



POLICY: I:28 Inclement Weather
PROCEDURE REVIEW: Annually

Dated: December 2009
Revised: December 2018

APPROVED: Executive Director of Facilities and Construction:

I. INTRODUCTION

It is necessary to establish inclement weather compensation procedures as it pertains to Facilities Management non-exempt personnel. The Facilities Management administration received approval by the Business Services AVP and Senior VP of Administration and Finance to supplement traditional compensation to employees when supporting activities associated with an inclement weather event. These guidelines supersede the existing university policy #1309 - as it relates to inclement weather pay and will serve as a reference to the exceptions granted and as a source document for pay decisions.

II. PURPOSE

Facilities Management personnel may be required to work beyond their normal schedule during an official university closing due to inclement weather. The primary focus is to provide and maintain utility operations and safe means of access to university facilities. This procedure identifies when overtime pay, inclement weather pay, and compensatory leave time is earned for employees who are to report to work during a weather event. Facilities Management adheres to all other directives for routine overtime and compensatory leave administration as written in university policy #1303 - Provisions for Granting Overtime & Compensatory Leave except during holidays and university closings for weather or emergency situation.

III. RESPONSIBILITIES

- A. Executive Director of Facilities and Construction - Responsible for overall implementation of this procedure.
- B. Directors, Assistant Directors, Managers, and Supervisors - Responsible for ensuring that all employees in their department(s) are informed of the procedure. Proper reporting and verification of time records prior to submitting for payroll processing to assure accuracy of pay.
- C. Payroll Assistants – Utilize and follow pay practices as defined herein to construct accurate pay records. Identifies and corrects pay cycle errors before authorizing leave accrued or issue for payment.
- D. Employees - Complies with University policies and departmental procedures related to time and attendance and confirming the award of compensatory leave time earned, inclement weather pay, and paid overtime is correct for each pay cycle.

IV. UNIVERSITY CLOSING

Decisions to close all non-essential university operations will be made by the Senior Vice President of Administration and Finance. When inclement weather or another emergency situation causes the university to open late, close early or be closed for a full day, staff will be compensated for the time off. Many employees are considered non-designated and are not required to work when the university is closed due to inclement weather or other emergency situations. However, to continue to provide services to students, some positions are considered designated and, as a condition of employment, must report to work when the university is officially closed due to inclement weather or other emergency conditions.

V. DEFINITIONS

Designated Essential Employee – *Wage or Full-time employee* that is ‘suffered’ or permitted to work, often with little or no notice anytime the supervisor deems it necessary for an inclement weather episode. Usually the employee has set or core work hours and the regular work schedule is disrupted by a weather event, requiring the employee to report for duty. Designated employees will receive compensatory leave for the hours worked during a normally scheduled shift, whether it is an entire shift closing or a partial shift closing. Non-exempt employees required to work in excess of the 40 hours in a normal workweek will be compensated in accordance with the Federal Fair Labor Standards Act for the excess time worked (overtime pay/leave). Designated employees who do not report to work as scheduled, or who must leave before the end of the shift during an authorized closing, must charge time missed to annual, sick, compensatory leave or leave without pay as appropriate. A designated employee's failure to report to work as required during an authorized closing may be grounds for discipline under the Standards of Conduct and Performance for Classified Employees JMU Policy 1317. Designated employees who fail to report to work as required during an authorized closing will also be subject to disciplinary action as deemed appropriate by the department manager/supervisor.

Non-Designated Employees - To be eligible for pay during university closing due to inclement weather, non-designated staff must work or be on paid leave the work day before and the work day after the authorized closing. Also if the university is open, non-designated employees are expected to report to work on time. However, when weather conditions create transportation difficulties that result in late arrival, supervisors may authorize up to two hours of lost time as an authorized absence not charged to leave.

Non-Exempt Employee - An employee who is not exempt from the overtime provisions of the FLSA and therefore must be paid at a rate of one and one-half times rate for every hour worked over 40 in a workweek.

Exempt Employee - An employee who is exempt from the overtime provisions of the FLSA and, therefore, is not eligible to be paid overtime by the university. Certain exempt employees may, under certain circumstances, earn compensatory leave time for hours worked on scheduled holiday or inclement weather day.

The Fair Labor Standards Act - The Fair Labor Standards Act, 29 USC 201, et seq., directs, among other things, that employees be paid at a rate of time and a half for every hour worked in excess of 40 hours in one workweek unless an employee is considered ‘exempt’ from the Act’s overtime provisions. It further establishes that “employees of a public agency which is a State, a political subdivision of a State, or an interstate governmental agency may receive, in accordance with [29CFR55, Subpart A] and in lieu of overtime compensation, compensatory time (overtime leave) off at a rate not less than one and one-half hours for each hour of employment for which overtime compensation is required by this section.

Inclement Weather – Weather which causes disruption to normal daily routines.

Employees Core Schedule – Employees normal weekly work schedule as set by the appropriate shop supervisor which includes the routine daily start and ending work times. This set period of time is considered the employees core schedule.

Workweek - Full-time, classified employees normally work a minimum of 40 hours per week. The university's standard workweek begins at 12:01 a.m. Sunday and ends at midnight Saturday. Normal work hours are from 8:00 a.m. - 5:00 p.m. Monday through Friday. Employees in certain areas may work non-standard shifts or workweeks to provide adequate coverage and service to the university community.

Regular Time (Reg.) – This is the base hourly rate that the employee is paid during their normally scheduled hours. The FLSA applies on a workweek basis; a workweek is a fixed and regularly recurring period of 168 hours - seven consecutive 24-hour periods. An employee can be paid on a salary, as well as by the hour.

Overtime (OT) – Non-exempt employees under FLSA, are to be paid one and one-half times their regular rate of pay or receive overtime leave in lieu of overtime pay, for any hours worked over the standard 40-hour workweek. An employee who may be required to work more hours than normally scheduled on certain days but does not exceed the 40-hour workweek, is not entitled to overtime because the actual number of workweek hours did not exceed 40. Employees classified as exempt from the Fair Labor Standards Act (FLSA) are not eligible for overtime.

Compensatory Leave (W) - Non-exempt employees earn compensatory leave (comp leave) for hours worked on an authorized closing during normally scheduled shift if in designated positions but not physically worked over 40 hours. Granted hour-for-hour, compensatory leave must be authorized by a supervisor. It may be used for any purpose and must be used within 12 months of the date earned or it will expire. Once lapsed, accrued compensatory leave may not be used or paid upon an employee's change of status.

No Worked Performed (N) -When the university is closed during normal working hours, classified employees that are 'Designated' but not asked to work and all 'Non-Designated' employees will be paid their regular hourly rate during the closure as long as the HR and Payroll policy requirements are followed.

Down Time (DT) - On-call hotel time that designates when an employee is working an inclement weather event but has been released for a break period by their supervisor with the expectation that the employee will return to work at a specified time after the break is over. This time is to be paid down time but the start, end and total time of the break need to be captured for the electronic time sheet the supervisor maintains. On-call hotel time must be taken at designated hotel. If employee chooses not to stay at designated hotel, then down time will not be paid. This time is paid as one and half hours of regular rate of pay or one and half hours of overtime leave.

Inclement Weather Pay (X) - Employees are to be paid one and one-half times their regular rate of pay for working any inclement weather episode outside of their normally scheduled working core hours (wage employee see 'Wage employee's inclement weather pay').

VI. PROCEDURES

Motor coach operators perform principal university services such as trips and shuttles on irregular times/days and a set schedule is not practical. In the event of inclement weather or authorized university closing, these employees are subject to the FLSA 40 hour overtime provision or earning compensatory time during authorized closing. This also applies to wage and classified non-exempt staff.

Non-exempt employees who work normal schedule during a closing will earn Regular pay unless the supervisor deems them as designated. Designated classified employees earn compensatory time.

Employees who are on any type of approved leave are excused from being "designated" until their next regular scheduled work day. Exceptions to this rule would be if an advance agreement has been reached between the employee and the supervisor that the employee may be contacted on an unscheduled work day for assignment. Failure to report to work as agreed could result in formal steps of disciplinary action.

When inclement weather is expected to start after the employee's normally scheduled work hours the following will apply:

- If the employee has reported to work as normally scheduled, the supervisor may allow the employee to work part or all of the current shift but will not be required to leave early.
- If the employee has reported to work as normally scheduled and chooses to leave work in preparation of the inclement weather event, the employee is to submit appropriate leave for the hours missed in the regular shift.

An on-call motel stay will be paid time to employees for each event if they are expected to be working for the full event and are still "on call" during their down time. The start and ending down times need to be captured on the time card. Employees who choose not to stay at the motel during their down time will not be compensated during their down time but are still expected to return to work when specified by their supervisor.

It is the supervisor's responsibility to ensure hours are calculated and reported correctly. It is the Payroll Assistants responsibility to double-check and audit the timesheets before submitting the employee's time to Payroll Services via JMU Time Entry or overtime pay report, as well as leave earned report to HR Leave Coordinator.

It is the supervisor's responsibility to ensure the appropriate staffing is scheduled to cover an inclement weather event, including alternating individual start and stop times, while also maintaining an adjusted staffing level for regularly scheduled hours as needed. It is the supervisor's responsibility to determine which employee(s) are needed to cover for each weather event, requiring those chosen to stay for the specified time while allowing the rest to stay home and report back to work according scheduling needs or to policy.

Whenever the Landscaping Department is scheduled to come in for inclement weather, it is the Landscaping Manager's responsibility to call the Garage and Storeroom supervisors to notify them of the implementation of the inclement weather team start times.

Wage employee's inclement weather pay. The calculation of inclement weather pay for Facilities Management wage workers is as follows:

- Overtime pay trumps inclement weather pay; i.e., if overtime is earned because of inclement weather, the time in excess of 40 hours in a work week is recorded as overtime hours. If a wage employee works during an inclement weather event but the hours do not exceed 40 hours in a work week, the hours worked during inclement weather will be paid as inclement weather pay. It may be possible for a wage employee to earn both overtime pay and inclement weather pay within the same work week. Inclement weather is paid as an incentive to employees for returning to campus for inclement weather that is outside work normal hours. Inclement weather pay is paid if the inclement weather hours are worked during the first 40 hours of the work week. All hours worked over 40 will be recorded as overtime.

V. RESOURCES

JMU Policy 1309 - University Closings, Class Cancellations and Exam Postponements Due to Inclement Weather or Emergencies

JMU Policy 1303 - Provisions for Granting Overtime and Compensatory Leave

JMU Policy 1317 - Standards of Conduct and Performance for Classified Employees