

University of Northern Colorado
Human Resources Administrative Policy
Coronavirus Incident Essential Personnel

Effective Date: March 2020

Responsible Officer: Senior Vice President, Chief Financial Officer

PURPOSE

This policy provides guidelines for the identification and use of Essential Personnel during campus emergencies. During a Suspension of Operations, Essential Personnel provide services that relate directly to the health, safety, and welfare of the University, ensure continuity of key operations, and maintain and protect University property.

APPLICABILITY

This policy applies to all eligible non-faculty, Classified and Professional Administrative Staff Members.

IMPLEMENTATION

Implementation of this policy is the responsibility of the Department of Human Resources.

POLICY

In the event of extraordinary situations, the University may suspend normal operations and classes in whole or part. In such instances, all Staff Members designated as Essential Personnel must fulfill their duties set forth in this policy in order to (1) ensure the continuation of critical University operations; (2) attend to the needs of students and other members of the University community; and (3) protect the University's assets.

The designation of essential depends on an employee's duties as well as the circumstances for suspension of normal operations. Employees will be designated as "essential" or "conditionally essential" by the supervisors of the departments.

EXAMPLES

Here are examples of **Regular essential personnel**:

Example 1: Buildings and Grounds employee. This employee will be essential for tasks such as snow removal.

Example 2: University Police. This employee may be essential in all cases to ensure safety and protect life.

Example of **Conditionally essential personnel**:

Example 1: Conditionally essential employee is an employee with a deadline responsibility or in charge of events that are happening on campus. This employee may have the responsibility to perform a certain task on a certain day, such as payroll/timekeeping input or manage an event or special occasion. On the day this task or event must be performed, the employee may be essential. However, on any other day, the employee may not be essential.

DEFINITIONS

Department Head is defined as the highest-ranking administrator in a department, center or college/school within the University (e.g., Senior Vice President, Dean, Director, or department chair).

Essential Personnel is defined as Staff Members designated by Department Heads and/or the University Emergency Response Team to be critical to the continuation of key operations and services in the event of a Suspension of Operations.

Essential Services is defined as those services that are determined to be critical to the functioning of the University. In the event of a Suspension of Operations, the Senior Vice President of Finance and Administration in consultation with senior management will determine which services are essential based on the nature of the event.

Exempt Staff Member is defined under the Fair Labor Standards Act (FLSA) as a Staff Member holding a *bona fide* executive, administrative or professional position that is not subject to the overtime provisions of the Act. Exempt Staff Members are considered salaried and cannot be docked for anything less than a full day's work.

Immediate Family Member is defined as any person who is related to a Staff Member in any of the following ways: spouse, domestic partner, parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, stepbrother, stepsister or other relations established by law or court order.

Non-exempt Staff Member is defined under the Fair Labor Standards Act (FLSA) as a Staff Member holding a position that is subject to the provisions of the Act.

Operational Status is defined as the categorization of the situation giving rise to the Suspension of Operations in terms of the degree of severity, which in turn may affect the activation and work requirements of Essential Personnel.

Staff Member is defined as an individual employed in any non-faculty category by UNC, including an individual who is deemed to be either exempt or non-exempt under the provisions of the Fair Labor Standards Act (FLSA) and/or applicable state law.

Suspension of Operations is defined as the decision of the Senior Vice President of Finance and Administration or his or her designee to suspend University operations in whole or in part and may include University closure and/or Class Cancellation.

PROCEDURES

1. Identification of Essential Personnel

- a. Department Heads are responsible for identifying the Staff Members to be designated as Essential Personnel for their respective organizations. This determination is made based on the essential duties of the jobs and the needs of the University. The Essential Personnel who are activated during a Suspension of Operations will vary depending upon the circumstances and the nature and severity of the event.
- b. Staff Members who do not normally perform a function that entails: (1) ensuring the continuation of critical University operations; (2) attending to the needs of students and other members of the University community; and (3) protecting the University's assets will be designated as conditionally essential and given notice as to the circumstances that would make their position essential.

2. Suspension of Operations and Operational Status

- a. Decisions regarding Suspension of Operations and Operational Status will be made by the Senior Vice President for Finance and Administration or his or her designee in consultation with other University leadership as appropriate, necessary and feasible.
- b. Once it has been determined that Suspension of Operations is the appropriate course of action and has categorized the Operational Status, the Office of University Communications will then notify all those affected by the Suspension of Operations via one or more of the following communications outlets:
 - i. The campus emergency alert system
 - ii. The University's homepage
 - iii. The University snow phone

3. Reporting for Duty during Suspension of Operations

- a. Essential Personnel will be notified by their respective Department Heads of their activation, and they must report to work as soon as feasible. Essential Personnel must remain on duty as instructed in order to ensure the uninterrupted delivery of Essential Services, unless directed or permitted to do otherwise by their respective department administrator.

4. Excuse from required Duty During Suspension of Operations

Depending on the nature and Suspension of Operations, and at the discretion of the Department Head, Essential Personnel may be excused from service for the following reasons:

- a. If the Staff Member has a medical condition.
- b. The Staff Member has a personal circumstance that prohibits him or her from reporting to duty or necessitates departure from the workplace during the course of the Suspension of Operations (e.g., a child or elder care issue).
- c. Local or regional government authorities have determined that travel at the time of activation between the Staff Member's location and the assigned work area creates a risk of harm to the Staff Member or others is prohibited. In such instances, the Staff Member who is unable to travel must notify his or her Department Head of this circumstance no later than one hour before the scheduled work start time.

5. Unexcused Failure to Report to Work During Suspension of Operations

Staff Members who are required to work during a Suspension of Operations but refuse to do so for reasons other than those deemed acceptable in this policy may be subject to corrective or disciplinary action, up to and including termination of employment.

6. Attendance and Compensation during Suspension of Operations

- a. The following attendance and compensation policies shall be in effect for Staff Members required to report to, or remain at, work during the Suspension of Operations:
 - i. All Staff Members who are required to report to or remain at work (i.e., Staff Members whose work units are not closed, or those called into work by their Department Head) shall work as scheduled.
 - ii. A Staff Member who is required to work during Suspension of Operations but is unable to do so as scheduled, for whatever reason, must contact her or his immediate supervisor to report the

absence at least one hour in advance of the Staff Member's scheduled work starting time.

- iii. Non-exempt Staff Members who are required to report to work or remain at work during the Suspension of Operations of their respective work unit will be paid their normal hourly rate plus 1.5 times for all hours worked during Suspension of Operations over 40 hours per week.
 - iv. Exempt Staff Members who report to or remain at work as required during the Suspension of Operations of their respective work unit will be paid their regular salary.
 - v. Designated Essential Personnel who do not report to work during Suspension of Operations must apply accrued leave, as appropriate, for such time away from work; unless exempted by their respective Department Head.
- b. The following compensation policies shall be in effect for Staff Members whose respective work units are subject to Suspension of Operations and who are not designated as Essential Personnel or otherwise required to work:
- i. Exempt and Non-exempt Staff Members will receive their regular rates of pay, even though Suspension of Operations prevents them from working.
 - ii. The time for which Non-exempt Staff Members are paid but did not work will not be used to determine overtime compensation.
 - iii. Staff Members who are not deemed essential, but nevertheless report to work, will receive regular pay for all time worked.
 - iv. Staff Members who have scheduled vacation, sick leave or other time off prior to the Suspension of Operations may not rescind such time off request after the announcement of the Suspension of Operations.
 - v. In the event that a Suspension of Operations occurs for a portion of the day, a Non-exempt Staff Member in an affected work unit may be allowed to leave work earlier than the scheduled closing time, provided the following:
 - A. The Staff Member's supervisor has approved the request; and

- B. Vacation or sick leave, as appropriate, or leave without pay, will apply to the hours of absence beyond the scheduled work time.

AT-WILL EMPLOYMENT NOT AFFECTED

Notwithstanding anything to the contrary stated in this policy, nothing herein is intended to alter the at-will status of any Staff Member.