



ADMINISTRATIVE POLICY

Policy Title	Essential Personnel
Policy Subtitle/Subject	Essential Personnel
Responsible Executive(s) (RE)	VP, Office of Human Resources & Institutional Equity (HR&IE)
Responsible Office(s) (RO)	HR&IE
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Date Proposed	2/22/24
Reviewed	2/22/24
Last Updated	2/22/24
Effective Date	2/22/24

Permanent

Temporary

1.0 POLICY STATEMENT

The purpose of this policy is to provide guidance in identifying essential employees who would continue work to maintain facilities, equipment, and continuity of business operations in the event of emergencies that may disrupt normal operations.

Essential employees are those individuals who must report to work, be “on call” to report to work, and/or work remotely if required to maintain the critical functions of the University. Essential employees play an important role in maintaining the safety and well-being of students, faculty, and staff who may be remaining on site throughout emergency events.

The Senior Vice President (Sr. VP) and Chief Operating Officer (COO), or designee, has discretion to make adjustments to this policy as necessary during emergency situations.

This policy also applies to emergencies that may be departmental or may not require a university-wide response.

2.0 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines on the following:

- Identification of employees who are and/or may be required to provide critical services before, during, and/or after a declared emergency; and
- Pay during a declared emergency, required recordkeeping and documentation of emergency events.

3.0 APPLICABILITY OF THIS POLICY

All eligible employees. This policy applies to employees who may be directed to perform duties outside of their normal scope and/or tasks that may not be listed in their job description as well as employees who have been designated as essential and expected to respond during an emergency.

4.0 WEBSITE ADDRESS FOR THIS POLICY

www.policy.tulane.edu

5.0 CONTACTS

Subject	Contact	Telephone	E-mail/Web Address
Policy clarification and general information	Office of Human Resources & Institutional Equity	504-865-4748	hr@tulane.edu

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7.0 DEFINITIONS

Critical Function refers to a business activity provided by the unit with an associated level of importance based upon the type of function, as identified in the [University Emergency Operations Plan](#).

Emergency Administrative Time is not accrued by employees, but rather it is provided by the university as continuation of an employee’s base compensation. In turn, use of administrative leave by an employee shall not impact an employee’s accrued time off (i.e., vacation, sick, paid time off, floating holidays). Use of administrative leave shall not constitute “hours worked” as defined under the university’s *Hours Worked, Overtime, and Related Provisions* policy as it relates to the calculation of overtime.

Emergency Flex Time refers to emergency time off that **may** be provided to exempt (salaried) employees who are required to work during a declared emergency and perform essential job duties. If provided, Emergency Flex Time is to be used within the same fiscal year as the emergency and is not paid out upon separation from the university. However, if the emergency occurs in the last month of the fiscal year, then it should be used by the end of the next fiscal year.

Emergency Pay refers to compensation for exempt employees (including Department Heads) required to work extended hours during an emergency, the university may compensate for hours worked over and above the regular workweek at their regular hourly rate. Consideration for this special pay will be at the discretion of University Senior Leadership.

Emergency Closure Pay refers to compensation for non-exempt (bi-weekly) employees (excludes student employees, temporary staff, and part-time employees with an FTE of less than .50) who are required to work during a university declared emergency. This form of compensation is referenced in the [Staff Handbook](#).

Exempt Employees refers to those employees who qualify for an exemption under the FLSA, and in turn, are paid on a salary basis irrespective of the number of hours worked. Exemptions shall be determined by The Office of Human Resources and Institutional Equity in accordance with the FLSA and related regulations issued by the U.S. Department of Labor.

Fair Labor Standards Act ("FLSA") is the federal statute, which establishes minimum wage, overtime pay, recordkeeping, and youth employment standards.

Limited closure on occasion, conditions may restrict access to university properties, such as a need to shelter in place for a potential storm, flooding, a power outage, or icy roads, resulting in a limited closure and transition to remote operations. Employees who are required to work on-site or remotely during a limited closure event will receive their regular pay. If they are unable to work remotely, employees will receive Paid not Worked for those hours they are not able to work up to their regular scheduled hours. If the circumstances above do not result in a limited closure and the employee is not able to report to work, the employee may use vacation, if available, for hours they are unable to work.

Non-exempt employees refer to employees who are not exempt from the overtime provisions of the FLSA and are therefore entitled to overtime pay for all hours worked beyond 40 hours in one workweek.

On-Site Essential Employee refers to an employee whose work duties are mission critical and must be carried out at a Tulane University work location and is not suitable to be performed remotely. The job duties cannot physically be performed remotely and are required to be performed at a Tulane University facility during an emergency and/or administrative closure. The department and/or supervisor must provide authorization for essential on-site roles.

Off-Site Essential Employee refers to an employee whose work duties are mission critical and are to be carried out at a specific location other than a Tulane University work location, for example, an evacuation staging location. An individual in an Essential Off-site role is required to perform non-deferrable work during emergency and/or administrative closures, and due to the nature of the work, it may be performed a location that is not the Tulane University campus. The department and/or supervisor must provide authorization for off-site roles designated as essential.

Remote Essential Employee refers to an employee who is designated by the department as remote and primarily works from a remote location performing their assigned work duties which are deemed mission critical. A remote worker can be required to report to a Tulane University work location for business reasons.

Rest/Sleep Time refers to time provided to employees required to be on duty for 24 hours or more for uninterrupted sleep of more than five (5) hours not to exceed eight (8) hours per 24-hour period.

Temporary or student employees refers to those individuals employed by the University in such classifications. Such employees are employed for a specific period, or on an "as needed" basis.

University Declared Emergency is defined as a period when the university suspends normal operations due to an (i) event of nature that causes extensive and/or severe threat to or destruction of life or university property, such as floods, hurricanes, fires, tornadoes, or other similar events; or (ii) an event caused by the action of one or more persons that imperils life and university property, and produces danger or the imminent threat of danger (iii) or other unforeseen circumstances. The university, in its sole discretion, shall determine whether an event constitutes an emergency, and such discretion may be informed by other governmental authorities at the local, state, or federal jurisdictions. In the event of an emergency, the President or their designee has the sole authority to close

the university.

Volunteers are participants who are not required to participate but have stepped forward to provide support and assistance. For example, during move in day, volunteers from outside of student services participate to help our student affairs department.

8.0 POLICY AND PROCEDURES

Essential employees provide vital support to Tulane University in the event of an emergency or disaster. Essential employees may be required to report to work, be “on call” to report to work, and/or be available to work remotely. All employees are eligible to be designated as essential. Volunteers cannot be designated as essential under this policy and Tulane’s Emergency Operations Plan.

During a campus closing, only employees designated as On-Site Essential may be present on campus. During a modification of on-campus activities, only employees designated as On-Site Essential may be present on campus and Remote Essential may be periodically present on campus with supervisor approval with final approval from the Office Emergency Preparedness and Response, the departmental Sr. VP, and COO. Each college or department is responsible for the final determination as to which of its positions are essential for university mission critical work:

On-Site Essential Employee – Working on site

- Continuation of critical and/or essential services that must be completed on site.
- Maintaining integrity of infrastructure, property, or systems on site.
- Maintaining the safety and wellbeing of students, faculty, and staff.
- On-site essential personnel may include persons working at the evacuation site or other emergency gathering locations.

Remote Essential Employee – Working from a remote location and may need periodic access to campus

- Work is required to maintain operations and business continuity of the University and can be completed remotely.
- Supervisor as well as final approval from OEPR, Sr. VP, and COO is required access to campus may be needed periodically to complete required work.

The designation of “essential personnel” is dependent on the type of emergency and is at the discretion of the supervisor and department to identify these essential personnel best suited to respond to the situation. Department Heads and Supervisors are responsible for identifying essential positions and supervisors are responsible for notifying the individuals in those roles when they may be required to report to work (despite a disruption to the university operations). Essential employees should receive and acknowledge written designation of their essential employee status from their college or department. The written designation remains in effect until the essential employee designation is rescinded in writing. Essential personnel will be expected to maintain their normal work schedule, or adjusted schedules required due to unexpected disruption, unless or until otherwise notified.

Essential personnel will receive guidance from the department or supervisor on the appropriate response to the emergency. The employee will receive training and necessary equipment to perform their duties to the best of their ability.

Failure to comply with the essential personnel policy will result in the range of disciplinary action up to and including termination.

8.1 Badge Identification for Essential Employees

In accordance with the University Emergency Operations Plan, an essential employee may be identified with specific badge identification. Each department shall follow the guidelines identified in the University Emergency Operations Plan for notifying the Office of Emergency Preparedness and Response of personnel that are designated as essential.

8.2 Payroll Practices During an Emergency

Once an emergency has been declared, employees will be compensated based on the guidelines below. Human Resources will specify a start and end time for issuance of the applicable compensation. For payment information, please refer to the [Staff Handbook](#). Emergency compensation will be at the discretion of University Senior Leadership with the final approval by the Office of the COO.

8.2.1.a. Non-Exempt Employees

If a university emergency is declared and a non-exempt (excludes students, temporary staff, and part-time employees with an FTE of less than .50) employee is required to work during the emergency, they will be compensated Emergency Worked pay (referenced in the [Staff Handbook](#)) for all hours worked during the university declared emergency. Non-exempt employees working remotely during a declared university emergency will receive their normal compensation based upon all hours worked. Non-exempt employees who are unable to report to work as a direct result of impacts from a university declared emergency or are permitted to leave work early because of a personal emergency, shall continue to receive their normal compensation in the form of "Paid not Worked." Essential and non-essential non-exempt employees is further discussed in the [Staff Handbook](#).

8.2.1.b. Exempt Employees

Exempt employees who are not required to work onsite during a university declared emergency receive pay at their regular salary. It is expected that employees will be able to continue to perform their job functions remotely.

Exempt employees who are required to work onsite during a university declared emergency receive their regular salary for work performed.

Depending on the length of time that the exempt employee has worked onsite or offsite during the university declared emergency, the University may provide exempt employees with Emergency Flex Time or Emergency Pay. If Emergency Flex Time is provided, it is to be used within the same calendar year earned. Flex time is not paid out upon separation of employment and must be approved by the department head/supervisor.

In the event an off-site emergency shelter (for employees and/or students) is activated and the exempt

employee is required to provide onsite services, the exempt employee(s) may be compensated on an exception basis through an emergency pay. The issuance of an emergency pay will be available upon authorization of the Sr. VP and COO.

8.2.1.c. Temporary Employees or Student Employees

Temporary and student employees who are not required to work during a university declared emergency are not eligible for compensation. A temporary or student employee who performs work during a university declared emergency will receive pay at their hourly rate for all hours worked. Hours worked should be tracked in Kronos. Hours may be tracked using mobile devices may be used to submit time if time clocks or computer are not available.

8.3 Tracking Time During a University Declared Emergency

The university senior leaders, at their sole discretion, shall determine whether an event constitutes an emergency, and such discretion may be informed by other governmental authorities at the local, state, or federal jurisdictions. As such, all essential exempt and non-exempt staff, as defined in the Essential Personnel policy shall be required to maintain accurate records DIRECTLY related to their tasks, assignments, and responsibilities during a University Declared Emergency Period; for the purpose of documenting labor, materials, supplies, and equipment cost incurred by the university. Therefore, it shall be the responsibility of all employees and supervisors to maintain records of the following:

- All materials and supplies purchased.
- All hours worked (regular and overtime).
 - Hours worked should be tracked in Kronos. Mobile devices may be used to submit time if time clocks or computer are not available.
- All hours of usage for university or rental equipment.
- Each location where work was performed (on campus/off campus).
- Employees are expected to adhere to the absenteeism, tardiness, and notification requirements set forth in the [Tulane Staff Handbook](#), even during periods of emergencies.

8.4 Employees on Pre-Approved Time Off

If an employee has previously scheduled vacation or sick leave, vacation or sick leave will still be applied. With supervisor approval however, employees may submit a Change Request in Kronos to cancel a previously approved period of vacation or sick leave during an emergency closure if the employee worked and was unable to take the planned vacation or sick leave. Employees who are on leave without pay are not eligible for compensation during an emergency incident.

8.5 Employees Hired During an Emergency

Employees hired by the university and expected to commence their employment, including attendance at new employee orientation, on a date when the university is closed because of a university declared emergency will maintain their original start date and be paid "Emergency Administrative Time."

8.6 No Emergency Declared

In the event that the university does not declare an emergency, but a communal emergency event has affected an employee to the extent that they are unable to attend or return to onsite work, the employee is expected to work remotely.

Employees who are late or absent in cases where weather may be extreme may request available time off/vacation leave according to the university policy. Employees must contact their supervisor for their approval first. Supervisors are encouraged to work with employees to allow the individual(s) to address personal issues they may have encountered as a result of the undeclared incident affecting their ability to report to work. Employees who are requested to remain onsite before a declared emergency to support critical operations, may be compensated on an exception basis upon authorization of the Sr. VP and COO or their designee.

9.0 CONSEQUENCE OF VIOLATING THE POLICY

Violation of these policies may result in disciplinary action, up to and including termination.

For consequences of violating the policy refer to the Faculty and Staff handbooks found at policy.tulane.edu.

APPENDIX I

Relevant Information

OEPR Emergency Operations Plan:

<https://tulane.app.box.com/s/r9spno75zlhvyfi7p55omr1h64yjnzlg/file/1028410549181>

Tulane Staff Handbook:

<https://tulane.app.box.com/s/r66lu4pi2egwh5y9nd2actf217mjqavd>