

EMPLOYEE WORDING

A MESSAGE FROM HUMAN RESOURCES REGARDING THE SEVERE WEATHER EVENT

AFFECTED COUNTY	DAY OF WEEK	DATE	START DATE & TIME	END DATE & TIME
Statewide	Monday	January 3, 2022	Starting at 8:00 A.M. on Monday, January 3, 2022	Ending at 4:30 P.M. on Monday, January 3, 2022

ESSENTIAL EMPLOYEES

Essential employees that live or work in the affected county during the severe weather event (SWCE) declared by the State, will get additional compensation of either paid time or compensatory time for their regularly scheduled shift. The maximum additional compensation for one shift for employees on a compressed or alternate work schedule is 7.5 hours per shift between 8:00 A.M. and 4:30 P.M. on January 3, 2022. It is **not paid** as overtime--it is additional paid time, hour-for-hour, at the base salary rate.

- Essential employees and employees that are required to report as directed during a severe weather event, are compensated for hours worked during their regular work schedule while an SWCE has been declared. The term "regular work schedule" means the employee's normally scheduled hours of work during non-emergency times. Compensation will be at the regular hourly rate of pay, plus equal time off, for hours worked during the regular schedule up to a maximum of 7.5 hours per shift between 8:00 A.M. and 4:30 P.M. on January 3, 2022.

Division leadership has the authority to determine whether the additional compensation for essential employees will be paid time or compensatory time.

Fair Labor Standards Act (FLSA)-covered Employees

Equal time off may be paid in cash or compensatory time at the division's discretion, subject to availability of funds.

Fair Labor Standards Act (FLSA)-exempt Employees

Equal time off that is not overtime eligible will be paid as Compensatory Time, unless special approval is authorized as provided in the Merit Rules or Budget Act.

NON-ESSENTIAL EMPLOYEES

Non-essential employees that live or work in the affected county during the severe weather event (SWCE) declared by the State will receive the equivalent time off of their

regular scheduled shift during the SWCE event. Employees should only receive SWCE hours for hours the employee did not work during the event.

Employees who work compressed or flexible schedules that fall outside regular business hours do not need to adjust their schedules for the date of this event. If they were scheduled to work during the SWCE, they receive credit as if they worked their normally scheduled compressed or alternate work schedule. Those employees who were not scheduled to work during the SWCE will receive no compensation for a SWCE event.

CASUAL/SEASONAL EMPLOYEES

Casual/Seasonal employees are paid only for hours worked--they will not receive equal time off as cash or Compensatory Time. Casual/Seasonal employees that did not work during the SWCE event will not be paid. Supervisors are encouraged to have casual/seasonal employees, adversely affected by the severe weather event, make up the hours missed during the same week, if operationally possible.

OTHER INFORMATION

Employees on approved, eligible leave

Employees who were on approved leave during the time indicated above will have their leave records adjusted based on their regular work schedule. Approved leave includes annual leave and sick leave; Family and Medical Leave Act (FMLA), Workers Comp, and Paid Parental Leaves are not eligible for this credit. Please contact HR if confirmation is needed on any other type of leave not specifically listed.

In response to several inquiries, the established practice for non-essential employees who worked during the SWCE event are not entitled to nor are they to receive any additional compensation.

Non-Essential employees unable to report to work at times outside of the declared SWCE event

For non-essential employees who were unable to report to work at times outside the specified SWCE period due to the weather and road conditions, the Governor requests that supervisors allow employees to use any available annual leave, floating holiday, and/or compensatory time previously earned. Sick leave cannot be used.

Employees on Leave Without Pay

Employees on a leave without pay status do not receive any additional compensation or time off during the SWCE event.

Frequently Asked Questions related to the SWCE can be found [here](#).

Questions may be directed to the eSTAR
Coordinator DHSS_eSTAR@delaware.gov.

AUDITOR EMAIL

Forward employee email to employee and add this information at the top.

A MESSAGE TO AUDITORS REGARDING THE SEVERE WEATHER EVENT

Below are instructions for entering SWCE time. **ONLY AUDITORS CAN INSERT THE PAY CODE FOR SWCE ON THE EMPLOYEE'S TIMESHEET.**

Once entered, managers may approve the time sheet. Remember that timesheets must be approved by the required deadline.

Refer to the DHSS eSTAR Job Aid #16 on how to enter pay codes:
<https://dhss.delaware.gov/dhss/dms/hrm/estar/estar.html>

SWCE pay codes to use are listed below:

- **For non-essential employees**, enter pay code 'SWE_CLOSINGS Severe Weather/Emerg Closings' and the applicable hours for the SWCE event. Employees should only receive SWCE hours for hours the employee did not work during the event.
- **For essential employees who worked the event**, enter pay code 'SWE_WORKED Severe Weather/Emergency worked'. Enter hours the essential employee worked during the SWCE **not to exceed 7.5 hours between 8:00 A.M. and 4:30 P.M. on January 3, 2022.**
- **For essential employees who worked the event and are electing compensatory time in lieu of pay** enter pay code 'CSWE Comp Severe Weather Earned'. Enter hours the essential employee worked during the SWCE **not to exceed 7.5 hours between 8:00 A.M. and 4:30 P.M. on January 3, 2022.**

For all employees, all compensatory time [earned and used] including time earned for this SWCE event, must be recorded on the employee's timesheet or it may be forfeited.

Please email [DHSS eStar@delaware.gov](mailto:DHSS_eStar@delaware.gov) with questions.

SAVE IN SEAPRATE DOCUMENT:

Below please find some examples for how the SWCE impacts shifts.

Example #1:

FLSA-covered essential employee's required work schedule is Monday – Friday 7:00 a.m. to 3:00 p.m. SWCE is declared **8:00 a.m. through 10:00 a.m.** Thursday, December 17th in New Castle County. During the SWCE, the employee is required/mandated to work 7:00 a.m. through 3:00 p.m. Thursday, December 17th.

Essential employee will be paid at their regular rate of pay for the 7.5 hours worked from 7:00 a.m. to 3:00 p.m.

PLUS

Essential employee will receive equal time off because they worked their regular scheduled shift [7:00 a.m. to 3:00 p.m.] during the SWCE event which began at 8:00 a.m. and ended at 9:59 a.m.

OR

Essential employee will receive regular pay [at the Division's discretion] because they worked their regular scheduled shift [7:00 a.m. to 3:00 p.m.] during the SWCE event which at 8:00 a.m. and ended at 9:59 a.m.

Example # 2:

FLSA-covered essential employee's required work schedule is Monday – Friday 11:00 p.m. to 7:00 a.m. SWCE is declared **8 a.m. through 10 a.m.** Thursday, December 17th in New Castle County.

The employee works 11:00 p.m. Thursday, December 17th through 7:00 a.m. Friday, December 18th. Essential employee will be paid at their regular rate of pay for the 7.5 hours worked from 11:00 p.m. through 7:00 a.m.

Example #3:

FLSA-covered essential employee's required work schedule is Monday – Friday 3:00 p.m. to 11:00 p.m. SWCE is declared **8 a.m. through 10 a.m.** Thursday, December 17th in New Castle County. The employee works 3:00 p.m. Thursday, December 17th through 11:00 p.m. Thursday, December 17th. Essential employee will be paid at their regular rate of pay for the 7.5 hours worked from 11:00 p.m. through 7:00 a.m.

NOTE: Rules for **FLSA-Exempt** (Overtime-eligible) essential employees will apply as above; however SWCE can only be offered as a compensatory time. Please apply appropriate merit and union contract rules for overtime if applicable.

NON-ESSENTIAL EMPLOYEES

EXAMPLE #4:

Non-essential employee's flexible work schedule is:

Monday 7.50 hours

Tuesday 10 hours

Wednesday 10 hours

Thursday OFF

Friday 10 hours

Non-essential employee will not receive additional compensation or time off for Thursday due to the SWCE event.