

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: January 13, 2011 (TH)

SUBJECT: CLOSURE OF STATE GOVERNMENT--SNOWSTORM—January 12, 2011 (W)
COMPENSATION POLICY

BACKGROUND:

- Governor Lincoln D. Chafee directed closure of state government due to a major snowstorm and issued **EXECUTIVE ORDER 11- 03** dated January 11, 2011 entitled CLOSURE OF STATE GOVERNMENT.

SPECIFICALLY:

- EXECUTIVE ORDER 11-03 directs closure of state government ordering that non-essential State offices and agencies shall be closed for the "first shift" (as defined by the applicable department or agency head) on Wednesday, January 12, 2011, and non-essential "first shift" personnel shall not report to work; and all "second shift" operations and personnel (as defined by the applicable department or agency head) shall report to work as scheduled Wednesday, January 12, 2011.

DEFINITIONS:

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

ESSENTIAL EMPLOYEES shall be those state employees who on Wednesday, January 12, 2011 were directed/required to work the "first shift" (as defined by the applicable department or agency head) and were determined by their respective department or agency head (or his/her designee) to be necessary to carry out on that date on that shift the critical business of that department under the 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 that for the "first shift" (as defined by the applicable department or agency head) on Wednesday, January 12, 2011 that such employees were not essential on that date on that shift to carry out the critical business of that department. Therefore, they were excused from duty during the "first shift" on January 12, 2011.

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**. The compensation policy is consistent with collective bargaining agreements and is applicable to all employees as follows:

- All **nonunion** and **bargaining unit non-essential employees** excused from duty for their regular scheduled work shift (during the closure) specifically including the “first shift” (as defined by the applicable department or agency head) 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”**, and all **essential non-union “nonstandard/nonexempt work week”** employees directed/required to work the “first shift” (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 “**first shift**” Wednesday, January 12, 2011.
- 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 the “first shift” (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 “**first shift**” Wednesday, January 12, 2011.

NOTE: For the “first shift” Wednesday, January 12, 2011 (as defined by the applicable department or agency head), employees will either discharge administrative leave (with pay) utilizing the appropriate code or for those who were physically required/directed to work during the “first shift” utilize the payroll code “HS” (for standard employees) or the code “HN” (for “nonstandard” work week employees and “nonstandard/nonexempt” work week employees) for all hours physically worked on the “first shift”.

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

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



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State Of Rhode Island and Providence Plantations

SECRETARY OF STATE

Lincoln D. Chafee
Governor

EXECUTIVE ORDER

11-03

January 11, 2011

CLOSURE OF STATE GOVERNMENT

WHEREAS, high winds, snow, cold temperatures and near blizzard conditions will likely be in effect throughout the State of Rhode Island beginning Tuesday, January 11, 2011 continuing overnight and are forecasted to continue during the daytime on Wednesday, January 12, 2011; and

WHEREAS, snow accumulations, high winds and drifting snow will likely result in dangerous driving conditions, road closures, and other potential hazards which pose an imminent threat to public safety as well as damage to public and private property; and

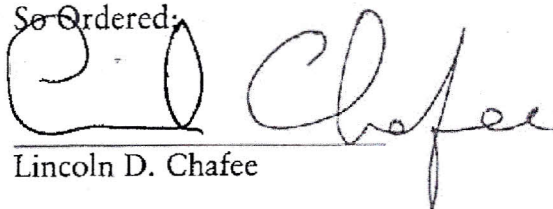
WHEREAS, additional time and resources, including state and local assets, will be required to clear roads of snow and storm damage and to allow state and local officials to return the state to normal conditions following the storm and to make travel and other activities safe; and

NOW, THEREFORE, I, LINCOLN D. CHAFEE, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, pursuant to Title 30, Chapter 15 of the Rhode Island General Laws, do hereby order and direct the following:

1. Pursuant to this Order, I hereby order that non-essential State offices and agencies shall be closed for the "first shift" (as defined by the applicable department or agency head) on Wednesday, January 12, 2011, and non-essential "first shift" personnel shall not report to work; and

2. All "second shift" operations and personnel (as defined by the applicable department or agency head) shall report to work as scheduled Wednesday, January 12, 2011; and
3. Pursuant to Rhode Island General Laws § 43-3-28, I hereby determine the existence of an emergency brought about by the disruption and/or interruption of transportation services and order that, by this proclamation, commercial carriers of home heating fuel and liquid natural gas are afforded relief from the provisions of 49 CFR 395.3(b) of the Federal Motor Carrier Safety Regulations for interstate motor carriers while providing home heating fuels and liquid natural gas to customers in Rhode Island during a period of ten (10) days from the issuance of this Executive Order; and
4. Pursuant to the emergency powers granted by Rhode Island General Laws, and any other applicable provisions of state or federal law, I shall from time to time issue additional recommendations, directions and orders as circumstances require, either written or verbal; and
5. While this proclamation does not presently constitute a complete travel ban, or closure of the Rhode Island airports, or a declared bank holiday pursuant to Rhode Island General Laws § 19-13-5 (unless explicitly incorporated in a subsequent Order), private businesses and citizens are encouraged to limit non-essential activities and travel in order to allow state and local officials to respond to and recover from the storm.

So Ordered:



Lincoln D. Chafee