



POLICY AND PROCEDURE

SUBJECT:

PANDEMIC PAY POLICY

DATE: March 20, 2020

NUMBER: CW-HR-20-03

1.0 POLICY STATEMENT

According to the U.S. Department of Labor, the FLSA is the federal law of most general application concerning wages and hours of work. The FLSA requires employers to pay covered, non-exempt employees no less than the federal minimum wage for each hour actually worked and overtime at one and one-half times an employee's regular rate of pay for all hours actually worked in excess of 40 in a week. These requirements are not subject to waiver during natural disasters and recovery efforts. **This policy is subject to change as needed.**

2.0 PURPOSE OF THE POLICY

The purpose of this policy is to establish pay guidelines for the City of Riviera Beach (CRB) employees during an epidemic or a pandemic. Pandemic Pay guidelines may go into effect any time there is a declared state of emergency by CRB related to an epidemic or a pandemic.

3.0 AUTHORITY

3.1 The City Manager, pursuant to the actions by the City Council, will have the authority to declare a local state of emergency for CRB, including the stipulation of the dates and times this pay policy shall go into effect. The Pandemic Pay Policy shall specifically be triggered during or after a declaration of a local state of emergency by the City Manager or his designee. **The City Manager will determine who will work during periods of a declared local state of emergency. The City Manager may change employee job assignments and employee job responsibilities as needed.**

3.2 Due to the unpredictable nature of a declared local state of emergency, there may be employees that are not affected by closures or delays, as some services, facilities, programs, and buildings will remain operational during a declared state of emergency. For purposes of this pay policy, the City Manager or designee will determine how services, facilities, programs, and buildings are affected during a declared local state of emergency, and by extension, which employees will be required to work during the periods of the declared local state of emergency. Due to the nature of their work and their ability to perform the duties of their position outside of their regularly assigned working location during periods of a declared state of emergency, some employees who have been identified as essential, may receive prior written approval in the form of a Telecommuting Agreement.

4.0 DEFINITIONS

4.1 Local State of Emergency: The City Manager, pursuant to the actions by the City Council, will have the authority to declare any type of state of emergency for CRB.



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A declared state of emergency may include times when either Palm Beach County or the state of Florida is under a declared state of emergency, and/or when the President of the United States declares a national state of emergency. A state of emergency may be related to an epidemic or pandemic.

- 4.2 All employees are required to report and/or remain at work when directed by the City Manager (or designee) during a declared local state of emergency unless and/or until otherwise directed. Reporting and/or remaining at work includes telecommuting for those with approved and executed Telecommuting Agreements. Please the Telecommuting Policy and Guidelines (CW-HR-20-01) for the telecommuting guidelines and procedure.

5.0 FEMA REQUIREMENTS

For purposes of reporting and or possible restitution by the Federal Emergency Management Agency (FEMA), all hours compensated during a declared emergency will be tracked in a manner designated by the City Manager.

6.0 WORK SCHEDULE / REPORTING REQUIREMENTS

- 6.1 Based on the type of activation, CRB may need staff before, during, and after an actual declared local state of emergency. Typically, those who are required to report during the actual event are notified prior to its start. **The City Manager will determine who will work during periods of a declared local state of emergency. The City Manager may change employee job assignments and employee job responsibilities as needed.**
- 6.2 All employees must report back to work as instructed by their supervisors and/or as instructed via the designated broadcast system. If an employee does not report as expected and has not made attempts to contact their manager with a valid reason for not reporting, the employee may be subject to disciplinary action, up to and including termination of employment.
- 6.3 Employees may be required to report scheduled domestic and international travel, and if they have scheduled travel, employees will be required to provide the destinations they will be visiting. Moreover, work-related travel may be cancelled once a local state of emergency is declared.
- 6.4 If employees choose to travel outside of the surrounding area or into an area with a local outbreak or hotspot during an epidemic or pandemic outbreak, the employee must report their travel plans, whether it is domestic or international travel, in writing to their Department Director and Human Resources. They must also inform their supervisor prior to returning to work once a local state of emergency is declared. In certain situations, particularly during an epidemic, pandemic, or outbreak, employees returning from domestic and/or international travel may be required to complete certain steps/criteria before physically returning to the office



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or to their physical work location.

7.0 PAY FOR NON-EXEMPT STAFF

- 7.1 Non-exempt, non-union full-time employees who are required to work during a declared local state of emergency and are scheduled to work at the direction of the City Manager, shall be compensated with regular pay for their regularly scheduled hours. Once the Pandemic Pay Policy is activated by the City Manager, full-time non-exempt employees shall receive time and one-half their regular rate of pay for actual time worked during the declared local state of emergency. There will be no duplication or pyramiding of overtime or premium pay for the same hours worked.
- 7.2 Non-exempt full-time employees who are regularly scheduled to work, but are not scheduled or required to work during the declared local state of emergency, may be released from duty and will be paid their regular rate of pay for the declared local state of emergency time frame.
- 7.3 Non-exempt full-time employees who are scheduled to work, but call in sick are required to provide medical documentation for the absence in order to receive paid leave as provided by the City Manager.
- 7.4 Non-exempt full-time employees who become sick at work, who have symptoms associated with COVID-19 related to the epidemic or pandemic upon arrival to work, or become ill during the day should promptly notify their immediate supervisor and go home until the last symptom associated with COVID-19 has been gone for 24 hours without the use of medication. These employees will receive paid leave as provided by the City Manager.
- 7.5 Non-exempt full-time employees concerned about exposure to the underlying disease related to the epidemic or pandemic but who are showing no symptoms and there is no recommendation for isolation from the Centers for Disease Control and Prevention (CDC) or the Florida Department of Health (FDOH), the employee shall take sick, vacation, or PTO for their own self-induced isolation period.
- 7.6 Non-exempt full-time employees who call in for personal reasons may be excused at the direction of the Department Director. These employees will have to use sick, vacation, or PTO for this time.
- 7.7 Non-exempt full-time employees scheduled off during the local state of emergency declared time frame will be paid in accordance with the type of leave requested.
- 7.8 Non-exempt full-time employees with previously scheduled and approved leave who are not required to work will be paid their regular rate of pay for that time.
- 7.9 Part-time non-exempt employees who are scheduled to work but are not scheduled or required to work during the declared local state of emergency may be released from duty and will be paid their regular rate of pay. For part-time non-exempt



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employees who may be required to work an increased amount of hours, they will be paid in accordance with full-time non-exempt employees as outlined in this section.

- 7.10 Union employees shall be paid at the rate specified in their Collective Bargaining Agreements.
- 7.11 Seasonal and temporary part time employees and interns will only be paid for hours worked during a declared local state of emergency.
- 7.12 Pandemic pay for hours where no actual work is performed will not count toward overtime calculations.

8.0 PAY FOR EXEMPT STAFF

- 8.1 Exempt, non-union full-time employees who are required to work during a declared local state of emergency and are scheduled to work at the direction of the City Manager, shall be compensated with regular pay for their regularly scheduled hours. Once the Pandemic Pay Policy is activated by the City Manager, full-time non-exempt employees shall receive time and one-half their regular rate of pay for actual time worked during the declared local state of emergency. There will be no duplication or pyramiding of overtime or premium pay for the same hours worked.
- 8.2 Exempt full-time employees who are regularly scheduled to work, but are not scheduled or required to work during the declared local state of emergency, may be released from duty and will be paid their regular rate of pay for the declared local state of emergency time frame.
- 8.3 Exempt full-time employees who are scheduled to work, but call in sick are required to provide medical documentation for the absence in order to receive paid leave as provided by the City Manager.
- 8.4 Exempt full-time employees who become sick at work, who have symptoms associated with COVID-19 related to the epidemic or pandemic upon arrival to work, or become ill during the day should promptly notify their immediate supervisor and go home until the last symptom associated with COVID-19 has been gone for 24 hours without the use of medication. These employees will receive paid leave as provided by the City Manager.
- 8.5 Exempt full-time employees concerned about exposure to the underlying disease related to the epidemic or pandemic but who are showing no symptoms and there is no recommendation for isolation from the Centers for Disease Control and Prevention (CDC) or the Florida Department of Health (FDOH), the employee shall take sick, vacation, or PTO for their own self-induced isolation period.



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- 8.6 Exempt full-time employees who call out for personal reasons may be excused at the direction of the Department Director. These employees will have to use sick, vacation, or PTO for this time.
- 8.7 Exempt full-time employees scheduled off during the local state of emergency declared time frame who do not perform work on the scheduled off day will be paid in accordance with the type of leave requested.
- 8.8 Exempt full-time employees with previously scheduled and approved leave who are not required to work will be paid their regular rate of pay for that time.
- 8.9 Union employees shall be paid at the rate specified in their Collective Bargaining Agreements.

9.0 HOLIDAYS

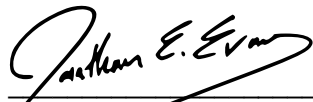
If the declared local state of emergency occurs on a City-observed holiday and the employee is required to work, the employee will receive holiday pay as outlined in the Holiday Pay Policy.

Departmental Sponsor:
HUMAN RESOURCES DEPT.

Policy review date:

References:

Departments affected:
ALL DEPARTMENT HEADS AND EMPLOYEES


3/20/2020
Jonathan Evans
City Manager