The Department of Military Affairs (DMA), Disaster and Emergency Services (DES) employees may be required to work extended hours to meet the DMA mission and to support emergency events or recovery efforts related to those events.

This policy does not apply to MT National Guard members that are placed on state duty for special work pursuant to Montana Code Annotated (MCA) 10-1-505, nor does it apply to MT National Guard members that are ordered into state active duty as provided for in Article IV, section 13, of the constitution of Montana.

**DEFINITIONS:**

*Emergency Event:* An Incident, Emergency or Disaster event as defined in MCA 10-3-103 that threatens life and/or property requiring response or recovery actions by Disaster and Emergency Services Division personnel or response to a request for assistance from another State under the Emergency Management Assistance Compact (EMAC) as defined in MCA-10-3 Part 10.

*Emergency Event Workday:* A scheduled work shift contained within one calendar day (12:00 a.m. to 11:59 p.m.).

*Work Schedule:* A work schedule is defined as five consecutive eight hour workdays occurring on Monday through Friday between 8:00 a.m. and 5:00 p.m. unless modified by mutual agreement of the employer and the employee (MCA 2-16-117).

*Standard Work day:* Eight (8) hours in a twenty-four (24) hour period during which an employee is present for duty, exclusive of a lunch break

*FLSA:* Fair Labor Standards Act (FLSA) Nonexempt employees authorized to work more than 40 hours per week must be compensated with overtime pay for the excess time worked at a rate not less than one and one-half times the regular rate of pay.

**EMERGENCY EVENT TIME ACCOUNTING POLICY:**

*Emergency Events covered under this policy:*
  a. Response to emergency events within the State of Montana requiring employees to support the State Emergency Coordination Center (SECC).
  b. Response to emergency events at the request of another State under the Emergency Management Assistance Compact (EMAC).

The Disaster and Emergency Services Administrator or designee, must approve response by DES personnel to a request for assistance from another State under the Emergency Management Assistance Compact (EMAC).

Every day worked by an employee assigned to an emergency event is considered an emergency event workday until the event is over or the employee is released from the emergency event by the SECC Manager.
FLSA Non-exempt employees assigned to an emergency event are provided an exception to the Department of Labor, Wage & Hour Division, FLSA Overtime rule. Affected employees will be compensated at one and one-half times their regular rate for all hours worked in excess of 8 hours in an emergency event work day and for all hours worked directly related to the assigned emergency event on Saturday, and/or Sunday and/or holidays. Sick leave, vacation leave and non-exempt compensatory leave shall not be used to create an overtime status.

FLSA Non-exempt Employees must report hours worked for the emergency event as overtime (OVT) and assign the proper emergency event task profile to ensure funds are correctly allocated. Compensatory time accrual is not authorized while assigned to the emergency event (ie: Governor's Disaster, Emergency, or Incident Declaration associated with the emergency event or when responding to a request from another State under the Emergency Management Assistance Compact (EMAC)).

FLSA Exempt employees assigned to an emergency event will record their time as regular hours worked.

Employees officially demobilized from the emergency event will return to their regular 40 hour per week schedule.