

Payroll and Personnel Policies during Emergencies and Disasters

Last Updated on 11/5/19

The City and County of San Francisco's Charter, Administrative Code, Civil Service Rules, and Memoranda of Understanding (MOUs) contain employee payroll and personnel provisions. These provisions will not change during a disaster or emergency unless conditions make adjustments necessary. This memo is intended to clarify when rules could change, and what employees are required to do during an emergency or disaster.

When Policies, Rules or Procedures May Change

If the Mayor declares an emergency, the City's Emergency Operations Center Policy Group will meet to make decisions about vital City services. Based on the type and duration of the emergency or disaster, the City may make agreements with labor representatives, revise Civil Service Rules and/or pass legislation to temporarily suspend or alter some payroll or personnel provisions. The City could also decide to temporarily suspend or alter discretionary policies, such as those related to certain kinds of employee leave. Employees and labor organizations will be formally notified about any changes.

Employee Obligations

California law¹ requires all public employees to serve as disaster service workers (DSWs). DSWs perform disaster-related duties as required to promote and maintain public health and safety during a declared emergency. DSWs may be required to come to work at any time of day to perform disaster-related duties. These duties may not be part of an employee's regular duties, and may not be at the regular work location. DSW responsibilities may continue into the recovery phase of an emergency and may be organized into daily or hourly shifts that are different from employees' regular hours.

Departments will do their best to assign employees duties within the scope of their classifications. Employees will never be asked to do something they are not trained to do.

DSW Pay

- **In General**: Employees will continue to be paid as they normally would (including overtime or compensatory time, premiums or other special pays, etc.) regardless of whether an emergency has been declared and/or they are performing DSW duties.

If DSWs are required to perform duties outside the scope of their appointed classifications they *may* be eligible for additional pay, such as acting assignment pay, if the duties are associated with those of a higher paying classification and the conditions laid out in the appropriate MOU are met.

- **Employees on Paid Leave**: Employees on paid discretionary leave at the time of an emergency or disaster (vacation, floating holiday, compensatory time—*not* FMLA or sick leave) may be required to shorten their leaves and return to work.

¹ Government Code, Title 1, Division 4, Chapter 8, Section 3100, Et. Seq.

- **Volunteering:** If the Mayor has declared an emergency in San Francisco, employees who are not called to DSW duty may want to volunteer. Employees who earn overtime (those covered by the Fair Labor Standards Act) can volunteer for duties during their normal work hours or outside work hours, as long as they are not doing the same type of work they do on the job. For example, a Payroll Clerk in the Controller's Office may volunteer to hand out sandwiches because that is not a part of a Payroll Clerk's normal duties. If the volunteer time is during normal work hours the employee can use accrued paid leave or unpaid leave at the supervisor's discretion.

Employees who don't earn overtime (those exempt from the Fair Labor Standards Act) can volunteer on an unpaid basis, regardless of whether the volunteer work is within the scope of their regular duties. If the volunteer time is during normal work hours the employee can use accrued paid leave or unpaid leave at the supervisor's discretion.

Disruptions to Transportation

Employees are responsible for reporting to work on time, regardless of the situation, unless specifically instructed otherwise by their supervisors or authorized department representatives.

- If an employee is unable to report to work on time, or at all on a given day, the employee must immediately contact his or her supervisor to request approval to use paid leave. The appointing officer may authorize use of paid leave if he or she agrees the disruption to the employee's commute warrants it.
- Employees who are late to work may utilize paid leave or work later to make up the time with their supervisors' permission.
- Commute time is not paid during normal working conditions, and remains unpaid even if a major disruption causes a significant increase in commute time, or an employee is required to report to an alternate work location.

When an Appointing Officer Instructs Employees not to Come to Work or to Leave the Work Site

Employees shall be paid as hours worked (WKP) for all regularly scheduled hours for up to the first seven (7) calendar days they are instructed not to report to work. However, employees who are on approved leave at the time of the emergency or disaster will continue in the same previously approved paid or unpaid leave for the duration of their leave. After seven (7) calendar days, if employees are still instructed not to come to work, the City will evaluate implementing the following MOU provisions which may result in some employees not being paid:

- SEIU Misc., Local 21, Nurses, Laborers, Electricians, Supervising Nurses, Probation Officers:
 - Employees will receive unpaid leave unless the appointing officer allows use of paid leave.
 - Employees must be told not to come in at least two hours before their shifts begin, or they receive a minimum of two hours pay (WKP).
 - Employees who report to work and are told to leave receive a minimum of four hours pay (WK).
- Teamsters Local 856, Multi-Unit:
 - Employees will receive unpaid leave unless the appointing officer allows use of paid leave.

- Employees must be told not to come in at least two hours before their shifts begin, or they receive a minimum of two hours pay (WKP).
- Employees who report to work and are told to leave receive a minimum of three hours pay (WKP).
- Craft Coalition:
 - Employees will receive unpaid leave unless the appointing officer allows use of paid leave.
 - Employees who report to work and are told to leave receive a minimum of two hours pay (WKP).
- MEA (Misc., Fire and Police), MAA, Plumbers, Automotive Machinists, TWU Local 200, TWU Local 250A (7410), UAPD, Operating Engineers, Supervising Probation Officers, POA, Sheriff's Deputies and Managers, DA Investigators, Fire, Institutional Police Officers, H-1s and Stationary Engineers:
 - Employees must be paid as hours worked (WKP) for all regularly scheduled hours.

Additionally, employees may be placed on paid sick leave in the following situations:

- Quarantine - For example, if a City health facility is closed due to a flu outbreak (Civil Service Rule 120.7.2).
- Compulsory - For example, if an employee has the flu (Civil Service Rule 120.23).

Employees Harmed by a Regional Disaster

Pursuant to Administrative Code 16.8, City employees are eligible for up to eighty (80) hours of paid release time in the event they are displaced from their primary residences or impaired from reporting to work stemming from a regional disaster. The City's Human Resources Director will notice employees of the availability of this program in the event the Mayor declares a regional disaster.

Tracking Time during Emergencies or Disasters

In the event of a declared emergency or disaster, the Controller's Office will instruct departments to track time related to response and recovery efforts to help ensure that the City can recover eligible costs through federal and state disaster assistance programs and other sources.

Departments and/or employees must timely and comprehensively document and track all employee time during the response and recovery phases. Three important procedures that City departments and employees involved in disaster response and recovery efforts need to know and do include:

- Track time following the specific instructions given by the Controller's Office.
- Complete ICS Form 211 - Sign-In Sheet (attached): ICS Form 211 is used to document employee attendance for each operational period.
- Complete Incident Command System (ICS) Form 214 – Activity Log (attached) at the end of each operational period. A completed ICS Form 214 will document the start and end of shift, significant events, work performed, and how this work directly relates to the disaster.

Questions about time tracking should be directed to Christine Beetz at christine.beetz@sfgov.org.