

ADVERSE WEATHER POLICY SUMMARY OF REVISIONS

2-4-2021

- Policy reviewed by Total Rewards-Salary Administration Division to confirm alignment with current practices and by Legal, Commission, and Policy Division to confirm alignment with statutory, rule(s), and other policies. No substantive changes. Updated Adverse Weather policy to more closely reflect Administrative rule 25 NCAC 01E .1005, by updating the usage of “Mandatory” (e.g., “Mandatory Employees”, “Mandatory Operations”) to “Emergency”. Reported to SHRC on February 4, 2021.

10-3-2019

- Reworded and clarified the **Policy** section to strengthen the intent of the Adverse Weather Policy.
- Added **Note** to reference Emergency Closing Policy for conditions that warrant closure of a facility/location such as a mandatory evacuation order or unsafe building structure.
- **Definitions:** Added new definitions to explain commonly used terms that were not included in the policy previously. These terms include the following:
 - Adverse Weather Leave
 - Adverse Weather Make-Up
 - Declaration of a State of Emergency
- Deleted **non-mandatory employees** and **non-mandatory operations** definitions as these terms are no longer used in this policy.
- Designation of Mandatory and Non-Mandatory Operations-
- Verbiage was revised to spell out expectations regarding reporting to work, remaining at work or differing schedules/shifts for employees designated as mandatory.
- Verbiage was revised to provide clearer guidance to agency management regarding designating employees as mandatory; also includes that notifications may occur at any point in time and as such is considered a condition of employment.
- Added verbiage to permit agencies to call-in employees who are not normally designated as mandatory and temporarily assign them to this status if a specific adverse weather event requires such action.
- Renamed **Who Determines When Non-Mandatory Operations will be Suspended Due to Adverse Weather Condition** section to **Closing Non-**

Mandatory Operations During Adverse Weather Event for improved flow and reorganization of related topics.

- Deleted Administrative Operations within Wake County section as the intent of this section is now reflected in the Closing a specific State facility to non-mandatory employees and the public section.
- Deleted Agencies with Non-Administrative Operations within Wake County and Staff Outside the Wake County Area Including 24-hour Operations section as this matter is now addressed in the Suspending non-mandatory services at a specific State facility to the public only section.
- Clarified and created a new sub-section which addresses the **Suspension of non-mandatory services to the public only** which may be caused due to short duration power outage, limited staff issues which necessitate suspension of services. Also clarifies employees may work or operate under the Adverse Weather policy in the event of such closing to the public.
- **Closing of a state facility to non-mandatory employees and to the public** is listed to merely clarify state facilities are not to be closed based on adverse weather events and that a State of Emergency by the Governor is not a closing of state government. Also added verbiage in an attempt to differentiate adverse weather from the emergency closing policy (includes agencies responsibility for reporting actual emergency closings to OSHR within five days after the occurrence).
- Expanded the **Early Release of non-mandatory employees at a specific location** section which is intended to encourage employees to use their best judgement in making decisions regarding travel to and from work. This section also restates the agency head or designee may make decisions regarding suspending services to the public at this time and notes employees shall operate under the Adverse Weather policy to account for time lost from work.
- **Limited Operations or Closures of Leased State Facilities** clarifies and adds guidance to agencies to prepare in advance of adverse weather events. This includes:
 - Plan with property management;
 - Review applicable Continuity of Operations Plan (COOP);
 - Evaluate alternative arrangements for employees to continue working throughout the event should the location be closed; and
 - Develop communication procedures that at a minimum include how communication between property management and Director/Manager at the leased location will take place, how Director/Manager will notify staff of any

changes in operational status, and how information about the status of the location will be shared with the appropriate Agency Head (or designee.)

- Agencies must consider the following options when planning for adverse weather in leased spaces when the facility is closed:
 - The agency shall make every effort to relocate affected employees to an alternate work location.
 - If the agency is unable to relocate affected employees to an alternate work location, the agency is responsible for determining if remote work may be completed elsewhere by employees.
 - If the agency cannot relocate or provide remote work, the agency may approve the use of the Adverse Weather policy to account for time not worked.
- **Communicating Adverse Weather Conditions and the Suspension of Non-Mandatory Operations** was renamed to **Communicating Adverse Weather Conditions and Impact on Operations** to better align with the content in the section. Also charges agencies with developing a communication plan for notifying the public if services are suspended.
- **Failure of Mandatory Employees to Report** section revised the Exception note to delete the words “no disciplinary action will be taken” from the last sentence.
- **Return to Work** section was revised for readability by reframing sentences; reasonable timeframe explanation was deleted. September 25, 2019
- **Accounting for Time** reworded to provide clarity and advises agencies to develop guidelines regarding flexible work schedules and/or alternative work arrangements which may be appropriate during adverse weather events. Also advises employees to consult with their agency Human Resources Division for their agency protocol in all cases.
- Renamed **Make Up Provisions** section to **Adverse Weather Leave Make-Up Provisions** and rearranged paragraphs for flow and readability. Also added a note for employees recording time in the Integrated HR/Payroll system, time worked on a holiday to make up time should be recorded as 9514 Adverse Weather Make-Up which will prevent holiday premium pay automatically.
- **Extended Leave of Absence** section was revised to clarify the liability owed for time not worked during an adverse weather event shall be resolved through use of vacation or bonus leave prior to the extended leave of absence.
- **Transfer to Another State Agency** section was revised to provide clarity if an employee transfers to another state agency before any adverse weather leave liability is resolved, it must be charged to vacation or bonus leave or deducted from

the final paycheck if there is insufficient leave to cover the adverse weather leave liability prior to the transfer.

- Minor revisions were made in the **Separation** section to clarify if an employee separates from state government before any adverse weather leave liability is resolved, it must be charged to vacation or bonus leave or deducted from the final paycheck if there is insufficient leave to cover the adverse weather leave liability.

2-4-2016

- Added new definition of Adverse Weather.
- Updated “Landlords do not make the decision to suspend operations” heading to “Limited Operations or Closures for Rented or Leased State Facilities” for clarity.
- Changed “Administrative agencies within Wake County” to “Administrative Operations within Wake County” for clarity.
- Removed mention of the University of North Carolina System. SHRC approved an Adverse Weather and Emergency Event Policy for the
- University of NC System, effective January 1, 2016
- Added “Early Release due to Adverse Weather” to allow reasonable time for employees to return home or to a safe location prior to the commencement of an adverse weather event.
- Added “Return to Work” to clarify a reasonable time in which an employee is expected to return to work after an adverse weather event.
- Updated “Accounting for Time” to include early release.
- Removed National Weather Service designation, as adverse weather conditions also apply during periods of time that are not designated or issued by the National Weather Service.

1-1-2015

- Emergency closing provisions of the policy have been removed and are included as an independent policy in the Leave Section of the HR Manual titled “Emergency Closing”.
- Added definitions for adverse weather conditions, mandatory/non- mandatory employees, and mandatory/non- mandatory operations.
- Removed all reference to adverse weather “closures” and instead reference “suspension of non-mandatory services”.

- Clarified that the decision of “suspension of services” should only apply to operations in the geographic area directly impacted by the adverse weather conditions.
- Clarified that rented office space from a non-state entity should have an agreement or understanding on who makes decisions on the suspension of services based on adverse weather conditions.
- Clarified that a declaration of a “State of Emergency” does not impact the provisions of the Adverse Weather Policy concerning decision making authority of agency heads and the expectation for mandatory employees to report to work.
- Addition of a requirement for non-mandatory employees to use accrued compensatory time to account for the lost time from work. If there is no accrued comp time, then the employee will have a choice to use vacation or bonus leave or leave without pay.
- Clarification that the option for make-up time requires supervisor approval which must be supported by operational need and not the individual employee’s desire to make up the adverse weather in lieu of use of leave or leave without pay.
- Removed the requirement for FLSA-nonexempt employees to only be allowed to make up adverse weather leave during a week in which they are using leave or have a paid holiday in order to avoid overtime compensation.
- Supervisor is required to schedule the make-up time within the same pay period if possible or within 90 days of the adverse weather event.
- Time not made up within 90 days will automatically be deducted from vacation or bonus leave if sufficient balances are available to cover the liability. If the employee does not have sufficient leave to cover the liability, then the outstanding balance will be deducted from the next paycheck.
- The adverse weather liability shall be resolved prior to an employee starting an extended leave of absence.
- Removed the requirement for adverse weather “suspension of service” decisions to be reported to the State HR Director.

4-1-2009

- Adds provision to clarify that employees who are on prearranged vacation leave or sick leave during emergency closings will charge leave to the appropriate account with no provision for make-up time – the same as for adverse weather or other conditions of a serious nature.

4-1-2008

- Provision added to require agencies to report an emergency closing when implementing the following provision which was inadvertently omitted from the policy: "Individual agency heads or their designees shall make decisions about closings when emergency conditions affect that agency only."

8-1-2003

- Changed the policy to allow closings in case of emergencies other than weather conditions, such as terrorist acts, contamination by hazardous agents, disruption of power, equipment failure, etc. Also, gives agencies and universities authority to make that decision in certain instances. (Rule approved effective January 1, 2004,)

9-30-2002

- Added provisions for bonus leave.

2-21-2000

- Advisory Note added to incorporate the clarification in Mr. Penny's memo of February 21, 2000 regarding make-up time for adverse weather. Employees may use compensatory time to make up for time lost due to adverse weather if management approves the overtime in response to bona fide needs for work in excess of forty [40] hours. If there is no bona fide need for overtime, then the make-up time must be limited to weeks when an employee has not worked a full forty [40] hours due to scheduled or unscheduled absences.

7-1-95

- Revised make-up provisions that time must be made up within 12 months from occurrence of the absence. If not, charged to vacation leave or leave without pay.

5-1-89

- Make-up time must be made up in one year.

4-1-86

- Make-up provision revised to not allow time to result in overtime; also special provision for catastrophic conditions added.

2-1-82

- Adverse weather conditions policy approved for Wake County and for areas outside of Wake County.

5-1-78

- An employee may make up time due to adverse weather without being subject to overtime compensation.

10-1-71

- Establishment of adverse weather policy. Employees unable to get to work due to hazardous driving conditions will be given an opportunity to make up the hours lost or the employee may use vacation or petty leave. No announcement will be made on radio or any other means concerning the closing of State offices.

1-28-55

- All absences from work must be charged to leave. When weather conditions are severe enough to endanger the health or safety of employees, an official determination will be made by State Personnel.