid at time and one half – QO

See following pages for examples.

Example 1: Employee's scheduled work week is 35 hours and the emergency falls on a normally scheduled work day. The employee is considered non-essential and took a Personal Day.

| S | M | T | W | TH | F | S |
|---|---|---|---|----|--------|---|
| | | | | | 7.00 P | |

Example 1A: Employee's scheduled work week is 35 hours and the emergency falls on a normally scheduled work day. The employee is considered non-essential and took a Vacation Day.

| S | M | T | W | TH | F | S |
|---|---|---|---|----|--------|---|
| | | | | | 7.00 V | |

Example 2: Employee's scheduled work week is 35 hours, 8:30 AM to 4:00 PM and the emergency falls on a normally scheduled work day. The employee reports to work but is required to leave at 1 PM.

| S | M | T | W | TH | F | S |
|---|---|---|---|----|------------------|---|
| | | | | | 4.00 R 3.00 A | |

Example 3: Employee's scheduled work week is 35 hours, 8:30 AM to 4:00 PM and the emergency falls on a normally scheduled work day. The employee reports to work but leaves at 11:30 AM and charges Personal time.

| S | M | T | W | TH | F | S |
|---|---|---|---|----|----------------------------|---|
| | | | | | 3.00 R 1.00 P 3.00 A | |

Example 4: Employee's scheduled work week is 35 hours, 8:30 AM to 4:00 PM and the emergency falls on a normally scheduled work day. The employee is essential and works his/her full regular shift only (paid extra half time for hours worked between 1 and 4 PM).

| S | M | T | W | TH | F | S |
|---|---|---|---|----|-------------------|---|
| | | | | | 4.00 R 3.00 QH | |

Example 5: Employee's scheduled work week is 35 hours, 8:30 AM to 4:00 PM and the emergency falls on a normally scheduled work day. The employee is essential and works his/her full regular shift and stays until 10:00 PM (paid extra half time for hours worked between 1 and 4 PM and time and one half for hours after 4:00 PM).

| S | M | T | W | TH | F | S |
|---|---|---|---|----|------------------------------|---|
| | | | | | 4.00 R 3.00 QH 6.00 QO | |

Example 6: Employee's scheduled work week is 35 hours and the emergency does NOT fall on a normally scheduled work day. Employee worked 1:00 PM Fri to 8:00 PM Friday.

| S | M | T | W | TH | F | S |
|---|---|---|---|----|---------|---|
| | | | | | 7.00 QO | |