

## Adverse Weather Policy

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### Adverse Weather

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### Policy

The State of North Carolina must ensure the delivery of critical services to citizens and businesses even during times of adverse weather conditions and facilitate an orderly transition to more limited operations if conditions make that necessary. Considering the varied geographic locations and diversity of State operations, it is the intent of this policy to establish a uniform statewide policy regarding how operations will be affected during times of adverse weather conditions and to establish guidelines for accounting for work hours, and to educate state employees on their responsibilities.

NOTE: See Emergency Closing policy for conditions that warrant closure of a facility/location such as an Emergency evacuation order or unsafe building structure.

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### Employees Covered

This policy applies to all employee's subject to the State Human Resources Act.

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## Adverse Weather Policy (cont.)

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### Definitions

Adverse Weather Event: Snow, ice, high winds, storms, tornados, earthquakes, hurricanes, flooding, and other weather events that may create a variety of safety risks to employees, impede the ability of employees to travel to or from work, or impact the State's ability to maintain normal operations for clients, customers, patients, or the general public. Such events, also can result in significant logistical challenges, before, during and after the event, including preparation activities, loss of utilities, information technology (IT), communication capabilities, shutting down and protecting computer servers, laboratories, etc. and other critical infrastructure that may impede functioning of State agencies.

Adverse Weather Leave: Leave option to be utilized due to an adverse weather event by employees not designated as Emergency, if no compensatory time is available to account for the absence, and no other leave options are utilized.

Adverse Weather Leave Make-Up: Method for employees not designated as Emergency to make up time missed from work which was recorded as adverse weather leave. Time must be made up within ninety (90) days after the leave was so designated and can only be made up with supervisor approval and consistent with all agency guidelines.

Declaration of a State of Emergency: Under certain adverse weather conditions, the Governor may issue a declaration of a "State of Emergency." The declaration of a "State of Emergency" by the Governor does not suspend operations for state government. Rather, during a "State of Emergency," non-Emergency employees are strongly encouraged to stay off the road unless it is an emergency travel situation and will be expected to follow the provisions of the Adverse Weather policy for accounting for lost time from work.

Emergency Employees: Employees who are required to work during adverse weather conditions because their positions have been designated in advance by their agency head or designee as essential to agency operations or are designated "called-in" during an event as necessary in response to an adverse weather event in compliance with the agency's emergency response plan.

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Emergency Operations: Services that have been determined necessary by the agency head. These services typically fall into the areas of law enforcement/public safety, direct patient care, facility maintenance, food service, but could also include support and administrative operations and other jobs/services that are considered essential. These operations may vary depending on the nature of the situation.

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### **Designation of Emergency and Non-Emergency Operations**

Agency heads shall predetermine which operations will be designated as Emergency during adverse weather conditions. Emergency employees are expected to report to or remain at work during adverse weather and, if deemed necessary, to work a differing schedule or shift than normally assigned. When required to report to work during these events, the employee is expected to make a substantial and good faith effort to reach the work site in a timely manner.

Emergency employees shall be notified in advance by the employing agency, in writing (or alternatively by electronic means) of their designation. This notification may be accomplished at any point in an employee's service with the agency and will be considered an ongoing condition of employment. Additionally, the agency may also take the unusual measure of "calling-in" employees who are not normally designated as "Emergency" and temporarily assigning them to this status, if a specific adverse weather or emergency event so requires.

Employees who are not designated as Emergency shall also be notified of their designation and options for reporting to work and accounting for lost time from work during adverse weather event. Employees are expected to make a good faith effort to report to work or remain at work during an adverse weather event while using their best judgment to remain as safe as possible. Employees who anticipate problems in their commute to and from work should be permitted to make use of the adverse weather leave options.

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## Adverse Weather Policy (cont.)

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### **Closing Non-Emergency Operations During Adverse Weather Event (applicable to specific locations impacted by event)**

In general, State government offices and facilities are OPEN, during an adverse weather event. However, limited staff resources or other logistical challenges or outcomes from an adverse weather event may require the decision to limit non-Emergency operations.

Declaration of a State of Emergency: Under certain adverse weather conditions, the Governor may issue a declaration of a “State of Emergency.” The declaration of a “State of Emergency” by the Governor does not suspend operations for state government. Rather, during a “State of Emergency,” non-Emergency employees are strongly encouraged to stay off the road unless it is an emergency travel situation and will be expected to follow the provisions of the Adverse Weather policy for accounting for lost time from work. With the approval of the supervisor, non-Emergency employees may be allowed to work from home or from an alternate work site if their job duties can be accommodated by a temporary reassignment of duty station.

Suspending non-Emergency services at a specific State facility to the public only (anywhere in the state): Agency head or designee shall determine when services to the public at a specific location shall be suspended due to conditions caused by the adverse weather event (i.e., limited staffing, short duration power outage, unsafe conditions at the work location, etc.) Any such decision to suspend services/close to the public requires following a departmental protocol to include a communication plan for notifying the public of suspended services. *Employees may work or operate under the Adverse Weather policy in the event of such closing to the public.*

Closing a specific State facility to non-Emergency employees and the public (anywhere in the state): A state facility is not to be closed to the public and employees merely due to the occurrence of an adverse weather event. As noted above, the declaration of a “State of Emergency” by the Governor is not a closing of state government. A closing including employees would happen only if the specific location is unsafe for use or Emergency evacuation is in place in which case the *Emergency Closing policy* would apply. Agency heads shall determine when a location shall be closed to both the public and employees following the *Emergency Closing Policy* when weather and/or building

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conditions are determined by emergency/public safety officials or the agency head in consultation with the agency's safety officer and human resources director to be hazardous to life or safety of both the general public as well as employees at a specific location or worksite. Any such decision to close a specific location to the public and employees requires approval by the Agency head or designee and transmission of an Emergency Closing Notification form to the State Human Resources Director within five (5) calendar days after the occurrence. *In rare circumstances, based on severe conditions, the Governor may decide to suspend non-Emergency operations in an affected geographical area. The Governor's Office will announce the suspension decision related to non-Emergency administrative operations.*

*The Office of State Human Resources will communicate any such announcement to Human Resource Directors. In these scenarios, impacted employees shall follow the provisions of the Emergency Closing policy for accounting for lost time from work.*

*(NOTE: This is utilization of the Emergency Closing policy but listed within this policy for clarity.)*

Early Release of non-Emergency employees at a specific location (anywhere in the state): When adverse weather conditions are forecast to commence during the scheduled business day, the agency head or designee may inform non-Emergency employees of the adverse weather event and encourage employees to use their best judgement in making decisions regarding travel to and from work. The agency head or designee may make decisions regarding suspending services to the public at this time. Employees shall operate under the Adverse Weather policy to account for time lost from work.

Limited Operations or Closures for Rented or Leased State Facilities: Agencies that lease office space from non-State entities should communicate to employees that the agency, and not the landlord, will make the decision whether non-Emergency or Emergency operations are suspended.

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Agencies that lease office space from non-State entities must prepare in advance for adverse weather events:

1. Plan with property management;
2. Review applicable Continuity of Operations Plan (COOP);
3. Evaluate alternative arrangements for employees to continue working throughout the event should the location be closed; and
4. 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:

1. The agency shall make every effort to relocate affected employees to an alternate work location.
2. 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.
3. 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.

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### Communicating Adverse Weather Conditions and Impact on Operations

Agency heads or their designees shall be responsible for developing and maintaining procedures for notifying employees of expectations for remaining at work, reporting to work, or accounting for lost time from work time when adverse weather conditions arise. There also shall be a communication plan for notifying the public if services are suspended.

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## Adverse Weather Policy (cont.)

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### Failure of Emergency Employees to Report

An Emergency employee's failure to report to work or remain at work may result in disciplinary action and requiring the hours missed to be charged to leave with or without pay, as appropriate, as determined by management.

During adverse weather conditions, the Governor or the State Highway Patrol may ask motorists to stay off the road unless it is absolutely necessary to travel. When this travel notice is issued, a Emergency employee is still expected to report to work.

Exception: When weather conditions cause a Emergency employee to arrive late, the agency head or designee may determine that the conditions justified the late arrival. A Emergency employee is expected to notify his/her supervisor or designee of his/her inability to report to work at the designated time due to weather conditions so essential work operations are covered in his/her absence. In such cases, the lost time may be made up in lieu of using paid leave or leave without pay.

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### Return to Work

Employees are expected to return to work within a reasonable timeframe after an adverse weather event at their worksite and the geographic areas within their commute to and from their worksite. Communication between employees and their immediate supervisor is essential during this time frame.

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### Accounting for Time

Agencies are encouraged to develop guidelines regarding flexible work schedules and/or alternative work arrangements which may be appropriate during adverse weather events. When an employee not designated Emergency is unable to report to work, or reports to work late due to adverse weather, time lost from work shall first be charged to accrued compensatory time (i.e., holiday, compensatory, overtime, gap hours, callback, on-call, travel, or emergency closing comp time). If the employee does not have accrued

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compensatory time or have sufficient compensatory time to cover the entire period of absence, then the employee has the following options to account for time lost from work:

- use vacation leave,
- use bonus leave, or
- request approval to take leave without pay (LWOP).

Following agency guidelines where operational needs allow, and a supervisor approves, an employee may be allowed to make up the time lost to adverse weather. Make-up time is not an employee entitlement and agencies may differ on their protocols permitting employees to make up or not make up work. Make-up time must be supported by an operational need, and not the individual employee's desire to make up time lost due to adverse weather instead of using vacation leave, bonus leave or leave without pay. Employees shall consult with their agency's Human Resources Division for their agency protocol in all cases.

The adverse weather policy does not cover child or elder care issues resulting from school or day care center closing decisions that may occur in advance of or after adverse weather events. For such situations, approved (compensatory time, vacation leave, bonus leave, etc.) is the appropriate category to account for such absences, or an employee with insufficient leave balances may request permission to take leave without pay. In addition, an employee may work with their supervisor regarding standard flexible working arrangements as determined by agency policy/practice.

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

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### Adverse Weather Leave Make-Up Provisions

The agency may, but is not required, to offer employees the option of make-up time in lieu of paid leave or leave without pay (LWOP) in accordance with the provisions outlined below.



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- If management approves adverse weather make-up time, the supervisor shall be responsible for scheduling make-up time within the same pay period as the adverse weather event, if possible.
- If adverse weather leave make-up time cannot be scheduled within the same pay period, management shall schedule the make-up time within 90 days of the adverse weather absence. If it is not made up within 90 days, vacation or bonus leave shall be charged. If there is insufficient vacation or bonus leave to cover the adverse weather leave liability, payment for the time originally paid as adverse weather leave shall be deducted from the employee's next paycheck.
- Management may schedule make-up time in a workweek which results in overtime, if there is a bona-fide operational need to schedule overtime work. The supervisor shall notify the employee when make-up time is approved and scheduled. Upon notice of approval, the employee is expected to report to work and perform the make-up work as scheduled.
- Management and employees shall cooperate in making reasonable efforts to arrange schedules and identify operational needs for overtime work in order to enable an employee to be given the opportunity to make-up time not worked, rather than charging it to leave.
- 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 adverse weather time. (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.)

If an employee has an outstanding adverse weather leave liability (balance of leave approved for make-up), all additional time exceeding regular work schedule worked after the adverse weather absence shall be credited towards resolving the adverse weather leave liability. This includes compensatory time earned for holidays, overtime, gap hours, callback, on-call, travel or emergency closings.

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### Extended Leave of Absence

If an employee subsequently requests an extended leave of absence with or without pay (including absences due to Family Medical Leave, Short-Term Disability and Worker's Compensation), 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. If there is insufficient vacation or bonus leave to cover the adverse weather liability, the amount paid for adverse weather leave shall be deducted from the employee's paycheck prior to the start of the extended leave of absence. An "extended leave of absence" is an absence in excess of one half of the regularly scheduled workdays and holidays in the month or in the pay period, whichever is applicable.

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### Transfer to Another State Agency

If the 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 liability prior to the transfer.

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### Separation

If an employee separates from State government before any adverse weather 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.

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