**4-OP-C-7-E1.13 Essential Personnel Designation & Compensation**

**Responsible Executive:**  Finance & Administration

**Approving Official:**          Vice President for Finance & Administration

**Effective Date:**July 23, 2021, Upon completion of notice period

**Revision History:**              New

**I.   INTRODUCTION**

* This policy provides guidance to departments on identifying and compensating essential employees, including Essential Critical Personnel and Medium Priority Personnel, that may be required to work during a University emergency and/or closure. The designation of a University closure shall be made by the University President, or designee.

**II.  POLICY**

* Certain emergency events may result in the suspension of normal University activities to ensure the safety and security of students, staff, and faculty. For some emergencies, such as impending weather, the University closure period may be different from the imminent threat period. Employees that may be required to work before, during, or after a University closure will fall into the following categories:
  1. Essential Critical Personnel
     1. Exempt and nonexempt employees that support critical functions that cannot be paused during a University wide closure.
     2. Employees whose presence on campus is necessary to ensure the safety and security of the campus community and University resources before, during, or after the imminent threat period
     3. May be required to work and/or remain on campus during a period of imminent threat, which includes adverse weather conditions and/or emergency events.
     4. Employees designated as Essential Critical Personnel will be required to report to work as determined by the Dean, Director, Department Head or designee. Any exemptions from reporting to work must be approved by the Dean, Director, Department Head or designee.
     5. Departments should designate employees as Essential Critical Personnel prior to the University closure. Final reports of those that have been designated as Essential Critical Personnel are due to Human Resources no later than 72 hours after business operations have resumed.
  2. Medium Priority Personnel
     1. Exempt and nonexempt employees that support functions of individual departments/units.
     2. Employees whose presence on campus or remote availability may be requested immediately before or after the imminent threat period.
     3. Employees who may need to work additional hours in preparation for or following the University closure, either on campus or remotely as identified by the Dean, Director, Department Head, or designee.
     4. Must receive approval from the Dean, Director, Department Head, or designee before performing work during a University closure or working additional hours outside of regularly scheduled hours.
     5. Departments should designate employees as Medium Priority Personnel and maintain a record of such designation at the department level.
* Employees directly involved with the protection of life and property (i.e., law enforcement) and patient care (i.e., nurses and emergency first responders) are considered essential in emergencies based on the duties inherent in their position. They do not require designation under this policy. Compensation for such employees is consistent with the terms and conditions of their employment and applicable University policies. (see 4-OP-c-7-E1.2 Compensatory Leave)
* The compensation of Essential Personnel shall be contingent upon their FLSA classification, pay band, and essential personnel designation level.
  1. Premium Compensation
     1. Payment of one-and-half multiplied by an employee’s hourly rate for work performed during an emergency closure of the University. Will be paid in addition to any regular rate of pay and/or leave reported before or after the University closure. Payment will be made within 30 days of the University's reopening.
     2. Reserved for nonexempt employees only who are designated as Essential Critical Personnel.
     3. May be provided to employees for working hours beyond their schedule for essential university tasks occurring before or after the closure period but during the same workweek as the University closure. Employees working beyond their scheduled hours on non-essential tasks or those who did not receive approval for premium compensation will receive Compensatory Leave. (see 4-OP-c-7-E1.2 Compensatory Leave)
     4. Exempt level employees and nonexempt employees who were not designated as Essential Critical are ineligible for Premium Compensation for work performed during the University closure.
  2. Straight-time compensatory leave
     1. Exempt employees in pay bands 1 through 10 will be eligible to earn straight-time compensatory leave for working during a University closure.
     2. Nonexempt Medium Priority Personnel that worked during a University closure will be eligible for straight-time compensatory leave.
  3. Other compensation guidelines
     1. Exempt employees in pay band 11 and abovewill not be eligible for premium compensation or to earn compensatory leave during the closure.
     2. Employees who worked during the closure and were not designated as essential, or medium priority level personnel will be credited for hours worked and have their Administrative Leave use reduced.

**III.  LEGAL SUPPORT, JUSTIFICATION, AND REVIEW OF THIS POLICY**

* The President holds delegated authority from the Board of Trustees to establish personnel policies. Constitutional authority, state statutes, federal statutes, Florida Board of Governors regulations, and University regulations authorize the policy:
  + Florida Constitution Article IX, Section 7
  + Section 1001.706(5)(a), Florida Statutes
  + BOG Regulation 1.001(5)(a)
  + FSU Regulation FSU-4.001
  + Fair Labor Standards Act
* This policy shall be reviewed by the Chief Human Resources Officer every seven years for its effectiveness. The Office of Human Resources shall make recommendations to the Vice President for Finance and Administration for any modification or elimination.