Authority	**Associate Vice Chancellor for Human Resources and EEO**
Policy Title	**Adverse Weather and Emergency Closing**
Classification	**03.NCCU.BEN.300**
PRR Subject	**NCCU Emergency Plan**
Contact Info	**Assistant Director for HR, 530-6047**

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Related Policies: NCCU Emergency Plan, OSP Adverse Weather and Emergency Policy

Additional References: NCCU Emergency Response Team

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1. Purpose

To establish guidelines for accounting for time or releasing employees from work when:

- adverse weather or other conditions of a serious nature prohibit some employees from reporting to work but do not necessitate the closing of state offices or facilities, or
- emergency conditions necessitate the closing of state offices or curtailing of operations.

2. Employees Covered

This policy applies to all employees subject to the State Personnel Act and EPA leave eligible employees.

3. Definitions

Adverse weather and other conditions of a serious nature: Adverse weather or other conditions that may prohibit some employees from reporting to work but do not necessitate the closing of facilities or curtailing of operations.

Emergency closing conditions: Conditions that necessitate the closing of a state facility or the curtailing of operations. Conditions that may be hazardous to life or safety and that may warrant closing of State offices include: catastrophic life threatening weather (snow, ice, hurricane, tornado, earthquake, flood or other natural disaster), fire, equipment failure, disruption of power and/or water, contamination by hazardous agents, terrorist acts or forced evacuations from the agency or work site.

Emergency employees: Employees who are required to work during an emergency because their positions have been designated by management as mandatory/essential to agency operations during emergencies. The University Chief of Police serves as the Emergency Response Team Coordinator for North Carolina Central University.

Regular workday hours: For this purpose, the regular workday hours apply to schedules starting at approximately 7:00 a.m. and ending at approximately 6:00 p.m.

4. Who Determines Authorized Closing Conditions

State government offices/universities and facilities are OPEN, unless a specific decision has been made by the appropriate official, as outlined below, to close such offices and/or facilities because of emergency conditions. All other provisions of the policy apply uniformly.

The Chancellor or his designees shall make decisions about closings when emergency conditions affect that NCCU only. This may include equipment failure, disruption of power and/or water, etc. All closings shall be reported to the State Personnel Director within five days after the occurrence.

Agencies with 24-hour operations: The Chancellor or his designee shall make closing decisions for agency operations outside the regular workday hours. All closings shall be reported to the State Personnel Director within five days after the occurrence. They must develop and maintain procedures for making closing decisions and distribute information on how closing decisions will be communicated to employees.

The University of North Carolina: The UNC Office of the President shall make closing decisions it deems appropriate. In addition, the Office of the President may delegate such authority to the chancellors of constituent institutions and the heads of university affiliated entities. All closings shall be reported to the State Personnel Director within five days after the occurrence.

5. Mandatory Operations/Designation of Emergency Employees

It is recognized that some operations, whether during conditions of a serious nature or emergency conditions, must continue to provide services. Therefore, management shall predetermine and designate the mandatory/essential operations that will remain open and designate the emergency employees to staff these operations.

6. Failure of Emergency Employees to Report

An emergency employee's failure to report to work can result in disciplinary action and/or requiring the hours missed to be charged to leave with or without pay, as appropriate.

<u>Exception:</u> When conditions cause an emergency employee to arrive late, management may determine that the conditions justified the late arrival. 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.

7. NCCU Procedures

This policy is consistent with, and incorporates the provisions of the State policy, and includes the following provisions:

- The NCCU Chancellor will determine the closing decisions for the university;

- NCCU employees will be advised of NCCU's closing decisions via Public Relations;, the media, the intranet, via e-mail, and the NCCU Adverse Weather Emergency Phone Line;
- The University's Emergency Plan identifies the employees' designated as emergency personnel;
- It is the responsibility of supervisors and managers to inform employees under his/her leadership that their positions are designated as emergency and to assure emergency employees are required to report for, or remain at work in emergency situations; and
- The NCCU Emergency Plan includes an explanation that closing announcements do not apply to emergency employees unless they are instructed otherwise.

If management 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.

ACCOUNTING FOR TIME - ADVERSE WEATHER OR OTHER CONDITIONS OF A SERIOUS NATURE

1. Offices Open During Adverse Weather or Other Conditions of a Serious Nature

It is the responsibility of employees to make a good faith effort to come to work during times that adverse weather or other conditions of a serious nature exist.

Employees, not working in mandatory/essential operations, who anticipate problems in transportation should be permitted and encouraged to avail themselves of leave privileges when encountering difficulty in reporting for work or when leaving early.

2. Adverse Weather University Operations and Employee Response/Options

There are four (4) general operations possibilities whenever we experience adverse weather. They are:

UNIVERSITY OPERATION	EMPLOYEE RESPONSE	EMPLOYEE OPTIONS
1. University is OPEN - Observing regular operations schedule	All employees are expected to report to work observing the **normal** operations schedule.	**SPA** Employees who "make a good faith effort to come to work during adverse weather" but can't make it: 1. Use the Adverse Weather policy and make up missed work. Time coded as ***(AW)*** must be made up within a 12 month period), or 1. Take compensatory time, bonus leave, vacation or leave without pay. **EPA** employees use vacation, bonus leave or adverse weather leave to cover absences incurred due to adverse weather.

USE THE (AW) ADVERSE WEATHER CODE FROM THE DROP DOWN MENU OF THE TIMESHEET. IN THE COMMENTS BOX INDICATE THE ADVERSE WEATHER CODE WAS USED FOR ADVERSE WEATHER "CLOSING AND THE DATE.		
2. University is OPEN but – **Classes are CANCELLED or DELAYED**	CANCELLED or DELAYED opening schedules apply to academic operations not university operations. All employees are expected to report to work observing the **normal** operations schedule. Universities in compliance with state law are always open unless a specific decision has been made by the appropriate official.	**SPA** Employees who "make a good faith effort to come to work during adverse weather" but can't make it: 2. Use the Adverse Weather policy and make up missed work. Time coded as ***(AW)*** must be made up within a 12 month period), or 3. Take compensatory time, bonus leave, vacation or leave without pay. **EPA** employees use vacation, bonus leave or adverse weather leave to cover absences incurred due to adverse weather.
USE THE (AW) ADVERSE WEATHER CODE FROM THE DROP DOWN MENU OF THE TIMESHEET. IN THE COMMENTS BOX INDICATE THE ADVERSE WEATHER CODE WAS USED FOR ADVERSE WEATHER "CLOSING" AND THE DATE.		
3. University Operations are 'SUSPENDED' **Mandatory Leave Option Requirements are In-Force**	University operations are suspended. Employees should exercise decisions regarding reporting to work given the existing weather conditions at the university and in their community. Universities in compliance with state law are always open unless a specific decision has been made by the appropriate official. **LEAVE REPORTING IS REQUIRED**	**SPA** Employees who "make a good faith effort to come to work during adverse weather" but can't make it: 1. Use the Adverse Weather policy and make up missed work. Time coded as ***(AW)*** must be made up within a 12 month period), or 4. Take compensatory time, bonus leave, vacation or leave without pay. **EPA** employees use vacation, bonus leave or adverse weather leave to cover absences incurred due to adverse weather.
USE THE (AW) ADVERSE WEATHER CODE FROM THE DROP DOWN MENU OF THE TIMESHEET. IN THE COMMENTS BOX INDICATE THE ADVERSE WEATHER CODE WAS USED FOR ADVERSE WEATHER "CLOSING" AND THE DATE.		
4. University is CLOSED due to **"CATASTROPIC" weather or emergency conditions** *The chancellor has delegated authority to "close" the university officially in relation to "catastrophic" weather events. In addition The UNC System President, Office of State Personnel and Governor has the same authority.*	**Non-essential** employees **DO NOT** report to work. **Essential employees are expected to report to work.** Essential employees are notified in advance of the need for their work during such a crisis.	Non-Essential employees are not required to make up missed work time when the university has been **CLOSED** by the Chancellor. Essential employees who work during adverse weather or during emergency weather conditions will be granted paid time off, on an hour for hour basis, for all hours worked. This time must be used within 12 months of receipt. It should be used after compensatory time off, but prior to using vacation or sick leave.
THE HUMAN RESOURCES DEPARTMENT WILL NOTIFY THE UNIVERSITY OF THE PROPER LEAVE ACCOUNTING CODE TO BE USED IN THE EVENT OF A CLOSURE.		

3. Accounting for Time

To cover absences during adverse weather or other conditions of a serious nature, employees, who have not been designated as emergency, may elect to:

- use vacation leave,
- use bonus leave,
- use compensatory leave,
- take leave without pay, or
- make up the time in accordance with the provisions outlined below.

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

4. Make-up Provisions

Where operational needs allow, except for employees in mandatory/essential operations, management must make reasonable effort to arrange schedules whereby employees will be given an opportunity to make up time not worked (either by suspension of services or voluntary action by employee) rather than charging it to leave.

There are very few opportunities for such time to be made up without the employee working more than forty hours during a workweek. Since hours worked in excess of forty during a workweek would constitute overtime under Federal regulations for FLSA non-exempt employees, it will be necessary for make-up work by non-exempt employee to be limited to the workweek in which the time is lost or in a week when the employee has not worked a full work schedule due to such absences as holidays, vacation, sick leave, civil leave, etc. (See advisory note below for use of compensatory time.) Non-exempt employees must have advance approval from their supervisor before making up time.

Advisory Note: Non-exempt employees may use compensatory time to make up for time lost if management approves the overtime in response to bona fide needs for work in excess of forty hours. If there is no bona fide need for overtime, then the make-up time must be limited to weeks when a non-exempt employee has not worked a full forty hours due to scheduled or unscheduled absences. Agencies must use extreme care in determining when overtime work by non-exempt employees is justified and decisions to require overtime shall be based on the same criteria as used when the serious conditions are not an issue.

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 time.

Time must be made up within 12 months from the occurrence of the absence. If it is not made up within 12 months, the appropriate leave must be charged, or leave without pay.

5. Transfer to Another State Agency

If an employee transfers to another State agency before the time is made up, the make-up time may be transferred as a minus if the receiving agency is willing to accept it. Otherwise, the leave must be charged to the appropriate leave or deducted from the employee's paycheck before NCCU will release.

6. Separation

If an employee separates from NCCU before the time is made up, it must be charged to vacation/bonus leave or deducted from the final paycheck.

7. Alternate Work Sites During Closings

The Chancellor may allow employees to telework or may reassign them to alternative work sites within the same commuting area.

8. Accounting for Time

The following shall apply when NCCU is closed or operations are curtailed 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 paid time off on an hour for hour basis for all hours worked. This time must be used within 12 months of its 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 sick leave.
- If additional employees, not in mandatory/essential operations, are needed for situations such as cleanup and recovery during the time the agencies remain closed, the agency head may elect to compensate them in the same manner as emergency employees.

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

9. Overtime Pay

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

FLSA exempt employees may be granted compensatory time or agencies may choose to use the following provision:

When the Governor declares a State of emergency, agencies are authorized to pay overtime at straight-time rates to FLSA exempt employees when the following conditions occur:

- A gubernatorial declaration of a state of emergency,
- Requirement by management for employees to work overtime for purposes of response and/or recovery during the emergency, and

- Funds are available. 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.