

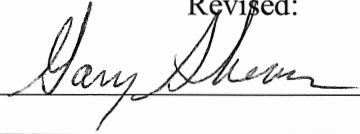
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POLICY: I: 28 Inclement Weather  
PROCEDURE REVIEW: Annually

Dated: December 2009  
Revised: February 2020

APPROVED: Executive Director of Facilities and Construction: \_\_\_\_\_



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## I. INTRODUCTION

It is necessary to establish inclement weather compensation procedures as it pertains to Facilities Management (FM) employees. The FM 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, Closings, Class Cancellations and Exam Postponements Due to Inclement Weather or Emergencies, as it relates to inclement weather pay and serves as a reference to the exceptions granted and as a source document for pay decisions.

## II. PURPOSE

FM employees 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 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 an inclement weather event. FM 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 situations.

## III. RESPONSIBILITIES

- A. Executive Director of Facilities and Construction - Responsible for overall implementation of this procedure.
- B. Directors, Managers, and Supervisors - Responsible for ensuring employees in their area(s) are informed of this procedure. Also responsible for proper reporting and verification of time records prior to submitting for payroll processing.
- C. Payroll Assistants – Responsible for utilizing and following pay practices as defined herein to construct accurate pay records. Also responsible for identifying and correcting pay cycle errors before authorizing leave accrued or issued for payment.
- D. Employees – Responsible for complying with policies and procedures related to time and attendance and confirming compensatory leave time earned, inclement weather pay, and paid overtime is correct for each pay cycle.

#### IV. UNIVERSITY CLOSING

Closing of the university operations is determined by the president or a designee. When inclement weather or an emergency situation causes the university to open late, close early or be closed for a full day, employees will be compensated for the time off. FM employees considered non-designated 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 AND PAY PRACTICES

**Designated Employee** – Employees identified by the employing department whose work is essential to university operations and who are required to work during periods of authorized closings. 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 or 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 (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 policy 1317, Standards of Conduct and Performance for Classified Employees.

**Non-Designated Employee** - An employee who is not required to work during an authorized closing. 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 receive overtime pay for hours worked in excess of 40 in a workweek. 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, directs, among other things, 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.

**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 employee's 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 an 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.

**Overtime (OT)** – Non-exempt employees under FLSA, are to be paid one and one-half times their regular rate of 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 a 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. Compensatory time 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 '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 a designated hotel. If an employee chooses not to stay at a designated hotel, then down time will not be paid. This time is paid as one and half hours of regular rate of pay if outside normally scheduled working core hours.

**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

In the event of inclement weather or authorized university closing, chauffeurs are subject to the FLSA 40 hour overtime provision or earning compensatory time.

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

When weather conditions create transportation difficulties, non-designated employees whose workweek falls outside of the university's standard workweek may be authorized to leave work prior to an announcement of an early closing. Such absence up to two hours of lost time will not be charged as leave. Approval must be authorized by a FM Assistant, Associate or Executive Director.

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 require the employee 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 hotel 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 documented on the time card. Employees who choose not to stay at the designated hotel 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 assistant’s responsibility to double-check and audit the timesheets before submitting the employee’s time to Payroll Services via 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.

When Landscaping staff is scheduled to report for work for inclement weather, it is the Assistant Director of Environmental Services’ responsibility to contact the Garage and Storeroom supervisors to notify them of the implementation of the inclement weather team start times.

The calculation of inclement weather pay for FM wage employees 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

