

Emergency Response and Subsequent Overtime Compensation

The following are the uniform policies governing state employees affected by any associated period of emergency so declared by the Governor. An emergency situation is whenever the Governor determines that the health or safety of employees, clients, or citizens would be placed at risk or whenever a natural disaster results in the Governor declaring a state of emergency. All state agencies will conform to these policies for the purposes of emergency response and any overtime pay for employees designated by their applicable agency head as necessary to respond to a declared period of emergency.

I. Designation of Employees Necessary to Respond in Periods of Emergency

Only employees whose duties and responsibilities are essential shall be designated by the agency head to respond in the event of a designated period of emergency. These designated employees below the level of Division Director or the equivalent are eligible for overtime pay and holiday compensation as provided by this policy.

II. Closure of State Offices

In the event that it is deemed necessary to close state offices as a result of an emergency, treatment of employee absences shall comply with the Policy for Inclement Weather, Closure of State Offices, and Subsequent Employee Absences. Employees who are required to work additional time past their scheduled shift during an office closure may be compensated under provisions of Regulations Governing the Payment of Overtime and Granting of Compensatory Time.

III. Overtime Compensation

- a. Overtime compensation is authorized to be paid in cash. Overtime pay is prohibited until the sum of the hours employees have actually worked (including time worked on a holiday) and any time observed as a holiday exceeds the applicable threshold hours stated within this policy. Time granted as paid leave shall not be counted toward the applicable threshold hours.
- b. The following reimbursement rates will be used for employees who are authorized to receive overtime cash compensation:
 1. Non-exempt employees – 1 ½ times their regular hourly rate for all hours worked in excess of the applicable threshold; and
 2. Exempt employees – 1 times their regular hourly rate up to a maximum overtime reimbursement rate of \$32.25 per hour for all hours worked in excess of the applicable threshold.

- c. Funds for overtime payments should be covered by agencies' existing personal services budget or other funding resources. If agencies have extensive overtime payments incurred during this period and all resources have been exhausted, agencies may request additional funds through customary budget processes.

IV. Designation of Work Period, Calculation of Overtime, and Applicable Thresholds

- a. Law Enforcement and Fire Protection Personnel

For purposes of this policy, the work period will be defined as that work period authorized in current agency policy. The maximum number of allowable hours in work periods of varying lengths before overtime compensation must be made is as follows:

Work Period (days)	Maximum Hours	
	Fire	Law Enforcement
28	212	171
27	204	165
26	197	159
25	189	153
24	182	147
23	174	140
22	167	134
21	159	128
20	151	122
19	144	116
18	136	110
17	129	104
16	121	98
15	114	92
14	106	86
13	98	79
12	91	73
11	83	67
10	76	61
9	68	55
8	61	49
7	53	43

- b. All Other State Personnel

For purposes of calculating overtime, the work period shall be seven days. Employees must work 40 hours in a seven-day work period before receiving overtime compensation.

V. Holiday Work-time and Overtime Calculations in Work Periods with a Holiday

Employees who are required to work on a day proclaimed as a holiday shall be monetarily compensated for the work or granted equivalent time off, not to exceed the time actually worked or eight (8) hours, whichever is less. Agency heads shall determine the manner in which compensation is provided.

- a. The monetary compensation or equivalent time off shall be for the actual number of hours worked up to eight (8) hours. Employees will receive credit for any hours worked on a designated holiday over the eight-hour maximum according to the reimbursement rates and work periods specified in this policy.
- b. The compensation or equivalent time off accrued for a holiday shall be provided to employees within 365 calendar days of the holiday.
- c. When the regularly scheduled off day falls on a day proclaimed as a holiday, the employee shall receive eight (8) hours equivalent time off. This paid time off is in addition to the observance of the regularly scheduled off day.

References

Rules, Regulations, and Procedures Governing Work Hours, the Payment of Overtime, and Granting of Compensatory Time (September 1, 2020)

State Personnel Board Rule 16, *Absence from Work* (January 9, 2017)