

DIVISION OF OPERATIONS POLICY
COMPENSATION FOR EMERGENCY WORK

Revised February 3rd, 2020

EMERGENCY WORK

Emergency work is:

- Unscheduled, requires immediate response and cannot wait until the next regularly scheduled work shift.

The purpose of this definition is to determine hours to count toward Overtime or Emergency Block Pay.

Examples of emergency work for Highway Maintenance Supervisors, Highway Maintenance Superintendents, and Equipment Shop Superintendents include:

- Surveillance prior to an impending SNICE event.
- Winter storm operations during a snow and ice event.
- Hazardous materials spills or emissions.
- Flooding and high water.
- Vehicle accidents where an assessment must be made to repair and/or organize the work.
- Natural disasters such as tornados, earthquakes, dust storms, etc.
- Roadway, bridge, or structure repairs that cannot wait until the next normal work shift.
- Building or rest area facility emergency situations.
- Other situations of an unexpected nature requiring urgent and prompt attention.

In addition to the above examples, the following shall be considered emergency work for all other employees.

- Replacement or repair of regulatory, warning, and other critical signs and markers.
- Traffic control and clean-up for vehicle accidents.
- Removal of roadway debris, dead animals, etc. that present an immediate threat to the Traveling Public.
- Repair of traffic signals, flashing beacons and other essential lighting.
- Repair of longitudinal barriers at critical locations or setting temporary warning devices at locations of damaged barriers.
- Temporary traffic control for localized emergencies or potentially dangerous conditions
- Equipment repairs to support emergency work activities.
- Public information coordination with the media in conjunction with an emergency work condition.
- Repair of critical computer system technology or communication problems.
- Emergency work in extenuating circumstances, such as assisting other public agencies in a declared emergency that does not meet all of the normal criteria for an emergency but has been approved by the Deputy Secretary and State Transportation Engineer.

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Examples of work **not** considered to be “**Emergency**” include:

- Routine scheduled or planned work that extends past normal working hours (Note: This may be due to delayed materials delivery, equipment breakdown, desire to complete remaining work rather than carrying it over to the next day for efficiency purposes, etc.)
- Work scheduled or planned ahead of time to be performed on non-day shifts or weekends due to contractors’ schedules, accommodation of the public due to high day-time traffic volume, etc. (Note: Some of these situations may be eligible for other types of pay such as shift differential or public accommodation pay.)
- Storm water inspection (SWPP-Storm Water Pollution Prevention) is not considered emergency work.
- Record keeping and administrative work.
- For Highway Maintenance Supervisors, Highway Maintenance Superintendents, and Equipment Shop Superintendents, any work which should or could be delegated to other staff.

Note: Under extreme circumstances where delegation to others is not possible; sign replacement, removal of road debris, etc. will be counted as emergency work for Highway Maintenance Supervisors, Highway Maintenance Superintendents, and Equipment Shop Superintendents.

EMERGENCY BLOCK PAY

Eligibility

Highway Maintenance Superintendents and Equipment Shop Superintendents are eligible for Emergency Block Pay when:

- The employee is performing emergency work as defined in this policy.
- The presence of the employee is required in order to organize shifts, detours, etc. to control an emergency situation, and the employee is unable to delegate work to other crew members.
- The employee works an emergency event on a regular scheduled day of work (non-holiday) and the employee fulfills 8 hours of regular time for that day prior to block pay being applied.
- Emergency Block Pay will be used for emergency situations on weekends.
- Emergency Block Pay will **not** be used for phone calls when the employee’s presence is not required.

Eligibility for Emergency Block Pay ceases when the situation has stabilized and no longer requires the presence of the employee.

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Approval and Reporting

This type of work is generally “self-assigned” because it is emergency work. Supervisors that are eligible for Emergency Block Pay shall be required to submit an Overage Documentation form for Overage Authorization. This document is completed as part of the time sheet process in both Crew Card and TimeRS and is attached to the employee’s timesheet and filed in document management for the appropriate pay period. It shall be reviewed and approved by the employees Supervisor. The District Engineers or their designees are responsible for reviewing this documentation.

EMERGENCY OVERTIME

Eligibility

Highway Maintenance Supervisors that are **non-exempt** are eligible for Overtime Pay when:

- Performing Emergency Work as defined in this policy.
- The presence of the employee is required in order to organize shifts, detours, etc. to control an emergency situation, and
- The employee is unable to delegate the work to other crew members.

Approval and Reporting

This type of work is generally “self-assigned” because it is emergency work. Supervisors that are eligible for overtime shall be required to submit an Overage Documentation form for Overage Authorization. This document is completed as part of the time sheet process in both Crew Card and TimeRS and is attached to the employee’s timesheet and filed in the document management system for the appropriate pay period. It shall be reviewed and approved by the employees Supervisor. The District Engineer or their designees are responsible for reviewing this documentation.

Highway Maintenance Supervisors that are called after hours, or on a weekend or holiday, about an emergency, and are able to delegate the response effort by contacting their employees; may record 15 minutes of overtime on their time sheet. Overtime is paid for time worked in excess of 40 hours per week. Comp time can be earned, and is available to non-exempt employees, in a non-holiday week, and is limited to a maximum of 40.5 hours per fiscal year. For additional hours worked, that are non-emergency related; all employees shall adjust their schedule at the end of the work week to avoid the payment of overtime or accrual of comp time.

EMERGENCY WORK ON HOLIDAYS

Eligibility

Only hours actually worked may be counted towards overtime; with the following exception:

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Emergency work, during a holiday week, shall entitle an employee to count holiday hours as time worked for the purpose of overtime calculation when:

- The employee's position is non-exempt (eligible for overtime) under the FLSA,
- The employee is performing emergency work as defined in this policy, and
- The emergency work is performed outside the employee's regular work schedule in a workweek that includes a holiday. (The holiday itself is considered to be outside the employee's regular work schedule for that week.)

Additionally, if the employee is a Highway Maintenance Supervisor, the presence of the employee must be required in order to organize shifts, detours, etc. for an emergency situation. When the situation has stabilized and no longer requires the presence of the employee, additional work shall no longer be considered emergency work.

Approval and Reporting

Supervisors shall assign employees to emergency work or designate them to be available for calls from local law enforcement or to other approved entities who may request response to emergency situations. After the work is performed, documentation for approval of the emergency work to convert the holiday to work time shall be furnished via the DOT 12, "Holiday Overtime Report." This form shall be submitted by the employee's supervisor or other designated person no later than the working day after the emergency work is performed.

Critical snow removal such as plowing shoulders, gores, and in front of longitudinal barriers after a snow and ice event; in order to provide emergency parking areas during a regularly scheduled shift; is considered emergency work for the purposes of paying the premium for performing snow and ice emergency work. Because it is performed during the employee's regular work schedule, it is not considered emergency work for the purposes of emergency pay or converting holidays to count as time worked for overtime calculation.

District Engineers and Bureau Chiefs shall be responsible for adherence to the eligibility and documentation requirements in this policy.

Pay Rates

For current rates of pay, refer to the Classifications and Pay Book published by the Bureau of Human Resources.



Larry L. Thompson, P.E.
Director of Operations



Date