

POLICY DIGEST

Monitoring Unit: Office of Human Resources Management
Initially Issued: 6/16/2023

EFFECTIVE DATE: 6/16/2023

SCOPE:

This policy applies to all employees of LSU Health Sciences Center – New Orleans (LSUHSC-NO).

PURPOSE:

This document provides procedural guidance for the processing of Weather or Emergency Closure Pay for employees that are required to work through closure.

DEFINITIONS:

- 1) **Weather or Emergency Closure** - The Chancellor or his designee declares a Weather or Emergency Closure due to a national or local emergency, act of God, or other situations of an extraordinary nature which threaten life and property and represent real danger and/or hardship to the institution and employees.
- 2) **Essential Employees** - are those designated by their Vice Chancellor as those personnel who may be essential to the continued performance of their department or the protection of LSUHSC-NO assets during an emergency. The requirement for essential employees is situation dependent. All personnel classified as essential will not necessarily be required in the event of an emergency; different types of emergencies require different types of support. For instance, a complete power outage at the School of Dentistry may shut down that campus but require electricians to support; whereas potential flooding at the Downtown campus may require that campus to be closed with only select Facility Services and University Police required to support. Accordingly, in the event of an emergency where only essential personnel are required, each Vice Chancellor will determine which essential personnel are required and ensure they are properly notified and report to their designated work site. Deans will determine if any of their personnel are deemed an Essential Employee and obtain approval from VCAF.
- 3) **Fair Labor Standards Act (FLSA)** - The Department of Labor Wage and Hour Division administers the FLSA. The law requires LSUHSC-NO to pay covered employees at least the federal minimum wage and overtime for all hours worked over 40 in a workweek. LSUHSC-NO is required to comply with this federal law. For purposes of this policy, covered employees are defined as non-exempt employees.
- 4) **Non-exempt Employee** - 'Non-exempt' defines the category of employees performing certain types of work for which the Fair Labor Standards Act (FLSA) which is a federal law, provides employee protections such as requiring payment for overtime work.

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- 5) **Exempt Employee** - The term 'exempt' defines the category of employees exempted from the protections of the FLSA. Employers are not required to provide any overtime compensation to exempt employees.
- 6) **Continuous Operations Personnel** – Employees in positions which perform essential duties that can be done remotely during an emergency closure. These employees will not be required to work on campus but will be required to perform essential duties.
- 7) **Special Leave** – Upon declaration of Weather or Emergency Closure, the Chancellor may declare Special Leave for normal working hours, paid at straight time for classified and unclassified employees. For classified employees, special leave related to weather or emergency closure are considered hours worked.
- 8) **Overtime** - A standard workweek for LSUHSC-NO is 40 hours and runs from Monday 12:01a.m. - Sunday midnight. Overtime typically begins once an eligible employee exceeds 40 hours worked during that workweek. Overtime compensation may or may not be paid for hours worked over 40 hours in a workweek depending on the rules and rates associated with the employees' civil service and/or FLSA classification.

GENERAL POLICY GUIDELINES:

In emergency situations, Essential Employees are required to stay or return to campus. Depending upon the type of emergency, not all Essential Employees will be required for all emergencies. Non-essential employees should not report to campus during emergency closures.

Overtime Eligibility

Essential, non-exempt employees and essential, classified exempt employees required to work on campus during emergency situations will be compensated at the overtime rate of time and one half for hours worked in addition to special leave hours.

By Louisiana statute, Unclassified and Faculty Exempt personnel are not eligible for overtime but may be available for additional compensation subject to Chancellor's approval.

Continuous Operations Personnel are required to work on designated tasks but will not be eligible for overtime for working their normal work schedule. If Continuous Operations Personnel are not able to perform their function due to lack of power or other situation, they should contact their supervisor so alternative work assignments can be made.

Employees with approved Remote Work arrangements - Eligible Employees scheduled for Remote Work on a day that LSUHSC-NO declares to be a weather or other campus emergency closure are expected to work as scheduled in accord with applicable policies and guidelines. If unable to do so, their supervisor must be notified, and appropriate leave taken if applicable.

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Required Campus Stay

In the event of an emergency/disaster, some employees may be required to remain on campus to secure facilities or care for animals as part of the emergency response plan. Time required to stay on campus is paid except for sleep periods. For employees required to be on campus for less than 24 hours, all hours are paid even though the employee may be permitted to sleep or engage in other personal activities. An employee required to be on duty for 24 hours or more needs to agree to exclude from hours worked bona fide sleeping periods of not more than 8 hours. If the rest period is less than 5 hours, all time is considered time worked.

PROCEDURES:

Prior to any emergency, supervisors should communicate to all employees their responsibilities in the event of emergency closure.

In response to a Weather or Emergency Closure, the Chancellor will approve Special Leave. This approval will be for a designated period of time in which the event is happening and/or aftermath of the event. Managers or employees will be required to enter employees' time worked and use Special Leave code for time not worked due to the campus closure.

- 1) Code time not worked during the closure as special leave. Use special leave code = LLS for bi-weekly paid employees. Comment code to use will be provided by payroll.
- 2) For essential hourly, bi-weekly employees that worked on campus during the closure, code time worked in addition to special leave. The essential employees will be paid the number of special leave hours granted by the Chancellor in addition to the hours worked. Any hours actually worked will be paid at one and one-half (1 ½) hours.
- 3) For non-essential, non-exempt employees, supervisor's written pre-approval is needed to work as regularly scheduled during the closure. Code pre-approved worked time as normal. These employees will NOT be paid special leave for hours worked. Any normal time worked over forty (40) hours will be paid at the FLSA rate of one and one-half (1 ½) for hours worked over forty (40) for the week.
- 4) The number of hours coded as special leave should correspond with the employee's current standard hours and FTE status.
- 5) If an employee was scheduled for annual leave or sick leave during the closure, the leave should be changed to special leave.
- 6) If an employee was on unpaid FMLA or LWOP during the closure, special leave will not apply. *Please note PeopleSoft does not allow for Special Leave coding while on FMLA and would require a manual removal of the FMLA code for the special leave period.*
- 7) Student workers and When Actually Employed (WAE) employees are not eligible for special leave.

REFERENCES

<https://www.lsuhsoc.edu/administration/cm/cm-51.pdf>
<https://www.lsuhsoc.edu/administration/cm/cm-62.pdf>



**EMPLOYEE PAY POLICY
WEATHER OR EMERGENCY
CLOSURE**

Office of Human Resource Management

<https://www.lsuhs.edu/administration/cm/CM-73.pdf>

<https://www.civilservice.louisiana.gov/CSRules/Chapter21.aspx>

[Fact Sheet #22: Hours Worked Under the Fair Labor Standards Act \(FLSA\) | U.S. Department of Labor \(dol.gov\)](#)