March 9, 2011

MEMORANDUM

TO: Chief Human Resources Officers

FROM: Lori Lamb, Vice Chancellor for Human Resources

RE: Flood Information

We want to provide you with the information you need regarding employee pay and reassignments during any flood related activities or campus closures. Except for the steps you take to do flood mitigation efforts to protect your own campus, all local flood mitigation activities are being coordinated through city or county government. It will be important for you to distinguish between campus-oriented flood mitigation efforts and flood mitigation efforts conducted or under the auspices of city or county government, since they may involve somewhat different employment considerations. Any flood mitigation activities done on behalf of the local government unit should be done only pursuant to an agreement with that unit. Your institution will need to have such an agreement in place in order to be reimbursed for expenses related to those mitigation efforts, including personnel and costs of Workers’ Compensation coverage, equipment and facilities use costs.

The following information is to highlight some of the considerations that need to be made when dealing with human resources questions if your institution becomes involved in flood mitigation efforts.

ESSENTIAL EMPLOYEES
Each college, university and the system office will have designated essential employees in its All-Hazards Plan. These employees should be reminded of their designation and the expectations that accompany that designation. Essential employees are expected to report to work even when a campus has been closed by the President. You may change an employee’s designation when appropriate.

REASSIGNMENTS
When a campus is open and all normal staffing operations must be performed, whether or not classes have been cancelled, management may consider the reassignment of Current employees to other duties. A college or university may reassign employees to the campus’s own flood mitigation efforts to protect that...
College or university campus. If the college or university has an agreement in place with a local city or county to provide emergency services, employees may be reassigned to those emergency services that are included in the agreement as part of the employee’s normal work assignment. All reassignments of employees on behalf of the college or university must be made within the following parameters:

- Classified employees may be temporarily reassigned to other duties; work out of class provisions apply if the temporary reassignment to other duties is to a higher classification and exceeds 10 days, all normal pay provisions including overtime are applicable. Work schedule change notices must be provided per applicable union contract requirements.
- MSUAASF employees may be reassigned to perform other duties provided that it is not expected that the employee would perform those duties in addition to the normal expectations of the employee’s position. The temporary reassignment would not be equal to or greater than 25% of assigned responsibilities, so an Article 10.D notice would not be required.
- Classified and unclassified managerial and confidential employees may be reassigned to perform other work of the employer and normal pay provisions, including overtime provisions, are applicable.
- MSCF employees may not be reassigned to work outside of the unit.
- IFO employees may not be reassigned to work outside of the unit.
- MSCF and IFO employees may volunteer to be reassigned to perform emergency operations that the college or university needs to take to protect its own campus or other emergency services duties on behalf of the college or university. Employees receive payment of normal duty day assignments while performing voluntary reassignments to assist the campus. If a faculty member wishes to volunteer for extended hours in excess of normal duty day assignments, this unpaid volunteer time must be sponsored by a city or county as indicated below.

When a campus is open and all normal staffing operations must be performed, whether or not classes have been cancelled, and emergency operations have been established under the sponsorship of a city or county:

- System employees shall not be released from normally scheduled work with pay to perform these volunteer activities.
- Subject to supervisory approval, and within campus staffing requirements, employees may use vacation time, paid compensatory time off, or unpaid leave to engage in volunteer activities.
- Any employee may engage in volunteer community services at any time when the employee is not normally scheduled to work.
• All employees who volunteer to perform emergency work for a city or county are encouraged to follow the normal volunteer registration process and safety procedures for volunteers.

PAY DURING CLOSURE
1. Short term closure.
   When a campus is closed for six (6) days or less:
   • Only those employees designated as essential to this kind of emergency in the campus All-Hazards Plan are required to report to work.
   • The President may authorize pay for non-essential employees up to two (2) normal days of work.
   • The Chancellor may authorize pay for non-essential employees for an additional four (4) days or less.
   • Employees who are not essential employees may volunteer to perform emergency operations for local city or county sponsored activities.
   • Essential employees who are on duty or in on-call status must be available during assigned work hours and during on-call times, and may be limited accordingly from participation in volunteer efforts.

2. Long term closure.
   In the highly unlikely event that a campus would be closed for seven or more days, it is expected that the college or university would be in close consultation with the Office of the Chancellor about the impact of such a decision on students and employees, as provided in Board Policy 1A.10 and Board Procedure 1A.10.1 Long-Term Emergency Management. In particular, consultation would be expected before any cessation of pay for bargaining unit employees because of the impact on personnel and because such actions must be taken under the terms of the applicable collective bargaining agreement or salary plan.

EMERGENCY PERSONNEL PROVISIONS
Employees who work at campuses that are not directly affected by flooding may also be involved in the response due to a reassignment or as a responder, or because of absences of reassigned or emergency personnel.
• Some shared service agreements, usually part of All-Hazards Plans, allow colleges or universities to reassign employees to another college or university in the event of an emergency. These provisions may require the receiving institution to provide the reassigned employees with food and lodging. Normal pay provisions of collective bargaining agreements and salary plans, including overtime pay provisions, pay while in travel status, etc. are applicable.
- Employees who are also in the National Guard may be called up to assist with flood control or abatement efforts. This may generate issues related to staffing, military pay entitlement, employer paid insurance issues, etc. Employees will be able to provide the campus HR Office with copies of activation orders.

- If the MN Responds Medical Reserve Corps is deployed, there are several units within the state at MnSCU institutions that are registered with the MN Department of Health. These units may be activated by the Department of Health and employees must be released to perform this service. Employees will be able to provide the campus HR Office with a copy of their deployment papers.

- If the Federal government responds during or following the flood through FEMA, there are employees at several of our institutions who could be deployed as part of the National Disaster Medical System of volunteers. If these volunteer units are deployed, the employees who are part of these units will receive deployment orders from the FEMA. Their deployment qualifies for all normal USERRA protections, and for state paid military leave days.

- State employees who are certified disaster service volunteers may be called to service by the American Red Cross. Leave with pay up to 15 working days in each year may be granted by the appointing authority. This leave with pay is authorized under M.S. 43A.185, Disaster Volunteer Leave. Employees who are approved for this paid leave must earn all normal benefits, and paid time must be against earn code DLL.

**WORKERS’ COMPENSATION COVERAGE**

Workers’ Compensation coverage is mandated for employees performing work for the employer or volunteering to work in a declared emergency. The responsible party for the Workers’ Compensation coverage depends on the employee’s status at the time of the injury or illness.

- Employees who perform emergency operations functions on behalf of the employer as part of an employer initiated reassignment of duties or as part of a voluntary reassignment of duties to other work of the employer are covered by workers’ compensation for employees.

- Employees, students and members of the general public who volunteer to perform emergency operations functions for a city, county, or other entity are covered by workers’ compensation by that political subdivision if an emergency has been declared and the employee registers as a volunteer with that political subdivision. Currently, all flood emergency response activity is sponsored by a city or a county.

- Employees who are part of the MN Responds Medical Reserve Corps are covered by the Department of Health as an employee for workers’ compensation purposes while they are deployed.
Certified disaster service volunteers called to service by the American Red Cross are not covered by the state for any workers’ compensation claims arising out of an injury or illness that occurs during the period of their disaster volunteer leave.

If you have any questions regarding any of this information, please contact Chris Dale in the Office of the Chancellor Human Resources Division for assistance at either 651-201-1834 or chris.dale@so.mnscu.edu.

c: James H. McCormick
   Presidents
   Cabinet