

## Essential Personnel

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### **POLICY:**

This policy provides guidelines for the identification and use of Essential Personnel during University emergencies and, when necessary, planned events. During a Suspension of Campus Activities/Operations, Essential Personnel provide services that relate directly to the health, safety, and wellbeing of members of the Utica University community; ensure continuity of key operations; and maintain and protect Utica University property.

### **SCOPE:**

This policy applies to all Utica University staff members. This policy also applies to all University-owned or operated locations where Utica University students, faculty, and staff learn and/or work.

### **REASON FOR POLICY:**

In the event of extraordinary situations, Utica University may suspend normal operations and classes in whole or part. In such instances, all staff members designated as “Essential Personnel” must fulfill their duties in order to (1) ensure the continuation of critical University operations; (2) attend to the needs of students and other members of the Utica University community; and (3) protect the University’s property/assets. This policy also covers non-emergency situations, such as decisions to close certain operations early in recognition of a holiday or for a particular event.

### **DEFINITIONS:**

**Department Head**, for the purposes of this policy, could refer to someone in the position of president, senior vice president, vice president, assistant or associate vice president, dean, director, or executive director. It will be up to the highest-ranking employee in each functional area of the institution to determine who will be considered the “department head” for the purposes of communicating directives associated with this policy. The term does not refer to faculty chairs or academic program directors.

**Essential Personnel** is defined as Utica University staff designated by divisional vice presidents, assistant or associate vice presidents, and deans (in consultation with department heads and/or the Utica University Emergency Response Team) to be critical to the continuation of key operations and services in the event of a Suspension of Campus Activities/Operations.

**Essential Services** refers to those services that are determined to be critical to the functioning of Utica University. Essential Services are identified within the [Campus](#)

[Emergency Management Plan](#) (CEMP). The president, a vice president, or the on-duty Campus Emergency Management Team (CEMT) may, based on the nature of the incident, declare a service not listed in the CEMP as essential.

**Exempt Employee/Staff Member** is defined under the Fair Labor Standards Act (FLSA or “the Act”) as an employee holding a bona fide executive, administrative, or professional position that is not subject to the overtime provisions of the Act. Exempt employees are considered salaried and cannot be docked for anything less than a full day’s work.

**Non-Exempt Employee/Staff Member** is defined under the Fair Labor Standards Act (FLSA) as an employee who is subject to the overtime provisions of the Act.

**Non-Emergency Closings/Partial Closings/Early Leave** is defined as the decision of the president, or their designee, to either close the entire University or close only certain portions of the University, either for the whole day or part of the day, for non-emergency reasons. An example of a non-emergency closing would be the decision to provide the staff with an additional day off or allow the staff to leave early due to a holiday. In most instances, this decision will not constitute an entire shutdown or Suspension of Campus Activities/Operation and, therefore, Essential Personnel will be required in some areas.

**Suspension of Campus Activities (or Operations)** is defined as the decision of the president, or their designee, to suspend University operations in whole or in part. It may include closure of the University and/or class cancellation. Suspension of Campus Activities/Operations can occur for a variety of situations, including but not limited to weather and safety-related emergencies.

**NOTE:** A government-issued “state of emergency” (including snow emergency) notification does not necessarily mean there is a ban on travel. The University will be notified of travel bans and communication of such bans to the University community will occur as soon as possible.

**Third-Party Contracted Staff** is defined as staff assigned to work at a Utica University campus or location, but who are not employed or paid by Utica University. These individuals provide Essential Services to the University through a contractual arrangement between their employer and Utica University.

## **PROCEDURE:**

### **I. Identification of Essential Personnel**

Department heads are responsible for identifying the staff members to be designated as Essential Personnel to support identified Essential Services for their respective organizations or departments. The particular Essential Personnel who are activated during a Suspension of Campus Activities/Operations will vary depending upon the circumstances and the nature and severity of the event.

Department heads must create and maintain an up-to-date list of Essential Personnel and provide the list upon request to the Office of the President, Office of Human Resources, and/or the Utica University Emergency Management Team. Department heads are responsible for notifying the staff members identified as Essential Personnel, and must do so in writing.

The document titled "[Sample Essential Personnel Assignments Based on Situation](#)" provides a sample listing of Essential Personnel assignments for Suspension of Campus Activities/Operations incidences and incidences of Non-Emergency Closings/Partial Closings/Early Leave.

## **II. Suspension of Campus Activities/Operations and Operational Status**

Decisions regarding Suspension of Campus Activities/Operations and Operational Status will be made by the president, or their designee, in consultation with other University leadership based upon recommendations by the University's Emergency Management Team.

Once it has been determined that Suspension of Campus Activities/Operations is the appropriate course of action, the Office of Campus Safety or the Office of Human Resources will then notify all those affected by the Suspension of Campus Activities/Operations via one or more of the following communications outlets:

- Utica University Alert System (UC Alert)
- Email
- Utica University's homepage ([www.utica.edu](http://www.utica.edu)), if appropriate

Most often the alert will come via UC Alert and email.

## **III. Staffing Determinations During Suspension of Campus Activities/Operations**

The president, or their designee, will evaluate the University's need to activate Essential Personnel, and for any additional personnel that may be required in light of the nature and severity of the Suspension of Campus Activities/Operations. In an emergency situation, the president will receive a recommendation from Utica University's Emergency Management Team. The determination of these staffing needs will be communicated promptly in accordance with the [Campus Emergency Management Plan](#). If the plan is not invoked (i.e. the Suspension of Campus Activities/Operations is not due to an emergency that requires activation of the Plan), department heads will notify Essential Personnel of:

- the anticipated duration of the Suspension of Campus Activities/Operations; and
- the expected work schedules for all Essential Personnel.

**IV. Reporting for Duty During Suspension of Campus Activities/Operations**

Essential Personnel will be notified by the University announcements and by their respective department heads of their activation, and they must report to work as soon as feasible. Department heads will maintain a list of all contact information so that a timely group message can be disseminated. Essential Personnel must remain on duty as instructed in order to ensure the uninterrupted delivery of Essential Services, unless directed or permitted to do otherwise by their respective department head.

**V. Excuse from Required Duty During Suspension of Campus Activities/Operations**

Depending on the nature of the Suspension of Campus Activities/Operations, and at the discretion of the department head, Essential Personnel may be excused from service for the following reasons:

- The staff member has a medical condition or is otherwise impaired.
- The staff member has a personal circumstance that prohibits them from reporting to duty or necessitates departure from the workplace during the course of the Suspension of Campus Activities/Operations (e.g., a child or elder care issue).
- The staff member is out of work on approved benefit time or leave.
- Local or regional government authorities have determined that travel at the time of activation between the staff member's location and the assigned work area creates a risk of harm to the staff member or others, or is prohibited. In such instances, a staff member who is unable to travel must notify their department head of this circumstance no later than one hour before the scheduled work start time. See also NOTE, above.

**VI. Unexcused Failure to Report to Work During Suspension of Campus Activities/Operations**

Staff members who are required to work during a Suspension of Campus Activities/Operations but refuse to do so for reasons other than those deemed acceptable in this policy may be subject to Utica University's disciplinary process, up to and including termination of employment.

**VII. Attendance and Compensation During Suspension of Campus Activities/Operations (this section applies to staff members who are on**

### **Utica University's payroll only)**

- a. The following attendance and compensation policies shall be in effect for Utica University staff members required to report to, or remain at, work during the Suspension of Campus Activities/Operations (i.e. Essential Personnel):
  - All staff members who are required to report to or remain at work (i.e., staff members whose work units are not closed or those called into work by their department head) shall work as scheduled.
  - A staff member who is required to work during Suspension of Campus Activities/Operations but is unable to do so as scheduled, for whatever reason, must contact their immediate supervisor to report the absence at least one hour in advance of the staff member's scheduled work starting time.
  - Non-exempt staff members who are required to report to work or remain at work during the Suspension of Campus Activities/Operations of their respective work unit will be paid their normal hourly rate for all hours worked during Suspension of Campus Activities/Operations. Overtime will begin if hours worked exceed 40 hours for that work week.
  - Exempt staff members who report to or remain at work as required during the Suspension of Campus Activities/Operations of their respective work unit will be paid their regular salary.
  - Designated Essential Personnel who do not report to work during Suspension of Campus Activities/Operations must apply accrued leave, as appropriate, for such time away from work, unless exempted by their respective department head.
  
- b. The following compensation policies shall be in effect for staff members whose respective work units are subject to Suspension of Campus Activities/Operations and who are not designated as Essential Personnel or otherwise required to work:
  - Exempt and non-exempt staff members will receive their regular rates of pay, even though Suspension of Campus Activities/Operations prevents them from working.

- The time for which non-exempt staff members are paid but did not work will not be used to determine overtime compensation.
- Staff members who are not deemed essential, but nevertheless report to work, will receive regular pay for all time worked.
- Staff members who have scheduled vacation, sick leave, or other time off prior to the Suspension of Campus Activities/Operations may not rescind such time off request after the announcement of the Suspension of Campus Activities/Operations.
- In the event that a Suspension of Campus Activities/Operations occurs for a portion of the day, a non-exempt staff member in an affected work unit may be allowed to leave work earlier than the scheduled closing time, provided the following:
  1. The staff member's supervisor has approved the request; and
  2. Vacation or sick leave, as appropriate, or leave without pay, will apply to the hours of absence beyond the scheduled work time.

Third-party contracted employees who work during a suspension of campus activities/operations should refer to their own company's policy for compensation information.

#### **RESPONSIBILITY:**

It is the responsibility of the Office of Human Resources to maintain and update this policy as needed. It is the responsibility of department heads to ensure that all staff members are aware of their roles and responsibilities relative to this policy.

#### **ENFORCEMENT:**

Enforcement and implementation of this policy falls under the Office of the President, while the Office of Human Resources is responsible for maintaining the policy. Divisional vice presidents and department heads are responsible for ensuring that staff members in their areas of responsibility know and understand this policy.

Utica University acknowledges that University policies may not anticipate every possible issue that may arise. The University therefore reserves the right to make reasonable and relevant decisions regarding the enforcement of this policy. All such decisions must be approved by an officer of the University (i.e. President, Provost and Vice President

for Academic Affairs, Vice President for Financial Affairs, or Vice President for Legal Affairs and General Counsel).

**RESOURCES/QUESTIONS:**

Questions about this policy may be directed to either the Office of Human Resources or the Office of the President.

Please note that other Utica University policies may apply or be related to this policy. To search for related policies, use the Keyword Search function of the online policy manual.

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