



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

POLICY 1.35 EMERGENCY CLOSINGS

APPLICATION: Full-time, quasi full-time, and part-time classified employees.

PURPOSE:

It is the policy of the Commonwealth to compensate employees during emergency closings of agency operations.

POLICY SUMMARY:

Provides guidelines for emergency closings of agency operations and treatment of employees.

AUTHORITY & INTERPRETATION:

Title 2.2 of the Code of Virginia

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with §2.2-1201 of the Code of Virginia. The Department of Human Resource Management reserves the right to revise or eliminate this policy.

RELATED POLICIES:

- Policy 1.60, Standards of Conduct
- Policy 1.70, Termination/Separation from State Service
- Policy 3.10, Compensatory Leave
- Policy 3.15, Overtime Leave

POLICY HISTORY:

EFFECTIVE DATE	DESCRIPTION
02-14-00	Original publication of policy.
05-12-05	Revision.
04-16-20	Re-format of policy, addition of telework provisions.



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

POLICY 1.35 EMERGENCY CLOSINGS

ADMINISTRATIVE PROCEDURES

PROCEDURES

Determination of Authorized Closings

General Provisions	Application
Authorized Closings	A state agency's operations may be closed for specific periods of time when determined by the appropriate authority to be necessary.
Richmond Metropolitan Area (Richmond City, Chesterfield, Hanover, and Henrico Counties)	<p style="text-align: center;"><u>Administrative Agencies</u></p> <ul style="list-style-type: none"> • The Governor or designee shall make closing decisions about the daytime hours of administrative agencies when conditions affect more than one administrative agency. • The Department of Human Resource Management (DHRM) will announce the Governor's decisions about authorized daytime closings of administrative offices through television and radio media, (as noted on DHRM's web site), and other social media. <p>NOTE: Individual agency heads or their designees shall make closing decisions when emergency conditions affect that agency only.</p> <p style="text-align: center;"><u>Agencies with 24-hour Operations within the Richmond area</u></p> <ul style="list-style-type: none"> • Agency heads or their designees shall make closing decisions for agency operations outside daytime hours. • Individual agency heads must develop and maintain procedures for making closing decisions and communicating the closings to their employees. <p style="text-align: center;"><u>Colleges and Universities within the Richmond area</u></p> <ul style="list-style-type: none"> • College and university presidents or their designees shall make closing decisions for their institutions. • The presidents must develop and maintain procedures for making closing decisions and communicating the closings to their employees.
Outside Richmond Area	<ul style="list-style-type: none"> • Individual agency heads and college and university presidents or their designees shall make closing decisions affecting their agencies or institutions. • They must develop and maintain procedures for announcing decisions about authorized closings of their agencies, offices, or facilities and distribute them to their employees.

Agency Responsibilities

General Provisions	Application
Agency Procedures	<p>Agencies shall develop written procedures that are consistent with, and incorporate the provisions of, this policy. At a minimum, they should include:</p> <ul style="list-style-type: none"> • whether the agency offices/facilities must follow the Governor’s closing decisions or the closing decisions of the agency head or facility director; • which positions are designated, and considered to be essential to report to the workplace to perform their duties; • how employees will be notified that their positions are designated as essential or not designated as essential; <i>NOTE: An employee’s “non-designated” status may be changed to “designated” as agency managers/supervisors determine the necessity and employees must be notified of their status as soon as practicable after any such change in status;</i> • how designated and non-designated employees will be compensated during authorized closings; and • how employees will be advised of agency, office, or facility closing decisions (i.e., by specific area radio or television stations, phone networks, social media, or supervisors).

Employees Designated as Essential

General Provisions	Application
Designated as Essential	<ul style="list-style-type: none"> • Employees designated as essential are exempt and non-exempt employees who are required to work at the workplace or assigned remote site during an authorized closing because their positions have been designated by their agencies as essential to agency operations during emergencies. <i>NOTE: Designated employees may be required to work during times they are not regularly scheduled to work.</i> • Agencies may designate different employees as essential for different situations. <i>Example: Certain employees may be designated as essential to agency operations during inclement weather events while different employees may be designated as essential during heating or electrical problems.</i>
Compensation	<ul style="list-style-type: none"> • Exempt and non-exempt employees are paid their regular rate of pay for hours worked. • Employees who are designated as essential and required to work during authorized closings are granted compensatory leave for hours worked up to the maximum number of hours of their normal work shifts whether or not the authorized closing occurs during the employee’s regularly scheduled work shift and whether or not the authorized closing is for an entire or partial work shift. (See Policy 3.10, Compensatory Leave). <i>Example 1: If a designated employee normally works a five 8-hour day schedule and the agency closes two hours early, the employee</i>

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	<p><i>will receive two hours of compensatory leave for working when the agency has closed.</i> <i>Example 2: If a designated employee normally works four 10-hour workdays and the agency is closed for the day, the employee will receive 10 hours of compensatory leave for working during the closing.</i></p> <p style="text-align: center;"><u>Designated Non-Exempt Employees Required to Work More than their Normally Scheduled Work Hours</u></p> <ul style="list-style-type: none"> • All hours worked in a workweek, including hours worked during an authorized closing, will be counted for purposes of determining if overtime pay or leave is warranted for non-exempt employees. <i>Example 1: A non-exempt employee who is "Designated" is normally scheduled to work five, 8-hour days. The employee works 8 hours on the closing and receives 8 hours of compensatory leave and works their normal schedule the rest of the week. The employee does not receive overtime because they did not physically work over 40 hours in the workweek.</i> <i>Example 2: A non-exempt employee who is "Designated" works on a closing day. Their normal work schedule is five 8-hour workdays. The employee is required to work 12 hours on the day of the closing. The employee works their regular schedule of 8 hours daily for the rest of the week. The employee has worked a total of 44 hours in the workweek. The employee is entitled to 8 hours of compensatory leave and 4 hours of overtime at time-and-one-half pay or leave.</i>
Failure to Report	<ul style="list-style-type: none"> • A designated employee's failure to report to work can result in disciplinary action under Policy 1.60, Standards of Conduct and/or requiring the hours missed to be charged to leave with or without pay, as appropriate. <p>EXCEPTION: When road conditions and transportation difficulties cause a designated employee to arrive late, the agency head or designee may determine that the conditions and difficulties justified the tardiness. 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.</p>
Pre-Approved Leave With Pay	<ul style="list-style-type: none"> • Pre-approved leave is leave that is approved in advance. When designated employees are on pre-approved leave with pay during an authorized closing, their hours of leave will be charged to the authorized closing, and not to their leave balances. • Designated employees will be considered non-designated while they are on short-term disability under the VSDP or on Workers' Compensation absences.
Employment Begin Date	<ul style="list-style-type: none"> • When a designated employee is scheduled to begin work on an authorized closing day, he/she is expected to work that day. • If he/she does not, the effective employment date will be the first day actually worked.

General Provisions	Application
Resignation/Separation Date	<ul style="list-style-type: none"> • If the last day a designated employee is to work before separation is an authorized closing day, he/she is expected to work. • If he/she does not, the effective separation date will be the last day actually worked. See Policy 1.70, Termination/Separation from State Service.

Employees Not Designated as Essential

General Provisions	Application
Not Designated as Essential Employees	<p>Employees not designated as essential are those who are not required to report to the workplace location of other identified location during an authorized closing because their positions have not been designated as essential during emergency conditions. Non-essential employees who are able to telework or work remotely are expected to work during authorized closings to ensure continuity of operations. They are not eligible for compensatory leave while working during the closing. Those not designated as essential who are unable to telework or work remotely are not penalized; they receive their regular pay during the closing if they worked or took paid leave the day before and the day after the authorized closing.</p>
Full Shift Closing Compensation	<p style="text-align: center;"><u>Worked or took paid leave the day before and the day after an authorized closing</u></p> <ul style="list-style-type: none"> • Non-designated employees will be paid for the hours that they are scheduled to work during an authorized closing, if they worked or took paid leave the day before and the day after the authorized closing. <p style="text-align: center;"><u>On unpaid leave the day before and the day after an authorized closing</u></p> <ul style="list-style-type: none"> • Non-designated, non-exempt employees will not be paid for the hours that they were scheduled to work during an authorized closing, if they were on unpaid leave for any portion of the scheduled work hours, the day before and the day after the authorized closing. <i>Example 1: An employee was on unpaid leave on Tuesday, the agency had an authorized closing on Wednesday, and the employee was also on unpaid leave for part of the day on Thursday. This employee is will not be paid for the authorized closing on Wednesday.</i> <i>Example 2: An employee worked the day before an authorized closing and was in unpaid leave the day after the authorized closing. The employee will not be paid for the authorized closing.</i> <p style="text-align: center;"><u>Pre-approved leave with pay</u></p> <ul style="list-style-type: none"> • A non-designated employee who is on pre-approved leave with pay when an authorized closing occurs will have the time

General Provisions	Application
	<p>charged to the authorized closing and not to personal leave balances.</p> <p style="text-align: center;"><u>Short-term Disability</u></p> <ul style="list-style-type: none"> • A non-designated employee who is on short-term disability under VSDP will continue to receive his/her percentage of compensation based on the benefits provided under VSDP.
Employment Begin Date	<ul style="list-style-type: none"> • When non-designated employees (newly hired or re-hired) are scheduled to begin work on an authorized closing day, they will receive pay for that day if they work the entire day following the authorized closing. <p>NOTE: For health insurance purposes, if the employee begins work on the first workday after an authorized closing that occurred on the first workday of the month, coverage will be effective for the month.</p>
Resignation/ Separation Date	<ul style="list-style-type: none"> • When an employee's scheduled resignation date becomes an authorized closing for the entire shift, the employee will be paid for that day if the employee worked or was on paid leave the day before the authorized closing. (See Policy 1.70, Termination/ Separation from State Service.)
Alternate Work Schedule	<ul style="list-style-type: none"> • An agency head has discretion to determine whether an employee on an alternate work schedule who was scheduled to work more than eight hours on an authorized closing day will be paid for the eight hours of authorized closing or for the scheduled hours. • When an employee on an alternate work schedule is scheduled to work less than eight hours on an eight-hour, authorized closing day, he/she will be paid for hours actually scheduled.
Partial Shift Closing Compensation	<p style="text-align: center;"><u>Worked or Took Paid Leave the Day Before and the Day After an Authorized Closing</u></p> <ul style="list-style-type: none"> • A non-designated employee will be paid for the hours that he/she was scheduled to work during an authorized closing if he/she worked or took paid leave the day before and the day after the authorized closing. <p style="text-align: center;"><u>On Unpaid Leave the Day Before and the Day After an Authorized Closing</u></p> <ul style="list-style-type: none"> • A non-designated employee will not be paid for the hours that he/she was scheduled to work during an authorized closing, if he/she was on unpaid leave the day before and the day after the authorized closing. • Any scheduled hours not worked by a non-designated employee while the agency was open must be charged to personal leave or leave without pay. • When road conditions and transportation difficulties cause a non-designated employee to arrive late, the agency head or designee may determine that the tardiness was justified. In such

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	<p>cases, the lost time will not be charged to the employee's leave balances or to leave without pay.</p> <ul style="list-style-type: none"> • Pre-approved leave with pay: When a non-designated employee is on pre-approved leave during a partial shift closing, the hours of the authorized closing will not be charged to his/her leave balances or to leave without pay. • Failed to hear closing announcement: When a non-designated employee reports to work as usual because he/she has not heard an authorized closing announcement, he/she shall be paid the regular rate of pay for the time worked but shall not be credited with compensatory leave for any time worked during the authorized closing. NOTE: If an agency head or designee determines that extenuating circumstances warrant that an employee receives compensatory leave, it may be granted.

Telework and Authorized Closures

General Provisions	Application
Telework Agreement	<p>Agencies must communicate to employees eligible to telework and who have an approved telework agreement the expectations for continuing to work during authorized closings and must document this expectation in the employee's telework agreement.</p> <p>NOTE: Employees who telework during authorized closings are not eligible to receive compensatory leave.</p>
Normally Scheduled Telework day	<p>If an authorized closing falls on the employee's normally scheduled telework day and the employee is teleworking, the employee is expected to continue to work. If the employee does not work, they must take paid or unpaid leave approved by their supervisor.</p>
Teleworking if early closing or delayed opening is announced	<p>During early closings or delayed openings, employees able to telework or work remotely are expected to maintain their normal work schedules.</p>
Telework on a non-scheduled telework day	<p>Employees may be instructed to telework on a non-scheduled telework day during an emergency closing. No compensatory leave is awarded.</p>
Employees with no telework agreement	<p>If an employee has no telework agreement but asks to telework or is directed by agency management to telework during an authorized closing, the supervisor may allow this as long as the employee has the necessary tools that meet system security standards to telework.</p> <p>NOTE: If the authorized closure is extended, the supervisor should obtain a temporary telework agreement. Telework agreements should be written as soon as possible so that work and performance expectations are clearly conveyed to the employee.</p>

GLOSSARY

Designated as Essential	Employees who are required to work during an authorized closing because their positions have been designated by their agencies as essential to agency operations during emergencies.
Emergency Conditions	Circumstances that require emergency closings to include inclement weather, utility failure, fire or other forced evacuations from the agency or work site.
Exempt Employee	An employee who is not subject to the overtime provisions of the Fair Labor Standards Act.
Not Designated as Essential	Employees who are not required to report to the work location or a defined remote work location during an authorized closing because their positions have not been designated as essential during emergency conditions. Those employees who are able to telework during the closing are expected to do so. No compensatory leave is granted for hours worked during the closure.
Non-Exempt Employee	An employee who is subject to the overtime provisions of the Fair Labor Standards Act.