

Rule 21

21.1 Purpose:

To provide guidelines for compensation, assigning work hours, work days and for returning to work when the City operates under emergency conditions (a State of Emergency.) The services rendered by and in the different departments, offices and activities of the City of Sarasota require that employees work varying days and hours based on the operational needs of the individual departments. Where an emergency impacts the City of Sarasota, all employees are subject to work or return to duty as directed to ensure continuation and restoration of services, maintain safety and fulfill the City's responsibility to its citizens. See Chapter 13 of Sarasota City Code.

21.2 Emergency Duty Assignment:

In the event of an emergency, the City Manager or City Auditor and Clerk for their respective employees, may assign employees to any duty to the extent that the City is not in violation of any State or Federal law. This assignment includes employees of one department serving in an emergency capacity for any other department or function as assigned for which the employee can reasonably perform those functions.

The City of Sarasota shall make a reasonable effort to release employees from work prior to, during and after emergency conditions to take care of personal situations such as family and property needs.

21.3 Definitions:

Emergency Conditions: Any unforeseen event or unanticipated condition either internal or external to the City requiring prompt action as officially declared by appropriately authorized administrative staff or authorized representative. An emergency condition may include, but is not limited to, emergencies involving acts of God, catastrophes, power failures, or other situations beyond the control of the City.

Non-Exempt: An employee who is paid an hourly wage and is eligible under the Fair Labor Standards Act to receive overtime pay for hours worked in excess of 40 in a workweek.

Exempt: An employee who is paid a salary (not an hourly wage) to perform the duties and responsibilities of a job regardless of hours worked in a workweek. In accordance with the Fair Labor Standards Act, this category of employee is exempt from the overtime pay provisions of the act.

On Duty: When an employee is in City facilities, on City premises or assigned work sites at management's request and is available for a work assignment.

Suspension of Regular Work Rules: If, in the sole discretion of the City Manager, it is determined that civil emergency conditions exist, including but not limited to riots, civil disorders, hurricane/tornado conditions, epidemics, public employee strikes or similar catastrophes, the provisions of the PBA agreement, the Teamster agreement and Personnel Rules may be suspended by the City during the time of such declared emergency, except monetary provisions.

21.4 Wages:

Employee on leave:

- Vacation
- Sick
- Leave without pay
- Military
- Bereavement
- Workers' compensation, etc.

An employee who is already absent on any type of personal leave, during a State of Emergency will continue on his or her original leave status until that status is completed or if the employee is required to and does return to work.

Non-Exempt Employees: A non-exempt employee sequestered and unable to return home or working during a period declared an emergency and directly related to the emergency will be compensated:

- Full pay for all hours worked

For hours over 40, the non-exempt employee will be compensated:

- At time and a half for hours over 40 hours per the Fair Labor Standards Act and the terms of the applicable, if any, collective bargaining agreement.

Exempt Employees: Exempt employees working during a State of Emergency will earn:

- Hour for hour comp time for time worked over 40 hours up to 80 hours during an emergency.

When exempt employees' comp time balance reaches 80 hours for the current fiscal year:

- They will be compensated at straight time for all hours worked over 40.
- When employees are sequestered and unable to return home, time spent sleeping will be considered hours worked if the employee is not provided an adequate sleep period of at least 5 uninterrupted hours.

Temporary Employees: Temporary employees will be paid for all time worked and will not be eligible for Paid Leave.

Non-Assigned employees: Employees who are voluntarily confined for safety or non-job related reasons and are not performing the duties of their regular or assigned jobs are not compensated for the time spent on the premises.

FEMA: All hours compensated during an emergency that will be eligible for FEMA reimbursement will be coded according to published Finance Department standards.

Paid Leave: Employees released from their regular job duties and not assigned other duties will be compensated as follows:

- If released during a workday, employees will receive pay for the time worked and the balance of the scheduled workday will be on Paid Leave.
- If released prior to the start of a scheduled workday, employees will receive full pay for the workday as Paid Leave.
- The City Manager will determine the amount of Paid Leave beyond one full day.
- Employees working while other employees are on Paid Leave will receive Leave Credit for each hour actually worked.
- See Personnel Rule 11.12, 11.13 and 11.14 concerning leave categories.

21.5 Failure to Report

During a declared emergency, employees who are regularly scheduled to work but are unwilling or unable to remain on duty are not paid for the time not worked. At management's discretion, the time off may be considered as an excused or unexcused absence and the employee may or may not use vacation or personal leave time.

21.6 Return to Work

The City Manager or City Auditor and Clerk for their respective employees, will make the determination when employees will return to work. It is the employee's responsibility to monitor the communication media to ensure they return to work at the appropriate time.

- Employees unable to report back to work that day, due to extenuating circumstances beyond their control, (i.e., child care issues, storm-related damages, road closures, flooding, out of the area due to evacuation or previously approved personal leave, etc.) shall not be required to return to work.
- Rule 9 of the Personnel Rules and Regulations shall be the authority for failure to return to work.

Rule 9 reads in part: Employees, who without proper authorization, either do not report to the assigned work centers for three (3) consecutive work days or who walk off the job shall be considered as having resigned from City employment and he or she shall be recorded as terminated on the required personnel action forms in accordance with these Rules.