

Emergency Closing Policy

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§ 1. Policy

When an emergency closing of a State facility or workplace occurs, the State shall provide paid time off for employees who are required to evacuate a location or worksite as a result of emergency conditions as determined by emergency/public safety officials or the agency head in consultation with the agency's safety officer or designee. Agency management should make every effort to relocate employees to a safe work location or worksite in lieu of work stoppage. If relocation is not a viable option, employees should be paid for lost time from work during the period designated as an emergency closing.

§ 2. Employees Covered

This policy applies to all employees subject to the Human Resources Act.

§ 3. Definitions

Emergency Employees: Employees who are required to work during emergency 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 a specific emergency in compliance with the agency's emergency response plan.

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

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patient care, facility maintenance and food service, but could also vary depending on the nature of the emergency.

§ 4. Emergency Closing Conditions

Emergency conditions are determined by emergency/public safety officials or the agency head in consultation with the agency's safety officer or designee to be hazardous to life or safety of both the general public as well as employees at a specific location or worksite. Examples of emergency evacuations include catastrophic life-threatening natural disasters such as hurricanes, tornados, earthquakes, and floods. Evacuation may also result from fire, bomb threats, prolonged disruption of power and/or water, contamination by hazardous agents, terrorist acts or any other conditions that are specifically determined to be hazardous to the life and safety of the general public, customers, clients, patients, students and employees.

Loss of heat and air conditioning does not necessarily constitute an emergency condition. While loss of heat/air may result in uncomfortable working conditions, it is not typically considered life threatening or unsafe for the general public or employees. Employees should be allowed to dress appropriately based on the temperature and may be allowed to use fans or space heaters with the approval of the agency safety officer. Employees with health conditions that may be sensitive to unregulated temperatures should be relocated to an alternate worksite or allowed to use appropriate leave. In the case of prolonged loss of heat and air during times of extreme weather temperature conditions (freeze or heat warnings), an agency head should relocate employees to an alternate worksite, allow employees to temporarily work from home if appropriate, or utilize the "Adverse Weather Policy" located in Section 5 of the State Human Resources Manual to cover the period of suspension of work due to adverse temperatures.

The University of North Carolina System: The UNC System Office of the President shall make decisions concerning emergency closings as outlined in the UNC System Adverse Weather and Emergency Event Policy.

The declaration of a "State of Emergency" by the Governor does not affect an agency head or designee's authority and responsibility for making emergency closing decisions and implementing emergency response plans based on the nature of the disaster/emergency; however, during disaster/emergency conditions, the Governor or

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emergency/public safety officials may order mandatory evacuations of geographic areas of the State impacted by the disaster, order mandatory closure of roads, or order mandatory curfews. In the case of State ordered mandatory evacuations, the emergency closing policy will apply to all worksites in the designated area.

For those agencies that rent office space from non-State entities, the agency should have an agreement or understanding with the landlord as to who makes decisions and communicates facility closings based on emergency conditions at the worksite.

§ 5. Weather Related Emergency Conditions

Adverse weather conditions typically do not result in an emergency closing at a work location or worksite. Emergency closings are site-specific and dependent upon the determination of an emergency/public safety official or an agency head that the location is not safe for general public, customers, clients, patients, and employees (both non-Emergency and Emergency) to remain at the work location. Emergency worksite evacuations typically occur because of catastrophic life-threatening weather conditions such as hurricanes, tornados, floods, etc. The State of North Carolina does not CLOSE due to winter storms (snow and ice) that impact travel conditions (accumulation of ice/snow on roads, parking lots, and sidewalks). Employees should follow the “Adverse Weather Policy” located in Section 5 of the State Human Resources Manual for guidelines on reporting to work during winter storms. Heavy accumulation of snow and ice on power lines, trees and rooftops may result in an emergency closing evacuation of a worksite if there is prolonged loss of power/water, downed trees and power lines that make the worksite unsafe, or heavy accumulation of snow/ice on a rooftop that may make the building or structure unstable and the roof may collapse.

§ 6. Designation of Emergency Employees

Agency heads shall predetermine to the extent possible which employees will be required to work during an emergency closing based on the potential nature of the emergency. Each agency shall develop an emergency response plan which identifies specific processes and procedures for responding to emergency situations.

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§ 7. 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.

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

§ 8. Agency Procedures Required

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

- How employees will be advised of agency, office, or facility closing decisions,
- Which employees are designated as Emergency based on the nature of the emergency,
- How employees will be notified that their positions are designated as Emergency,
- 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.

§ 9. Alternate Worksites during Emergency Conditions

If possible, an agency head should reassign employees to alternative worksites within the same commuting area in order to avoid work stoppage. If the emergency conditions are expected to continue for a prolonged period of time, the agency head should

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consider alternative work arrangements such as flexible work schedules and working from home if applicable.

§ 10. Accounting for Time

The following shall apply when a state facility or worksite is closed 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 emergency time off (ETO) on an hour for hour basis for all hours worked. This time must be used within 18 months of it 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 bonus leave. ETO not taken within 18 months is lost. ETO is not paid out upon separation and does not transfer to another State agency.
- If additional employees, not designated as Emergency, are needed for situations such as cleanup and recovery during the time the agencies remain closed, the agency head shall compensate them in the same manner as designated Emergency employees.
- Non-Emergency Employees who are reassigned to a different work location to avoid work stoppage or who are approved to work under alternative work arrangements, shall be paid for their regular salary for all hours worked but will not be granted ETO.

Employees who are on prearranged vacation leave or sick leave will charge leave to the appropriate account.

§ 11. Overtime Pay

FLSA subject employees shall receive overtime compensation, either compensatory time or pay, for all hours worked over 40 hours in accordance with the Hours of Work and Overtime Policy.

FLSA Not Subject employees may be granted compensatory time for all hours worked over 40 hours or agencies may choose to use the below provision.

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When the Governor declares a State of Emergency, agencies are authorized to pay overtime at straight-time rates to FLSA Not Subject employees when the following conditions occur:

- A gubernatorial declaration of a State of Emergency,
- Management requires employees to work overtime for purposes of response and/or recovery during the emergency, and
- Funds are available to pay overtime. 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.

Refer to Sections 25.9 and 3 of the **Hours of Work and Overtime Compensation Policy** for instructions on how to request authorization for overtime payments to FLSA Not Subject employees during a State of Emergency.

§ 12. Reporting Requirements

All emergency closings shall be reported to the State Human Resources Director within five (5) calendar days after the end of the occurrence.

To report an Emergency Closing: [click here](#)

§ 13. Sources of Authority

This policy is issued under any and all of the following sources of law:

- [N.C.G.S. § 126-4\(5\) and \(10\)](#)

It is compliant with the Administrative Code rules at:

- [25 NCAC 01E .1005](#)

§ 14. History of This Policy

Date	Version
January 1, 2015	Provisions for emergency closing were previously included in the Adverse Weather policy. A separate policy has been adopted for clarification purposes. At the same time, the following amendments were included:

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	<ul style="list-style-type: none">• Clarified agency heads should make emergency closing decisions in consultation with their safety officer or designee.• Added definitions for emergency employee and emergency operations.• Removed reference to snow and ice as examples of a “catastrophic life-threatening weather event”. Added a section on “Weather Events” which clarifies “catastrophic weather events” that may cross over from regular adverse weather conditions to emergency closing conditions.• Clarified that emergency closings impact both non-mandatory and mandatory employees.• Added bomb threats as an example of an emergency evacuation and removed equipment failure as an example.• Clarified emergency closings should only be implemented for “prolonged” disruption of power and/or water.• Clarified loss of heat and air conditioning does not necessarily meet the definition of emergency closing. Referred to the adverse weather policy if weather conditions are extreme.• Clarified how a declaration of a “State of Emergency” impacts emergency closing decisions.• Clarified rented office space from a non-state entity should have an agreement or understanding on who makes and communicates facility closing decisions due to emergency conditions.• Clarified emergency time off (ETO) must be taken within 12 months or it is lost and it is not paid out upon separation or transfer to another agency.• Clarified non-emergency employees who are reassigned to a different work location or alternate work arrangement will not be eligible for emergency time off (ETO).
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October 21, 2019	<ul style="list-style-type: none"> • Changed “emergency” employee to “mandatory” employee throughout the document to align with the verbiage used in the Agency Adverse Weather Policy. • Added note to reference Adverse Weather Policy for conditions that are related to an adverse weather event but do not warrant an emergency closing. • Changed the definition of Emergency Employee to Mandatory Employee and provided clarity to be consistent with the definition used in the Adverse Weather Policy. • Changed the definition of Emergency Operations to Mandatory Operations and provided clarity to be consistent with the definition used in the Adverse Weather Policy. • Revised the reference to the University of North Carolina System to refer to the separate UNC System Adverse Weather and Emergency Event Policy which provides guidance for university employees. • The verbiage used in the Failure of Mandatory Employees to Report section was revised to provide clarity. • Accounting for Time section has been revised to indicate mandatory employees who are required to work during the emergency shall be granted emergency time off (ETO) on an hour for hour basis for all hours worked. This time must be used within 12 18 months of it being awarded. ETO not taken within 18 months is lost.
February 4, 2021	<ul style="list-style-type: none"> • 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. Update 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

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	<p>“Emergency”. There is no mention of “Mandatory” in Administrative Rule: 25 NCAC 01E .1005. The Communicable Disease policy also references “Mandatory” Employees specifically to a public health emergency. Changing “Mandatory” to “Emergency” in the Adverse Weather policy will also alleviate possible confusion of the “Mandatory” designation referenced in the Communicable Disease policy.</p>
<p>December 12, 2024</p>	<ul style="list-style-type: none"> • In Section 11, changed FLSA exempt to FLSA Not Subject for consistency with other policies. • In Section 11, added: Refer to Sections 25.9 and 3 of the <u>Hours of Work and Overtime Compensation Policy</u> for instructions on how to request authorization for overtime payments to FLSA Not Subject employees during a State of Emergency.