



## Delaware State University

**University Area(s) Responsible:** Office of Human Resources

**Policy Number & Name:** 4-03: Essential Employee Policy

**Approval Date:** 3/31/11

**Revisions:** \_\_\_\_\_

**Related Policies and Procedures:** \_\_\_\_\_

### Purpose

This policy provides guidelines and procedures to ensure the availability and use of essential employees during extreme weather conditions and other emergencies that may lead to the temporary closing of Delaware State University. This policy also applies to instances in which the emergency or extreme weather condition does not result in an official closing of DSU. The main goal of this policy is to ensure that the operational services of the University are maintained at an acceptable level during such emergencies. The University will make every effort to communicate broadly and repetitively throughout any emergency. Senior level administrators and department/unit heads will designate positions as essential based on operational needs. The option of essential staff to work from home or other remote locations will be considered whenever it is deemed appropriate and possible. Essential staff will be updated and reminded as to what their responsibilities are during emergencies on a regular basis. Any violation of this policy will result in disciplinary action up to employment termination.

## Scope

This policy applies to all essential and non-essential DSU employees during University emergencies/closures.

## Definitions

**Essential Employees-** Essential employees are those who are engaged in providing food, housing and safety for resident students and protecting University property from the elements. Employees whose position has been designated as critical because its responsibilities include: non-deferrable services that must be performed despite an emergency. Positions may be designated as essential on a seasonal or situational basis (e.g., in the event of a snow emergency only or in the event of a public health crisis only). Any position may be designated as essential at any point during an emergency if necessary.

**Non-Essential Employees-** Employees that are not required to report or remain at work during a University emergency/closure.

**Emergencies Due to Extreme Weather and Other Factors-** inclement weather, a natural or man-made disaster, the outbreak of pandemic illnesses and/or any other unforeseen circumstances that disrupts the administrative operations at Delaware State University. Its severity and duration may vary. A decision to close or delay the opening of administrative offices and functions due to an emergency shall be made by the President of the University or his/her designee.

**Non-deferrable Services/Operations-** services or operations that are required to maintain or protect the health, safety, or physical well-being of the University's students, staff, and faculty, critical administrative functions, academic mission, facilities and/or assets (including research projects).

### **Essential Employee Types:**

**On-Campus Essential Employee-** An employee who is required to report to campus to his/her normal work location (or an alternate site if necessary) for work during an emergency including the closing of the University. He/she is expected to report to work even if the emergency takes place during a time that he/she is not regularly scheduled to work unless is told otherwise by management.

**Remote Access Essential Employee-** An essential employee that is required to perform non-deferrable work during emergencies but is not necessarily required to do so at his/her normal workspace. Instead, a remote access essential employee may perform his/her non-deferrable work from home or another approved off-campus location. This employee must receive authorization from the senior administrator responsible, who must coordinate with Information Technology to ensure the employee has the appropriate computer access and security to work remotely if necessary.

**Report When Contacted Employee**- An employee who may not normally be considered “Essential” but may be required to work at specific times and designated “ Essential” for a particular emergency. He or she will only report to or remain at work during an emergency/closure only when specifically requested by management at which point he/she will be treated as an essential employee.

**A list of “Essential Employees” will be created and available on an annual basis and updated as changes take place. The employees who appear on that list will be notified in writing as to what their duties and responsibilities are during an emergency.**

## **Procedures and Responsibilities**

### **Essential Employee and Non-Essential Employee Responsibilities**

Should an emergency or University closure occur during regular shift hours, essential employees must remain at the University until management determines that essential operations are functional and stable regardless of whether their shift has ended or not. If the emergency’s duration cannot be determined essential employees will remain at their posts until necessary or until they can be relieved by other essential personnel. If the emergency takes place while the essential employee is not at work he or she must report to work at their usual start time or as soon as they are contacted by management and remain there until management determines that the essential operations of the University are stable.

Essential Employees on duty during an emergency will carry radios, will report to their supervisors and will be in constant communication with the Emergency Operations Center.

**When the University cancels classes because of hazardous road conditions (CBA: 1267, 1007 & 2888):**

**Nonessential employees** may take a personal leave day or annual leave by calling in to their supervisor or the Public Safety Office to make known their intentions.

**Essential employees** are expected to have made personal arrangements for inclement weather emergencies and report to work.

**When the Governor of the State declares a “snow emergency” for Kent County (CBA: 1267 & 1007).**

**Non-essential employees** will be excused from reporting to work without loss of pay. Non-essential employees will be paid extra for reporting to work during an emergency only if they are specifically requested by their supervisor to report, in which case they will be compensated the same as essential employees.

**Essential employees** who report for work will be paid for their regular pay plus additional pay at their straight time rate.

**When the Governor of the State declares an emergency for Kent County or the University closes the facility (CBA: 2888):**

**Non-essential employees** will be excused from reporting to work without loss of pay. Non-essential employees will be paid extra for reporting to work during an emergency only if they are specifically requested by their supervisor to report, in which case they will be compensated the same as essential employees.

**Essential employees** who report for work will be paid for their regular pay plus additional pay at their straight time rate.

**Regardless of whether an official State of Emergency is declared, non-essential DSU employees will be excused from work whenever the Governor excuses employees of the Executive Branch from reporting to work during extreme weather conditions or other natural or man-made disasters (CAB: 1267, 1007 & 2888).**

**It is very important that Essential Employees understand the following:**

- Essential employees are to report to campus or work remotely (if approved) during an emergency unless specifically directed by their department not to report or if directed by civil emergency or medical authorities not to report for health and safety reasons.
- An essential employee may be required to report for an unscheduled shift, reschedule vacation leave and/or work more than his/her regularly scheduled hours during an emergency.
- Provide his/her department with updated emergency contact information on an on-going basis.
- Discuss alternative work arrangements - such as working from home or another location in case of an emergency – with his/her supervisor.
- Understand work assignments that must be completed during an emergency or an administrative closure.
- Work during emergency administrative closures - whether on campus, at home or at another location.

**Report When Contacted Employees** should not report to campus during an emergency/closure but must be available to report and or remain at work to perform emergency duties at the request of management.

**Each University employee will be responsible for knowing what his/her duties and responsibilities are during an emergency/closure so that they can act accordingly. They must pay attention to the radio, television, the University's website, their university e-mail accounts and contact phones to know the status of the emergency/closure and receive directions as to what to do next.**

## Unit/Department Heads/Supervisors Responsibilities

Unit/Department Heads/Supervisors must:

- Create a list of essential positions in his/her area and submit it to the Office of Human Resources on an annual basis. Lists should identify the type of position and whether it is an on-campus or remote access position and/or essential on a seasonal or situational basis.
- Inform (annually) - in writing – those employees that have been assigned to essential positions and what their duties and responsibilities are during an emergency/closure as well as the consequences for failing to fulfill them. **A copy of this letter must be provided to essential employees to carry with them in case a State of Emergency is declared.**
- Department Heads/Supervisors will ensure that sufficient Utility Operators and Maintenance Mechanics are present and remain at the University during an emergency.
- Ensure that a list of essential work that must be performed during an emergency/closure has been created and continuously updated based on the documents and records submitted by supervisors and essential employees working during emergencies.
- Establish, communicate, implement, review and update business continuity plans.
- Communicate work expectations to staff regularly and repetitively.
- Maintain good and effective communication with Senior University administrators, essential staff and any others present at all times.
- Implement directives from Senior University administrators and civil emergency or medical authorities.
- Allow for flexibility in emergency work assignments during emergency/closures by planning ahead whenever possible.
- Keep track of time and work performed by essential employees (the same applies to non-essential employees that have being requested by management) during an emergency/closure.

## Academic Departments/Research

Academic and Administrative Unit heads must establish an emergency contingency plan to address the needs of on-going research projects at DSU during an emergency/closure. A list of essential research workers will be created and submitted to the Provost and the Office of Human Resources describing the on-going research and the duties and responsibilities of essential staff to ensure its safety and continuous operation. These employees are expected to follow the same rules, guidelines and procedures as other essential University employees.

### **Delay or Early Dismissal Compensation**

Delay or Early Dismissal due to an emergency will not affect the pay of Non-essential employees.

### **Sick Leave, Vacation and Time Off Without Pay**

If requests have been made and approved prior to announcement of University closure, delayed opening or early dismissal, the employee will be charged for that time as the new status of the University will not apply.

### **Beginning and End of the Emergency/Closure**

The Office of Human Resources will determine and communicate the beginning and the end time of an emergency/closure so that the pay for that period can be adjusted accordingly.

### **Essential Employee Compensation during an emergency/closure**

Essential employees that are required to report to work or remain at work during an emergency/closure will be compensated at the appropriate rate stipulated by DSU and the Collective Bargaining to which they belong for the time they work during the emergency.

### **Non-Essential Employee Compensation during an emergency/closure**

Non-Essential Employees will be compensated at the same rate as Essential Employees only if they specifically requested by their supervisor to report.

Again, a higher pay rate if applicable will only be for the duration of the emergency. If Overtime is required, it will not be assigned as scheduled over time due to the emergency status.

### **Essential Employees that do not report during an emergency**

Essential employees who do not show up at work due to the weather or other issues during an emergency/closure will have their situation reviewed on a case by case basis. Pay status may be affected by the no-show and disciplinary action may be taken if it is determined that the employee did not have a legitimate reason for not reporting to work during an emergency/closure or a pattern for not reporting is identified.

### **Meals and Lodging**

If it is determined that essential employees are to remain at the University for an extended period of time, arrangements for meals and lodging will be made. Essential employees will not be paid for sleeping time. This will depend on the nature, extent and length of the emergency. Management will be responsible for making these arrangements if necessary.

## **State of Emergency**

Whenever a State of Emergency is declared essential employees are still expected to report to work. They should be in communication with their supervisor and be alert for any reports provided in the University's website, e-mail and telephone contacts. They should also be aware of local television and radio reports during a State of Emergency. If an employee making his/her way to the University is stopped by the police or any other emergency response personnel, he/she should inform them that they are an essential employee of the University and as such are expected to report. The letter provided to them that designates them as essential employees will assist them in providing proof of their status. If they are still not allowed to continue to their destination, they should politely ask for the reason and immediately contact their supervisor and explain the situation. They are also advised to identify the emergency response unit and the person whom they came in contact with so that they may provide it to their supervisor.

## **Important Reminders**

- Employees in essential positions who fail to report for work during emergency/ closures may be subject to disciplinary action including having to use vacation time or time off without pay, up to termination of employment if a pattern is identified and no legitimate reasons are provided.
- DSU does not expect staff or faculty members to expose themselves to danger traveling to or from work during an emergency. If the University is operating normally and an employee determines that travel to campus is too hazardous, he or she may, in consultation with his or her supervisor, elect to stay home and use a vacation day or other arrangement approved by the supervisor consistent with Human Resources Policy.
- Delays and or Early Dismissals approved by the University will not affect the pay of University employees.