

## **EMERGENCY SITUATIONS / INCLEMENT WEATHER**

**I. PURPOSE:** The purpose of this policy is to establish uniform guidelines for the charging of leave when an employee is tardy or absent from work due to emergency situations and/or inclement weather conditions.

### **II. POLICY**

- A. Absences due to emergency situations and/or inclement weather conditions which make traveling to and from work hazardous may be charged to accrued annual leave. Agencies are encouraged to grant such leave in this situation.
- B. Employees may be released from work without loss of pay or charge to annual leave by Executive Declaration of the Governor or by the Governor's designee as a result of emergency situations and/or inclement weather conditions.
  - 1. Employees who work in facilities open on a 24-hour basis, or for agencies which provide services related to the health, safety and welfare of individuals, may be required to remain on duty at the time of a declared emergency situation so that coverage for such essential services will be provided.
    - a. Such employees shall be compensated either through adjusted work schedules or through monetary overtime payments, if applicable, when an employee actually works more than 40 hours in the workweek.
    - b. Work schedules should be adjusted as soon as practical, preferably within the same work week, or if not possible, then within the same pay period, but no later than 30 days following the occurrence.
    - c. If it is not practical to give the time off within the 30-day time period, an extension may be granted by the Director of Personnel.
  - 2. Employers may contact essential agency personnel and place them on call at the time of the emergency declaration, and they will remain on call for the duration of their normal work hours unless specified otherwise by their appointing authority. Employees placed on call in these situations shall be considered to have spent the hours working as they count not have effectively used the time for their own purposes.
  - 3. In situations where employees are unable to report for work due to the declared emergency situation, and the employees' official headquarters has not been closed by the Governor, employers are encouraged to allow these employees to make up their absences, if possible, through adjusted work schedules within the same workweek or to use accrued annual leave. Such adjustments to work schedules must be made within the same workweek since permitting the "make-up" hours to be worked in another workweek could cause the employing agency to incur unnecessary overtime costs.



- C. The Secretary of the Department of Public Safety, as the Governor's designee, shall have full and final authority to declare an emergency which may result in the partial shutdown of State government due to a weather or other emergency. Typically, such an emergency would not be declared except in conjunction with more general emergency conditions affecting businesses generally in either a region of the state or the entire State of West Virginia.
- D. In circumstances involving more localized weather or other emergencies, each cabinet secretary with the approval of the Governor or the Secretary of Public Safety, acting on behalf of the Governor, shall have the authority and responsibility to take appropriate action (e.g., send employees home early). This authority may be exercised and delegated on a department by department basis. Where more than one department has agency offices located in one facility, approval of all affected department secretaries shall be obtained in order to coordinate with one another concerning actions taken.
- E. In the event of a declared limited emergency, the Governor may designate the Adjutant General to organize, coordinate and direct the activities of all persons and agencies participating in the evacuation of an affected area.
- F. If an employee must be late or absent from work due to an emergency situation and/or inclement weather, the employee must contact his/her immediate supervisor (or supervisor's designee) to report their tardiness.
1. Contact should be made in accordance with agency practice within 45 minutes after the beginning of the scheduled workday, or as soon as possible in those instances when communication is impractical.
  2. Failure to contact the supervisor (or designee) may result in an Unauthorized Leave of Absence and/or progressive discipline.
  3. Approved absences due to emergency situations and/or inclement weather shall be charged in quarter-hour increments to accrued annual leave. Such absences shall be recorded as excused absences with reasons cited on the daily attendance report.
  4. If an employee does not have sufficient accrued annual leave to cover the absence, the employee shall request, and the agency shall approve, a Personal Leave of Absence Without Pay. Failure to request and receive approval for a Personal Leave of Absence Without Pay may result in progressive disciplinary action.
- G. If employees are released from work or their offices are placed on a delayed opening basis by Executive Declaration or by declaration of the Governor's designee due to emergency situations and/or extreme weather conditions, their absences are to be charged as follows:
1. If an employee reported to work on the day of release, the absence subsequent to the release or prior to the delayed opening shall be recorded as work time and employees shall be relieved of all duties, with no charge to accrued annual leave, unless their presence is required by the agency.



2. If an employee failed to report for work on the day of release but did call in to request, and was granted, annual leave due to an emergency situation and/or inclement weather, he/she shall be charged annual leave for the absence prior to the Executive Declaration. The portion of the work shift subsequent to the release or prior to the delayed opening shall be recorded as work time on the daily attendance report.
  3. If an employee reports to work on the day of release or delayed opening, but does not work their full work shift after adjustment for the release or delayed opening, the following provisions shall apply:
    - a. If an employee reported to work on the day of release, but requested and was granted accrued annual leave prior to the completion of the work shift and prior to the Executive Declaration, he/she shall be charged annual leave for the period of absence prior to the release. The portion of the work shift subsequent to the release shall be recorded as work time on the daily attendance report.
    - b. If an employee reported to work on the day of a delayed opening, but subsequent to the reporting time for his/her work shift, the employee shall be charged accrued annual leave for the time between the delayed opening and the employee's actual starting time. The portion of the work shift prior to the delayed opening shall be recorded as work time on the daily attendance report.
  4. If an employee reports to work prior to the starting time specified in an Executive Declaration which delays the opening of state offices for a period of time (e.g. a 2-hour delay) and which reduces the workday hours, the employee shall be given time off in the same work week equal to the time they worked prior to the Executive Declaration. If it is not practical to give the time off in the same work week, then the time should be given off within the same pay period, but no later than 30 days subsequent to the occurrence. If it is not practical to give the time off within the 30-day time period, an extension may be granted by the Director of Personnel.
  5. If an employee is unavailable for work due to illness or previously planned and approved annual leave, the Executive Declaration shall not apply.
- H. Agencies are encouraged to extend the provisions of this policy to intermittent, seasonal, and non-contractual temporary employees who are scheduled to work during a period of a release from work or delayed opening as authorized by Executive Declaration.
- I. It shall be the responsibility of the appointing authority and subordinate supervisors to ensure that all employees adhere to this policy when charging absences caused by emergency situations and/or inclement weather.
- J. It shall be the responsibility of the Division of Personnel to provide technical advice concerning employee compensation for absences due to emergency situations and/or inclement weather.



**IV. REFERENCES**

- A. *WV Code*, §15-1A-3, §15-1D-2, §15-5-6 and § 12-3-13.
- B. *West Virginia Division of Personnel Administrative Rule*, Section 15.03(c) [Annual Leave].

**V. EFFECTIVE DATE:** February 1, 1992.

**VI. REVISED:** November 1, 1993.

**VII. POLICY NUMBER:** DOP-P4.

Approved and Issued By:

Robert L. Stephens, Jr., Director of Personnel

Date: October 29, 1993