



County Commission Meeting  
May 20, 2020  
Agenda Item Number: L.4  
Agenda Item Summary #6924

**REVISED BACKUP DAY OF MEETING:**

Revised resolution; updated options chart to reflect revisions to resolution.

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**BULK ITEM:** No

**DEPARTMENT:** Employee Services

**TIME APPROXIMATE:**  
2:30 P.M.

**STAFF CONTACT:** Bryan Cook (305) 292-4537

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**AGENDA ITEM WORDING:** Discussion, direction, and approval of a Resolution Repealing Resolution 146-2013 and Establishing a new Emergency Response Pay Plan.

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**ITEM BACKGROUND:** On April 30, 2020, the Board directed staff to prepare a revised emergency pay plan policy. Staff researched policies of other jurisdictions and prepared a proposed new policy.

The proposed resolution would rescind resolution 146-2013 in its entirety and establish a new policy for emergency response work pay.

Key components of the new policy include:

- Provides administrative leave only for employees with no available work to do.
  - Provides time and one half the employee's regular rate of pay for emergency response work performed during regular working hours.
  - Provides two times the employee's regular rate of pay for emergency response work performed on overtime (in excess of the employee's regular workday or workweek).
  - May be activated for a maximum of 3 weeks; with weekly extensions by County Administrator who notifies Commissioners
  - Requires BOCC to review this policy between January and March in odd years following BOCC member elections
  - Ceases administrative leave pay if an employee does not return to work as assigned, along with the possibility of disciplinary action.
  - Provides a standing option for any employee to voluntarily waive his or her claim to emergency response pay.
  - Removes compensatory time as a method of payment of emergency response work and \$24.00 minimum hourly rate.
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**PREVIOUS RELEVANT BOCC ACTION:** 5/15/2013, BOCC adopted Resolution 146-2013

setting for the current emergency response work pay policy. 4/15/2020, Board adopted Resolution 105-2020, setting for a specific policy for the COVID19 emergency.

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATION:** Approval

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**DOCUMENTATION:**

REVISED Emergency Pay Plan Resolution May 2020 (5/19/20)

REVISED Emergency Response Pay Resolution - Options Chart for BOCC (5/19/20)

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**FINANCIAL IMPACT:**

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**REVIEWED BY:**

Bryan Cook	Completed	05/07/2020 1:46 PM
Bob Shillinger	Completed	05/07/2020 1:49 PM
Kathy Peters	Completed	05/07/2020 1:52 PM
Board of County Commissioners	Pending	05/20/2020 9:00 AM

**RESOLUTION NO. \_\_\_\_ - 2020**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, REVISING POLICY FOR COMPENSATION FOR PUBLIC EMERGENCY RESPONSE WORK AND REPEALING RESOLUTION NO. 146-2013.**

**WHEREAS**, County policy regarding compensation for County employees working in response to a public emergency has heretofore been set forth by Resolution of the Board of County Commissioners; and

**WHEREAS**, it is important to the welfare of the residents of and visitors to Monroe County to encourage employees to remain in or return expeditiously to the County to provide response to a public emergency such as a hurricane, before, during and after the event, as needed; and

**WHEREAS**, definition and clarification are required to facilitate the accounting for, and payment of, emergency response work compensation; and

**WHEREAS**, the Board of County Commissioners of Monroe County did adopt Resolution No. 146-2013 on April 26, 2013 setting forth policy governing compensation for public Emergency Response Work; and

**WHEREAS**, the Board of County Commissioners now wishes to revise and replace Resolution 146-2013 in order to revise the policy governing compensation for public Emergency Response Work;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

1. Monroe County *Resolution No. 146-2013* is hereby repealed in its entirety and replaced with the following.
  2. This policy shall apply to public emergency response and compensation for such work, other than for employees covered by union contracts which may govern their compensation and persons hired as temporary on-call emergency disaster employees.
- A. *Definitions*. For purposes of this resolution, the following words and phrases shall have the definitions provided herein.
- i. *Administrative Leave*: Leave with pay at an employee's regular rate of pay for regular working hours) which the County Administrator or his/her designee has authorized whenever any emergency or disaster, as those terms are defined in F.S.

252.34, requires the cessation or modification of regular work. Administrative Leave is used only to provide income to employees with no work available.

- ii. *Emergency Response Work*: Any work performed by an Authorized Employee due to a disaster or other emergency, when such work is performed in furtherance of the duties of the County to protect and restore the health, safety and welfare of the public against the cause of the disaster or other emergency.
  - iii. *Authorized Employee*: An employee who is approved as an emergency response worker by his/her Department Director, the County Administrator or Assistant County Administrator.
- B. Only by authorization of the County Administrator or his/her designee will the County cease normal operations due to an emergency/disaster. The Administrator's or designee's declaration of cessation of normal County operations shall set forth the geographic areas affected by the closure if there is to be a cessation of normal operations in only one part of the County. Once activated by the County Administrator or his/her designee, the terms of this resolution may continue for up to a maximum of three weeks. If the duration of the emergency extends beyond three weeks, the County Administrator may re-activate this resolution on a week-by-week basis after independently notifying each Commissioner, based on availability, of the Administrator's intent to re-activate the policy set forth in the resolution.
- C. The Monroe County BOCC Personnel Policies and Procedures Manual and the Monroe County Disaster Preparedness Employee Plan describe expectations for employees to maintain contact with their supervisor and report to work during times of public emergency. Employees questioning their responsibilities during the time of disaster or emergency should contact their supervisor or Department Director to be sure that they are fulfilling their responsibilities. In severe emergency/disaster situations where an employee is granted Administrative Leave and not expected to perform work for a period of time, it is the responsibility of the employee to establish contact with his/her supervisor if there is any doubt about when to return to work and/or to report any inability to appear at the worksite. Employees should stay close to media information, email, and/or telephone/text messaging in order to obtain information regarding County operations resuming. Employees should not rely solely on media information.

Administrative Leave pay will be stopped for an employee who fails to report to work as requested by supervisor, Department Head, Assistant County Administrator, County Administrator or Emergency Management Director. Employees who fail to report to work as assigned may also face further disciplinary action. In any case, it is the employee's responsibility to notify his/her supervisor if unable to report to work (Personnel Policies and Procedures Manual Section 7.04 -Notification of Absence).

D. Pay Rates:

Administrative Leave Pay:

Employees, both exempt and non-exempt, are granted Administrative Leave if they do not perform Emergency Response Work. Such employees are compensated at their regular rate of pay for the hours they were scheduled to work up until 11:59 pm for each day granted. Administrative Leave shall be granted for those hours not worked in order to make the employee "whole" for the normal scheduled work day. It is not meant as a means of awarding overtime to an employee.

#### Emergency Response Work Compensation Rates:

- 1) All Authorized Employees, both exempt and non-exempt, other than emergency temporary employees, who perform Emergency Response Work will be compensated at time and one half their regular hourly rate for time actually worked doing Emergency Response Work, up to the length of their normal/regular workday (this may vary depending upon employees typical hours worked per day or shift).
- 2) All Authorized Employees, both exempt and non-exempt, other than emergency temporary employees, who perform Emergency Response Work longer than their regular workday will be compensated at two times their regular rate for time that exceeds their regular workday. Time worked on additional shifts and beyond hours of the employee's regular workweek will be compensated at two times their regular rate of pay.

#### Regular work performed during an emergency:

1. An employee who performs regular job duties, that could have been postponed until after the activation of this resolution has ceased ("Regular Duties"), shall only be paid at his/her normal rate of pay for those hours in which the Regular Duties are performed.
  2. Regular duties performed during a time of emergency, that must be performed in furtherance of the County to meet its responsibility to protect the health, safety, and welfare of the public, shall be considered Emergency Response Work and paid accordingly: time and one half of the employee's regular hourly rate for time actually worked, up to the length of their normal workday; two times the employee's regular rate for time in excess of their regular workday; two times the employee's regular rate for time worked on additional shifts in excess of the regular workweek.
- E. After the activation of this resolution ends, exempt and non-exempt Authorized Employees who continue to perform Emergency Response Work will be compensated at their regular rate of pay for their regular working hours, regardless of whether performing Emergency Response Work or Regular Work.
- F. All employees, other than temporary on-call emergency or disaster employees, who work due to an emergency/disaster and are otherwise not recognized in this Resolution may be approved by the County Administrator or his/her designee for emergency response compensation for the time actually worked during the emergency/disaster. The County Administrator or his/her designee may approve, on a case by case basis, compensation

at emergency response work compensation rates for additional emergency response/disaster recovery work performed outside of the period this resolution is activated.

- G. This resolution may apply to a worksite or some part of the County, such as in the case of a localized emergency. In the case of a partial County operation closing, those employees whose worksite (not residence) is in the area where the closing occurs shall be paid according to this resolution.
- H. Employees on sick leave, personal leave or vacation on a day when emergency closings occur, are charged with such leave as was scheduled up until the time when this resolution is activated and Administrative Leave is granted. An employee's accrued leave shall not be charged during an emergency closure unless the employee fails to report to work as assigned per Section C above.
- I. Any employee who earns emergency response pay under this Resolution, who wishes to waive their claim to emergency response pay shall be allowed to do so. Employees must fill out a waiver form indicating their intent to waive payment and provide that form along with their timesheet each pay period that reflects emergency response work performed while this resolution is activated. The Human Resources Department shall make available the optional waiver form to be provided with timesheets.
- J. The policies and practices described herein are not intended to, nor shall they, supersede or conflict with any state or federal laws regarding compensation.
- K. Severability. If a Court of competent jurisdiction determines that any portion of this resolution is unenforceable, the remainder of the resolution shall remain in full force and effect.
- L. Timesheets:
  - a. Timesheets must reflect ACTUAL hours worked in the "IN" and "OUT" columns.
  - b. Physical working hours for that day performing regular duties that could have been postponed until after the emergency must be reflected the "RG" column.
  - c. Physical working hours for that day spent on Emergency Response Work during the employee's regular work shift must be recorded in the "ER1" column.
  - d. Physical working hours for that day spent on Emergency Response Work that extend beyond the employee's regular work shift must be recorded in the "ER2" column.
  - e. For employees who do not perform work, Administrative Leave time granted until the end of the normally scheduled workday (up to midnight of each day) must be reflected in the "MI" column in order to make the employee "whole" for that work day.

- f. "Total hours" for that day worked directly relating to the disaster/emergency and an emergency project identifier (i.e. EMG/HURR, storm name, project number) must be recorded in the "Comments" column of the timesheet in order for the County to obtain proper reimbursement from federal funds, etc.; additional time recording on other paperwork may also be required.
  - g. The County Administrator or his/her designee, Assistant County Administrator, or authorized Department Director of an Emergency Response Worker may authorize timesheets that include compensation described herein. For each emergency, the Human Resources department will provide, and update as necessary, a list to payroll of Department Directors authorized to validate timesheets.
- M. These instructions may be amended and/or supplemented by further resolution.
- N. This Resolution shall be effective upon adoption.
- O. This resolution shall continue in effect unless rescinded or modified by subsequent resolution of the Board. The County Administrator is directed to place an item on the Board's agenda to review this policy between January and March of every odd numbered year so the newly elected Board can review and revise this policy, if desired, prior to hurricane season. Nothing herein shall prevent a Board from reviewing and revising this policy at any time.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 20<sup>th</sup> day of May, 2020.

**Mayor Heather Carruthers** \_\_\_\_\_  
**Mayor Pro Tem Michelle Coldiron** \_\_\_\_\_  
**Commissioner Craig Cates** \_\_\_\_\_  
**Commissioner David Rice** \_\_\_\_\_  
**Commissioner Sylvia Murphy** \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA**

**BY:** \_\_\_\_\_  
**Mayor Heather Carruthers**

(SEAL)

**ATTEST: KEVIN MADOK, CLERK**

**By:** \_\_\_\_\_  
**As Deputy Clerk**

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Current Monroe County Policy - Daily Pay					
Most like: FKAA, Mosquito Control, Keys Energy and Statewide Respondents: Exempt 22%; Non Exempt 38%					
Admin Leave - Non Exempt	Non Exempt Emergency Response Rate		Admin Leave - Exempt	Exempt Emergency Response Rate	
1	1.5		1	1.5	
Employee #1	Employee #2	Employee #3	Employee #4	Employee #5	Employee #6
Admin Leave	Admin Leave + 1.5x	Admin Leave + 1.5x	Admin Leave	Admin Leave + 1.5x	Admin Leave + 1.5x
Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate
\$20.00	\$20.00	\$20.00	\$35.00	\$35.00	\$35.00
Sent Home/No Work	Non-Exempt/Called into work while others are on Admin Leave	Non-Exempt/Called into work while others are on Admin Leave	Sent Home/No Work	Exempt/Called into work while others are on leave	Exempt/Called into work while others are on leave
	Worked 8 hours while others were at home	Worked 12 hours while others were at home		Worked 8 hours while others were at home	Worked 12 hours while others were at home
\$160.00	\$400.00	\$520.00	\$280.00	\$700.00	\$910.00

\$2,970.00 Sum of these 5 employees

2

CATES OPTION - Admin Leave + 1.5 for Non Exempts and NO Admin Leave or Pay for Exempts (Salary only)					
Admin Leave	Non Exempt Emergency Response Rate		Admin Leave - Exempt	Exempt Emergency Response Rate	
1	1.5		1	0	
Employee #1	Employee #2	Employee #3	Employee #4	Employee #5	Employee #6
Admin Leave	Admin Leave + 1.5x	Admin Leave + 1.5x	Admin Leave	Salary only	Salary Only
Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate
\$20.00	\$20.00	\$20.00	\$35.00	\$35.00	\$35.00
Sent Home/No Work	Non-Exempt/Called into work while others are on Admin Leave	Non-Exempt/Called into work while others are on Admin Leave	Sent Home/No Work	Exempt/Called into work while others are on leave	Exempt/Called into work while others are on leave
	Worked 8 hours while others were at home	Worked 12 hours while others were at home		Worked 8 hours while others were at home	Worked 12 hours while others were at home
\$160.00	\$400.00	\$520.00	\$280.00	\$280.00	\$280.00

\$1,920.00 Sum of these 5 employees  
-35% Change from current policy

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STAFF RECOMMENDATION - Admin Leave if not working; 1.5x for regular workday; 2.0x for hours greater than regular workday/workweek					
Admin Leave	Non Exempt Emergency Response Rate		Admin Leave - Exempt	Exempt Emergency Response Rate	
1	1.5		1	1.5	
	2			2	
Employee #1	Employee #2	Employee #3	Employee #4	Employee #5	Employee #6
Admin Leave	1.5x for 8 hours	1.5x for 8 hrs; 2.0x for 4 hrs	Admin Leave	1.5x for 8 hours	1.5x for 8 hrs; 2.0x for 4 hrs
Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate
\$20.00	\$20.00	\$20.00	\$35.00	\$35.00	\$35.00
Sent Home/No Work	Non-Exempt/Called into work while others are on Admin Leave	Non-Exempt/Called into work while others are on Admin Leave	Sent Home/No Work	Exempt/Called into work while others are on leave	Exempt/Called into work while others are on leave
	Worked 8 hours while others were at home	Worked 12 hours while others were at home		Worked 8 hours while others were at home	Worked 12 hours while others were at home
\$160.00	\$240.00	\$400.00	\$280.00	\$420.00	\$700.00

\$2,200.00 Sum of these 5 employees  
-26% Change from current policy

Other changes: May be activated for a maximum of 3 weeks; with weely extensions by County Administrator who notifies Commissioners  
 Provision requiring BOCC to review this policy between January and March in odd years following BOCC member elections  
 Standing option in policy for employees to waive emergency response pay  
 Stop Administrative Pay if employee does not return to work as assigned  
 Potential for disciplinary action for employees who do not return  
 Remove option to earn compensatory time as method of payment for emergency response work  
 Remove \$24.00/hr minimum rate