

**PERSONNEL/PAYROLL ADMINISTRATION
POLICIES AND PROCEDURES**

**MEMORANDUM NO. 31
(Revised)**

TO: DEPARTMENT HEADS AND PAYROLL CONTACTS

FROM:


Catherine Spage
Human Resources Director

December 15, 2020
Date

SUBJECT: Leave for Inclement Weather or Other Emergencies

EFFECTIVE DATE: Immediately

EXPIRATION DATE: Indefinite

1. PURPOSE

The purpose of this memorandum is to clarify the County's policies and procedures governing leave for inclement weather and other emergencies, in order to ensure uniformity and specify the conditions and circumstances for granting such leave. It replaces memorandum dated March 19, 2020.

2. POLICY

Leave for extreme inclement weather or other emergencies may be granted by the County Executive. Such leave is most frequently authorized when severe storms make it hazardous to get to work or require an early release from work. The County Executive may grant either Unscheduled Leave or Emergency Administrative Leave, as defined in Chapter 10 of the Personnel Regulations. Such leave may be limited to specific shifts, time periods or groups of employees. The policy applies on business days, holidays, and weekends.

In addition, Department Heads may grant Administrative Leave when it is necessary to close individual agency locations due to breakdowns in essential facility services or equipment failures making it impossible to accomplish work tasks at the site.

1. EMERGENCY SERVICE PERSONNEL

a. Definition:

Those employees who, due to the nature of their specific job duties or the nature of the emergency which has occurred, must report to work to ensure that public health and safety needs or critical operational requirements are met. Employees designated as emergency service personnel must fulfill emergency service duties as a condition of employment. These duties are considered essential job functions and failure to do so may result in disciplinary action and/or loss of pay.

b. Procedure:

Department heads are responsible for clearly designating emergency service personnel and maintaining an auditable list of designated employees. Only those employees who meet the criteria in 2.1a above shall be designated. Individuals not officially designated may not be *required* to perform emergency services during a period of Emergency Administrative Leave, except as authorized by the County Executive or his/her designee. Departments shall not sustain emergency operations by solely relying on non-designated employees who "volunteer" to perform such services during these periods.

The list of designated emergency service personnel should be updated periodically. Designated employees must be reminded in writing annually of the previously-agreed to job requirement.

Supervisors should keep emergency contact lists current, and periodically test emergency response call numbers/means of contact and response plans. Supervisors shall establish reporting requirements for employees with the maximum reasonable advance notice. Supervisors shall communicate schedule and plan changes with emergency service employees via telephone, or as otherwise coordinated in accordance with established agency policies and procedures. Employees must make every reasonable effort to be accessible for communication and supervisors must consider employee travel distance and circumstance when amending the response arrangements.

When unpredictable severe weather events or emergencies occur, supervisors activate emergency service employees as soon as practicable.

2. UNSCHEDULED LEAVE

a. Definition:

Authorizes all employees except those designated as emergency service personnel, or teleworkers (**fixed or occasional**), to use their own leave to cover a period of missed work without obtaining prior approval from their supervisor. Employees taking unscheduled leave shall notify their supervisor of their absence in accordance with departmental policy.

Employees may use annual leave, compensatory leave or leave without pay during the period unscheduled leave is in effect.

b. Telework:

Employees who are approved to telework, including employees who telework a **fixed (regular, recurring) schedule or telework on an occasional (situational, ad hoc) basis, on a day that unscheduled leave has been granted (full day or partial day), are expected to work their regular hours unless unable to do so as a result of the weather event or emergency. In that case, the employee may use annual or compensatory leave or, leave without pay during the period unscheduled leave is in effect.**



Employees who are registered as teleworkers and/or who do not regularly telework are allowed to arrange with their supervisor in advance to work at an alternate work site (such as their home) if emergency weather conditions develop.

c. Effect on Non-Emergency Service Personnel:

During unscheduled leave, non-emergency service personnel are required to report for work or to notify their supervisors if they opt to stay home on unscheduled leave.

d. Effect on Emergency Service Personnel:

During unscheduled leave, emergency service personnel are required to report

for work or to secure approval from their supervisors *before* absenting themselves from work.

e. Time and Attendance Reporting for Non-Emergency and Emergency Service Personnel:

- 1) There is no attendance/absence code for unscheduled leave. The time and attendance report is coded for annual, compensatory, or leave without pay as appropriate.
- 2) Sick leave may never be used during a period of unscheduled leave unless the employee is actually sick or meets the conditions described in Chapter 10 of the Personnel Regulations (Sick Leave Policy).

3. EMERGENCY ADMINISTRATIVE LEAVE

a. Definition:

Emergency administrative leave is granted by the County Executive when it is determined necessary to close the general County government due to extreme inclement weather or other emergency.

Emergency administrative leave authorizes all *merit* employees, except those designated as emergency service personnel, to remain home from work or to leave work early without prior approval of the supervisor and without the use of personal leave.

b. Telework:

Employees approved to telework (**fixed or occasional**) on a day that emergency administrative leave has been granted (full day or partial day) are expected to work their regular hours unless they choose to take personal leave. They are not entitled to receive emergency administrative leave.

Employees who are registered as teleworkers and/or who do not regularly telework are allowed to arrange with their supervisor in advance to work at an alternate work site (such as their home) if emergency weather conditions develop. Employees who work at home are not eligible for emergency administrative leave. **Additionally, teleworkers are not eligible for additional compensation unless their regularly scheduled hours for the shift are exceeded.**

c. On-Call Status:

Employees in on-call status during a period of emergency administrative leave are expected to remain accessible, fully able to perform his or her duties, remain within a defined local area, and able to report to work (or respond by telephone or other device) if called within the designated period. Employees on-call shall receive 2.0 hours of on-call pay, in accordance with requirements outlined in procedural memoranda #13 and #49.

She or he may also be eligible to receive call back pay if required to return to the work site, as established in Chapter 4 of the Personnel Regulations or this memorandum.

d. Effect on Emergency Service Personnel

During emergency administrative leave, emergency service personnel are required to report to work or to secure approval, *in advance of the of emergency administrative leave declaration*, from their supervisors before absenting themselves from work.

Supervisors will take into account employee circumstances/needs when considering the approval of leave prior to declared emergency administrative leave.

The County recognizes that extenuating circumstances may occur, resulting in a designated employee being unable to perform emergency service work. If a designated employee cannot report to work during an emergency, the employee must contact his/her supervisor prior to the scheduled emergency work shift, or as soon as is reasonably practicable given the nature of the emergency.

The matter will be reviewed on a case-by-case basis; the department director or his or her designee shall investigate the matter. An example of an acceptable extenuating circumstance would be providing care required for a serious medical issue experienced by the employee or immediate family member. An example of a predictable/non-extenuating circumstance would be that the employee's street was not plowed. The agency director or designee may require evidence of the circumstance preventing the employee from working as scheduled when reviewing cases.

Employees will receive unauthorized leave without pay (L312) if the matter is not a case of extenuating circumstances.

Each agency director or designee(s) shall work with emergency service personnel to implement a written, agency-specific emergency services personnel policy to convey information beyond what is included in this procedural memorandum. The department policy should include, at a minimum, the following topic areas:

1. A plan to ensure clear understanding of emergency service requirements as essential job functions and conditions of employment for individuals placed in affected positions.
2. A readily-identifiable means of designating emergency service personnel.
3. An approach to explicitly incorporate emergency requirements into job interviews and secure agreement to the requirement from the selected applicant.
4. A communication plan for affected staff that ensures presentation of information at least annually.
5. Promote staff safety by implementing specific precautions (will vary according to the nature of the work, environment and emergency) such as the following:
 - a. Providing timely and routine safety training.
 - b. Assigning work to teams, where appropriate and possible.
 - c. Ensuring operational radio communication.
 - d. Addressing employee rest and job readiness.
 - e. Promoting use of County vehicles best-suited to the emergency conditions.

6. Promote equitable workload amongst designated staff during the emergency period.
7. Provide food and/or lodging during the declared emergency, as appropriate based on the nature of the emergency, agency mission and budget.

e. Time and Attendance Reporting for **Non-Emergency** Service Personnel:

Employees are entitled to emergency administrative leave for their entire scheduled shift as long as it falls within the designated time period.

- 1) Time and attendance should be coded Emergency Administrative Leave (attendance/absence code L211) for all scheduled hours that fall within the emergency administrative leave period.
- 2) Employees on pre-approved leave (annual, sick, compensatory, injury, leave without pay, administrative leave, etc.) are not eligible for emergency administrative leave if declared during the period of the scheduled leave.

f. Time and Attendance Reporting for **Emergency** Service Personnel (other than 8-hour Fire and Rescue personnel working 24-hour shift)

- 1) Employees who are required to work during a period for which emergency administrative leave has been granted are entitled to hour-for-hour extra pay at the hourly rate or straight compensatory time for all hours worked within the emergency administrative leave period (attendance/absence code X 303 Paid; X301 Compensatory Time Earned). In addition, the employee is compensated for the hours worked at the regular hourly rate or in accordance with the overtime rules if applicable.
- 2) Employees on pre-approved leave (annual, sick, compensatory, injury, leave without pay, administrative leave, etc.) are not eligible for emergency administrative leave if declared during the period of the scheduled leave.

4. NOTICE OF LEAVE FOR INCLEMENT WEATHER OR OTHER EMERGENCIES

County departments will be notified by the Department of Human Resources when leave for inclement weather or other emergencies is declared during normal working hours (8-4:30). At other times, including weekends, announcements will be made by television, radio stations and the Fairfax County Emergency Alert Network.

The County Executive determines the period of leave for inclement weather or other emergencies. Unless otherwise notified, if declared prior to beginning of business, leave for inclement weather or other emergencies extends from 6:00 a.m. on the day declared until 6:00 a.m. the following day. If declared later in the day it is in effect until 6:00 a.m. the following day.

5. MISCELLANEOUS

- a. When a department head deems it necessary to close an individual facility due to breakdown of facility services such as heating, air conditioning, water or other problems, he or she shall obtain prior

approval from his/her Deputy County Executive before granting administrative leave (not administrative emergency leave). The department head shall then notify the Human Resources Director by phone, followed by a memorandum signed by the Deputy containing details as to employees and shifts affected.

If a facility closure is required for weather related reasons such as unplowed parking lots, the agency must also immediately notify the Office of Emergency Management. If the event occurs outside of normal business hours then notify the Duty Officer at 571-439-4901.

- b. Classes scheduled through the Fairfax County Employee Learning Center will be rescheduled if unscheduled leave or emergency administrative leave is declared by the County Executive. Classes will also be rescheduled if the training site is closed due to inclement weather.
- c. If, as a result of an emergency, an employee is required to work two or more consecutive shifts or significantly beyond his/her scheduled hours so that reporting to work on his/her next scheduled workday is not advisable, consideration shall be given to altering his/her work schedule for that week rather than requiring the employee to take personal leave.
- d. Questions should be directed to the Department of Human Resources on 703-324-3311.

EMERGENCY ADMINISTRATIVE LEAVE

Example 1

Emergency Administrative Leave falls on the employee's **scheduled workday** and the employee is granted emergency administrative leave.

TA CODING:

- 8.0 hours @ attendance/absence code L211 (Emergency Administrative Leave).

NOTE: Employee is eligible to receive emergency administrative leave for all scheduled hours that fall within the emergency administrative leave period.

Example 2

Emergency administrative leave is granted until 10:00 a.m. Employee reports to work at 11:30 a.m. (assuming an 8-4:30 schedule).

TA CODING:

- 4.5 hours @ attendance/absence code A101 (Regular Hours) **AND**
- 2.0 hours @ attendance/absence code L211 (Emergency Administrative Leave) **AND**
- 1.5 hours @ attendance/absence code L206 (Annual Leave) OR
- 1.5 hours @ attendance/absence code L209 (Compensatory Leave) OR
- 1.5 hours @ attendance/absence code L301 (Leave Without Pay)

Example 3

Emergency Administrative Leave falls during a period that an employee is on **pre-approved** Annual Leave, Sick Leave, Compensatory Leave, or Leave Without Pay.

TA CODING:

- 8.0 hours @ attendance/absence code L206 (Annual Leave) OR
- 8.0 hours @ attendance/absence code L209 (Compensatory Leave) OR
- 8.0 hours @ attendance/absence code L216 (Ordinary Sick Leave) OR
- 8.0 hours @ attendance/absence code L301 (Leave Without Pay)

Example 4

Emergency Administrative Leave is granted at 3:30 p.m. because of snow. The announcement is made at 2:30 p.m. and an employee who is scheduled to work 8-4:30 leaves at 2:30 p.m.

TA CODING:

- 6.0 hours @ attendance/absence code A101(Regular Hours) **AND**
- 2.0 hours @ attendance/absence code L206(Annual Leave) OR
- 2.0 hours @ attendance/absence code L209(Compensatory Leave) OR
- 2.0 hours @ attendance/absence code L301(Leave Without Pay)

Example 5

Emergency Administrative Leave falls during a period that an employee is on **Injury Leave**.

TA CODING:

- 8.0 hours @ attendance/absence code L214 (Injury Leave)

Example 6

Emergency Administrative Leave falls on an employee's **scheduled workday**. The employee is required to work 8.0 hours as scheduled. The 8.0 hours do not constitute overtime for the employee.

TA CODING:

- 8.0 hours @ attendance/absence code A101(Regular Hours) OR attendance/absence code A104 or A105 (Shift Differential), if applicable **AND**
- 8.0 hours @ attendance/absence code X303(Administrative Emergency Worked - Pay) OR 8.0 hours @ attendance/absence code X301(Administrative Emergency Worked – Comp Earned)

Example 7

Emergency Administrative Leave falls on an employee's **scheduled workday**. The employee is required to work 3.0 hours and is granted 5.0 hours emergency administrative leave. The hours worked do not constitute overtime for the employee.

TA CODING:

- 3.0 hours @ attendance/absence code A101 (Regular Hours) OR
3.0 hours @ attendance/absence code A104 or A105 (Shift Differential), if applicable **AND**
- 3.0 hours @ attendance/absence code X303 (Administrative Emergency Worked - Pay) OR
- 3.0 hours @ attendance/absence code X301 (Administrative Emergency Worked — Comp Earned) **AND**
- 5.0 hours @ attendance/absence code L211 (Emergency Administrative Leave)

Example 8

Emergency Administrative Leave falls on an employee's scheduled workday. A situation arises wherein the employee is contacted at his/her residence to report to work for 3.0 hours. **THE CALL-BACK PROVISIONS APPLY**. The employee is to be compensated for a minimum of 4.0 hours of call-back time.

TA CODING:

- 8.0 hours @ attendance/absence code L211 (Emergency Administrative Leave) **AND**
- 3.0 hours @ attendance/absence code X303 (Administrative Emergency Worked – Pay) OR
3.0 hours @ attendance/absence code X301 (Administrative Emergency Worked – Comp Earned) **AND**
- 4.0 hours @ attendance/absence code O501 (Call-Back Pay) OR
4.0 hours @ attendance/absence code O401 (Call-Back Comp Earned)

Example 9

Emergency Administrative Leave falls on an employee's scheduled workday. The employee is required to work on the emergency administrative leave day. He/she becomes ill and is unable to report as scheduled.

TA CODING:

- 8.0 hours @ attendance/absence code L216 (Ordinary Sick Leave)

Example 10

Emergency Administrative Leave falls on an employee's scheduled workday. The employee reports to work as scheduled. However, he/she becomes ill and is only able to complete 6.0 hours of the 8-hour shift.

TA CODING:

- 6.0 hours @ attendance/absence code A101 (Regular Hours) OR
6.0 hours @ attendance/absence code A104 or A105 (Shift Differential), if applicable **AND**
- 6.0 hours @ attendance/absence code X303 (Administrative Emergency Worked - Pay) OR
6.0 hours @ attendance/absence code X301 (Administrative Emergency Worked – Comp Earned) **AND**
- 2.0 hours @ attendance/absence code L216 (Ordinary Sick Leave)

Example 11

Emergency Administrative Leave falls on an employee's scheduled workday. The employee reports to work as scheduled. Employee works an additional 6.0 hours.

TA CODING:

- 8.0 hours @ attendance/absence code A101 (Regular Hours) OR
8.0 hours @ attendance/absence code A104 or A105 (Shift Differential), if applicable **AND**
- 14.0 hours @ attendance/absence code X303 (Administrative Emergency Worked - Pay) OR
14.0 hours @ attendance/absence code X301 (Administrative Emergency Worked – Comp)
AND
- 6.0 hours @ attendance/absence code O201 (Overtime Pay) OR
6.0 hours @ attendance/absence code O101 (Compensatory Time Earned)

Example 12

Emergency Administrative Leave falls on an employee's **scheduled day off**. A situation arises wherein the employee is contacted at his/her residence to report to work for 3.0 hours. The **CALLBACK PROVISIONS APPLY**. The employee is to be compensated for a minimum of 4.0 hours callback time

TA CODING:

- 4.0 hours @ attendance/absence code O501 (Call-Back Pay) OR
4.0 hours @ attendance/absence code O401 (Call-Back Compensatory Time Earned) **AND**
- 3.0 hours @ attendance/absence code X303 (Administrative Emergency Worked - Pay) OR
3.0 hours @ attendance/absence code X301 (Administrative Emergency Worked – Comp Earned)

Example 13

Employee is scheduled to work from 7:00 a.m. until 3:30 p.m. Prior to leaving for the day, employee is told to come to work on the following day at 5:00 a.m. due to an impending snowstorm. The employee works from 5:00 a.m. until 5:00 p.m. **THE CALLBACK PROVISIONS DO NOT APPLY.**

TA CODING:

- 8.0 hours @ attendance/absence code A101 (Regular Hours) **AND**
- 11.5 hours @ attendance/absence code X303 (Administrative Emergency Worked - Pay) OR 11.5 hours @ attendance/absence code X301 (Administrative Emergency Worked – Comp Earned) **AND**
- 3.5 hours @ attendance/absence code O201 (Overtime Pay) OR 3.5 hours @ attendance/absence code O101 (Compensatory Time Earned)

Example 14

Employee is scheduled to work from 7:00 a.m. until 3:30 p.m. Employee comes in and works from 7:00 a.m. until 12 midnight. **CONSECUTIVE SHIFT PROVISIONS DO APPLY.**

TA CODING:

- 8.0 hours @ attendance/absence code A101 (Regular Hours) **AND**
- 16.0 hours @ attendance/absence code X303 (Administrative Emergency Worked - Pay) OR 16.0 hours @ attendance/absence code X301 (Administrative Emergency Worked – Comp Earned) **AND**
- 8.0 hours @ attendance/absence code O602 (Consecutive Shift-Pay) OR 8.0 hours @ attendance/absence code O601 (Consecutive Shift- Comp Time Earned)

Example 15

Emergency Administrative Leave falls during a period that an employee **has been approved to telework.**

TA CODING:

- 8.0 hours @ attendance/absence code A101 (Regular Hours) OR 8.0 hours @ attendance/absence code A104 or A105 (Shift Differential), if applicable OR
- 8.0 hours @ attendance/absence code L206 (Annual Leave) OR
- 8.0 hours @ attendance/absence code L209 (Compensatory Leave) OR

- 8.0 hours @ attendance/absence code L216 (Ordinary Sick Leave*) OR
- 8.0 hours @ attendance/absence code L301 (Leave Without Pay)

*Sick leave should not be used during a period of emergency administrative leave unless the employee is actually sick or meets the conditions described in Chapter 10 of the Personnel Regulations (Sick Leave Policy).