

TALLAHASSEE COMMUNITY COLLEGE ADMINISTRATIVE PROCEDURES

TITLE: Essential Personnel	NUMBER: 04-48AP
AUTHORITY: Florida Statute: 1001.64, 1001.65	SEE ALSO: <ul style="list-style-type: none"> • DBOT Policy 04-48:Essential Personnel • DBOT Policy 04-47: Compensatory Time
DATE ADOPTED: 10/16/17	

A. PROCEDURE STATEMENT

To provide guidelines for the identification, use and payment of Essential Personnel during a Tallahassee Community College (TCC or the College) closing, such as an unforeseen emergency or Scheduled Break. Essential Personnel provide services that relate directly to the health, safety, and welfare of the College, and ensure continuity of essential operations, and maintain and protect College assets.

During a College closing, the College may suspend normal operations and classes in whole or in part. In such instances, all employees designated as Essential Personnel must fulfill their duties set forth in this procedure.

B. DEFINITIONS

Senior Management is defined as the highest ranking administrator in a division within the College (e.g., Provost, Vice President, Associate or Assistant Vice President, and Executive Director).

Essential Personnel are defined as staff members designated by Senior Management to be critical to the continuation of key operations and services in the event of the College closing, such as for an unforeseen emergency or Scheduled Break.

Essential Services are defined as those services that are determined to be critical to the functioning of the College. In the event of the College closing for an unforeseen emergency

or Scheduled Break, the Vice President of Administrative Services, in consultation with other senior management, will determine which services are essential based on the nature of the event.

Exempt Employee is defined under the Fair Labor Standards Act (Act) as an employee holding a *bona fide* executive, administrative or professional position that is not subject to the overtime provisions of the Act.

Immediate Family Member is defined as any person who is related to an employee of the College in any of the following ways: spouse, grandparents, parents, brothers, sisters, children, grandchildren, or other close relative or member of the employee's own household. Children may include a biological child, an adopted child, a stepchild, a foster child, a child under legal guardianship, or a child of a person standing in *loco parentis* who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

Non-exempt Professional Staff Member is defined under the Fair Labor Standards Act (FLSA) as an employee holding a position that is subject to the provisions of the Act.

C. PROCEDURES

Identification of Essential Personnel

Senior Management staff members are responsible for identifying, and recommending to the Vice President of Administrative Services, the employees/positions to be designated as Essential Personnel for their respective areas. This determination is made on the basis of the essential duties of the job and the needs of the College. Employees whose position responsibilities entail duties that are required to maintain the essential operations of the College before, during and/or after a College closing; specifically, services that relate directly to the health, safety, and welfare of the College community, ensure the continuation of critical College operations, and maintain and protect College assets. In most cases, this designation will be noted on the employee's Talent Management System (TMS), and/or employees will be notified prior to a College closing regarding this designation. In extreme situations the designation of Essential Personnel may be made on an as-needed basis.

The particular Essential Personnel who are activated during a College closing will vary depending upon the circumstances, and the nature and severity of the event. Other Personal Services (OPS) staff will be designated as Essential Personnel only in extreme situations. This designation will require special approval from the Vice President of Administrative Services.

The Human Resources Department is responsible for maintaining an up-to-date list of Essential Personnel as determined by Senior Management staff, and providing the list upon request of the Vice President of Administrative Services, other senior management and/or the TCC Emergency Management Office. Senior Management staff members are responsible for notifying the employees who have been identified as Essential Personnel, in writing, that they

have received this designation. The respective Senior Management staff member must also review this policy with their designees.

Suspension of Operations During a College Closing

Decisions regarding suspension of operations due to a College closing will be made by the Vice President of Administrative Services or his/her designee in consultation with other College leadership as appropriate, necessary and feasible. A Suspension of Operations may be in total or in part. Once a Suspension of Operations, as in total or in part, is determined the College's Emergency Management Office in conjunction with the College's Communications Office will then notify all those affected via one or more of the following communications outlets:

- The Campus Emergency Alert System
- Email
- Voice Mail
- The College's Homepage

Activation of Staff During a College Closing

The Vice President of Administrative Services, or his/her designee, will evaluate the College's need to activate Essential Personnel, and for any additional personnel that may be required in light of the nature and severity of the College closing. The Vice President of Administrative Service's determination of these staffing needs will be communicated promptly to the appropriate Senior Management staff member, who will designate any additional employees as necessary. Respective Senior Management staff will promptly notify, in writing if possible, the identified Essential Personnel of their activation and the need to report for duty.

Notification will include: the notice of activation as designated Essential Personnel; the anticipated dates of activation; and the expected work schedule.

Reporting For Work During a College Closing

Essential Personnel will be notified by the College announcements and by their respective Senior Manager of their activation, and they must report to work as soon as feasible. Essential Personnel must remain on duty as instructed in order to ensure the uninterrupted delivery of Essential Services, unless directed or permitted to do otherwise by their respective Senior Manager.

It is strongly recommended that, throughout the duration of a Suspension of Operations, Essential Personnel retain a copy of this policy (04-48) and the written notification of their activation, in order to establish their identity to authorities.

Excused From Work During a College Closing

Depending on the nature and Suspension of Operations and at the discretion of Senior Management, Essential Personnel may be excused from service for the following reasons:

- If the Essential Personnel or immediate family member of the Essential Personnel has a medical condition.

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- The Essential Personnel has a personal circumstance that prohibits him or her from reporting to duty or necessitates departure from the workplace during the course of the Suspension of Operations (e.g., a child or elder care issue).
 - Local or regional government authorities have determined that travel at the time of activation between the Essential Personnel's location and the assigned work area creates a risk of harm to the Essential Personnel or others, or is prohibited. In such instances, the Essential Personnel who are unable to travel must notify his or her Senior Manager of this circumstance no later than one hour before the scheduled work start time.
 - If the Essential personnel is on pre-approved travel or leave prior to an unscheduled College closing and is not within a reasonable distance to return to the College.

Failure to Report to Work During a College Closing

Essential Personnel who are required to work during a College closing but refuse to do so for reasons other than those deemed acceptable in this procedure may be subject to discipline, up to and including termination of employment.

Attendance and Compensation for Essential Personnel

The following attendance and compensation procedures shall be in effect for Essential Personnel required to report to, or remain at, work during the College closing: All employees who are required to report to or remain at work (i.e., employees whose work units are not closed, or those called into work by their Senior Manager) shall work as scheduled.

Essential Personnel who are required to work during a College closing but do not report to work must apply accrued leave, as appropriate, for such time away from work; unless exempted by their respective Senior Manager.

Essential Personnel who are required to work during a College closing but unable to do so as scheduled, for whatever reason, must contact her or his immediate supervisor to report the absence at least one hour in advance of the employee's scheduled work starting time.

In extreme situations, **OPS employees** may be designated as Essential Personnel and/or required to work during a College closing. If this should occur, the OPS personnel will receive pay at a rate of 1.5 times their hourly rate for all hours worked.

Non-exempt Essential Personnel, excluding OPS, who are required to report to work or remain at work during the College closing will be paid their regular salary/pay via Administrative Leave or whatever pay type is designated by the College for the hours the College is closed that impedes their normal work day. In addition to this, these employees will receive pay at a rate of 1.5 times their hourly rate for all hours worked during the College closed period.

Note: The time for which employees are paid but did not work will not be used to determine overtime compensation or compensatory leave accrual.

Exempt Essential Personnel, excluding Executive, Administrative and Managerial Professional staff, who report to or remain at work as required during the College closing will be paid their regular salary/pay via Administrative Leave or whatever pay type is designated by the College for the hours the College is closed that impedes their normal work day. In addition to this, these employees will receive pay at a rate of 1.5 times their hourly rate for all hours worked during the College closed period.

Attendance and Compensation for Nonessential Personnel

The following compensation procedures shall be in effect for employees whose respective work units are subject to the College closing and who are not designated as Essential Personnel or otherwise required to work:

Exempt and Non-exempt employees will receive their regular rates of pay via Administrative Leave or whatever pay type is designated by the College for the hours the College is closed that impedes their normal work day.

Note: The time for which employees are paid but did not work will not be used to determine overtime compensation or compensatory leave accrual.

Employees who are not deemed essential during a College closing must receive approval from their supervisor prior to reporting to work. If approved to work, these employees will be compensated as outlined in Policy 04-47 - Compensatory Time.

Employees who have scheduled vacation, sick leave or other time off prior to the College closing may not rescind such time off requests after the announcement of the closing.

In the event that a College closing occurs for a portion of the day, employees in an affected work unit may be allowed to leave work earlier than the scheduled closing time, provided the following:

- The employee's supervisor has approved the request; and
- Vacation or sick leave, as appropriate, or leave without pay, will apply to the hours of absence during the scheduled work time.