

Adverse Weather and Emergency Closings

Purpose To establish guidelines for accounting for time or releasing employees from work when:

- adverse weather or other conditions of a serious nature prohibit some employees from reporting to work but do not necessitate the closing of state offices or facilities, or
- emergency conditions necessitate the closing of state offices or curtailing of operations.

Employees Covered This policy applies to all employees subject to the State Personnel Act.

Definitions **Adverse weather and other conditions of a serious nature:** Adverse weather or other conditions that may prohibit some employees from reporting to work but do not necessitate the closing of facilities or curtailing of operations.

Emergency closing conditions: Conditions that necessitate the closing of a state facility or the curtailing of operations. Conditions that may be hazardous to life or safety and that may warrant closing of State offices include: catastrophic life threatening weather (snow, ice, hurricane, tornado, earthquake, flood or other natural disaster), fire, equipment failure, disruption of power and/or water, contamination by hazardous agents, terrorist acts or forced evacuations from the agency or work site.

Emergency employees: Employees who are required to work during an emergency because their positions have been designated by their agencies as mandatory/essential to agency operations during emergencies.

Regular workday hours: For this purpose, the regular workday hours apply to schedules starting at approximately 7:00 a.m. and ending at approximately 6:00 p.m.

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Adverse Weather and Emergency Closings, Continued**Who
Determines
Authorized
Closing
Conditions**

State government offices/universities and facilities are OPEN, unless a specific decision has been made by the appropriate official, as outlined below, to close such offices and/or facilities because of emergency conditions. All other provisions of the policy apply uniformly.

Administrative agencies within Wake County: The Governor or his/her designee shall determine if emergency conditions exist and make closing decisions about the regular workday hours of administrative agencies when conditions affect more than one administrative office. The Governor's Office will announce the decisions. A communication plan will be developed to assure that all employees in Wake County are informed of closing decisions.

Individual agency heads or their designees shall make decisions about closings when emergency conditions affect that agency only. This may include equipment failure, disruption of power and/or water, etc. All closings shall be reported to the State Personnel Director within five days after the occurrence.

Agencies with 24-hour operations: Individual agency heads or their designees shall make closing decisions for agency operations outside the regular workday hours. All closings shall be reported to the State Personnel Director within five days after the occurrence. They must develop and maintain procedures for making closing decisions and distribute information on how closing decisions will be communicated to employees.

Agencies with Staff Outside the Wake County Area: For agencies outside of Wake County or that have staff outside of Wake County, the individual agency heads or their designees shall make closing decisions affecting those agencies or institutions. All closings shall be reported to the State Personnel Director within five days after the occurrence. They must develop and maintain procedures for making closing decisions and distribute information on how closing decisions will be communicated to employees.

The University of North Carolina: The UNC Office of the President shall make closing decisions it deems appropriate. In addition, the Office of the President may delegate such authority to the chancellors of constituent institutions and the heads of university affiliated entities. All closings shall be reported to the State Personnel Director within five days after the occurrence.

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Adverse Weather and Emergency Closings, Continued**Mandatory Operations/ Designation of Emergency Employees**

It is recognized that some operations, whether during conditions of a serious nature or emergency conditions, must continue to provide services. Therefore, agency heads shall predetermine and designate the mandatory/essential operations that will remain open and designate the emergency employees to staff these operations.

Failure of Emergency Employees to Report

An emergency employee's failure to report to work can result in disciplinary action and/or requiring the hours missed to be charged to leave with or without pay, as appropriate.

Exception: When conditions cause an emergency employee to arrive late, the agency head or designee may determine that the conditions justified the late arrival. In such cases, the lost time will not be charged to the employee's leave balances or to leave without pay, and no disciplinary action will be taken.

Agency Procedures Required

Agencies shall develop written procedures that are consistent with, and incorporate the provisions of, this policy. They shall at least include:

- whether the agency offices/facilities must follow the Governor's closing decisions or the closing decisions of the agency/university head or facility director,
- how employees will be advised of agency, office, or facility closing decisions,
- what employees are designated as emergency,
- how employees will be notified that their positions are designated as emergency,
- that emergency employees are required to report for, or remain at work in emergency situations, and
- an explanation that closing announcements do not apply to emergency employees unless they are instructed otherwise.

If an agency determines that a situation requires employees not designated as "emergency employees" to report for work, or remain at work, during an emergency, the agency should establish a procedure for notifying them individually. Emergency designations may change depending on the nature of the emergency.

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Adverse Weather and Emergency Closings, Continued

ACCOUNTING FOR TIME - ADVERSE WEATHER OR OTHER CONDITIONS OF A SERIOUS NATURE

**Offices Open
During Adverse
Weather or
Other
Conditions of a
Serious Nature**

It is the responsibility of employees to make a good faith effort to come to work during times that adverse weather or other conditions of a serious nature exist.

Employees, not working in mandatory/essential operations, who anticipate problems in transportation should be permitted and encouraged to avail themselves of leave privileges when encountering difficulty in reporting for work or when leaving early.

**Accounting for
Time**

To cover absences during adverse weather or other conditions of a serious nature, employees, who have not been designated as emergency, may elect to:

- use vacation leave,
- use bonus leave,
- use compensatory leave,
- take leave without pay, or
- make up the time in accordance with the provisions outlined below.

Employees who are on prearranged vacation leave or sick leave will charge leave to the appropriate account with no provision for make-up time.

**Make-up
Provisions**

Where operational needs allow, except for employees in mandatory/essential operations, management must make reasonable effort to arrange schedules whereby employees will be given an opportunity to make up time not worked (either by suspension of services or voluntary action by employee) rather than charging it to leave.

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Adverse Weather and Emergency Closings, Continued**Make-up Provisions (continued)**

There are very few opportunities for such time to be made up without the employee working more than forty hours during a workweek. Since hours worked in excess of forty during a workweek would constitute overtime under Federal regulations for FLSA non-exempt employees, it will be necessary for make-up work by non-exempt employee to be limited to the workweek in which the time is lost or in a week when the employee has not worked a full work schedule due to such absences as holidays, vacation, sick leave, civil leave, etc. (See advisory note below for use of compensatory time.) Non-exempt employees must have advance approval from their supervisor before making up time.

Advisory Note: Non-exempt employees may use compensatory time to make up for time lost if management approves the overtime in response to bona fide needs for work in excess of forty hours. If there is no bona fide need for overtime, then the make-up time must be limited to weeks when a non-exempt employee has not worked a full forty hours due to scheduled or unscheduled absences. Agencies must use extreme care in determining when overtime work by non-exempt employees is justified and decisions to require overtime shall be based on the same criteria as used when the serious conditions are not an issue.

Employees who volunteer to make up time on a holiday will not receive Holiday Premium Pay or equal time off with pay. Supervisors must approve working on a holiday to make up time.

Time must be made up within 12 months from the occurrence of the absence. If it is not made up within 12 months, the appropriate leave must be charged, or leave without pay.

Transfer to Another State Agency

If the employee transfers to another State agency before the time is made up, the make-up time may be transferred as a minus if the receiving agency is willing to accept it. Otherwise, the leave must be charged to the appropriate leave or deducted from the employee's paycheck by the releasing agency.

Separation

If an employee separates from State government before the time is made up, it must be charged to vacation/bonus leave or deducted from the final paycheck.

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Adverse Weather and Emergency Closings, Continued

ACCOUNTING FOR TIME - EMERGENCY CLOSING CONDITIONS

Alternate Work Sites During Closings Agency heads may allow employees to telework or may reassign them to alternative work sites within the same commuting area.

Accounting for Time The following shall apply when a state facility is closed or operations are curtailed due to emergency conditions:

- Employees who are not required to work at an alternate site or as an emergency employee shall not be required to charge leave or make up the time.
 - Emergency employees required to work during the emergency shall be granted paid time off on an hour for hour basis for all hours worked. This time must be used within 12 months of its being awarded. Agencies shall make every effort to give employees the opportunity to take this time off. It should be used after compensatory time off, but must be used before vacation or sick leave.
 - If additional employees, not in mandatory/essential operations, are needed for situations such as cleanup and recovery during the time the agencies remain closed, the agency head may elect to compensate them in the same manner as emergency employees.
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Overtime Pay FLSA subject employees shall receive overtime compensation, either compensatory time or pay, for all hours worked over 40 in accordance with the Hours of Work and Overtime Policy.

FLSA exempt employees may be granted compensatory time or agencies may choose to use the following provision:

When the Governor declares a State of emergency, agencies are authorized to pay overtime at straight-time rates to FLSA exempt employees when the following conditions occur:

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Adverse Weather and Emergency Closings, Continued

**Overtime Pay
(continued)**

- A gubernatorial declaration of a state of emergency,
 - Requirement by management for employees to work overtime for purposes of response and/or recovery during the emergency, and
 - Funds are available. The agency shall determine if funds are available and obtain prior approval from the Office of State Budget and Management to use such funds to cover the overtime payments. The agency shall distribute any overtime pay consistently with a pre-defined standard that treats all employees equitably.
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