

STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789

MEMORANDUM

TO: SEE DISTRIBUTION

FROM: Gregory L. Wayt, Major General (Ohio), The Adjutant General 

DATE: December 15, 2004

SUBJECT: POLICY – State Employee Procedure Letter #6
Weather Emergency

1. REFERENCES:

- a. Ohio Revised Code Section 124.18
- b. Ohio Administrative Code Sections 123:1-45-01 and 123:1-46-01
- c. OCSEA/AFSCME Contract Article 13.15

2. **GENERAL:** This Policy applies to all State employees within the Adjutant General's Department.

- a. Weather emergencies which affect state employees reporting to work or being released from work early or on a delayed start time will be declared on a county-by-county basis by the **GOVERNOR'S DESIGNATED AGENT, THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY.**
- b. In the event there is a weather emergency declared, a determination may be made that state employees designated as non-essential are not to report to work for the entire day, are not to report to work until a designated time, or are to be released from work early.
- c. Essential employees are required to report to work or remain at work regardless of the declared emergency. An essential employee who fails to report for work at the designated time and has not requested and had leave properly approved by the supervisor shall be absent without leave and therefore in a no-pay status. The employee will be required to show cause for failure to report for work at the designated time or may be subject to discipline.
- d. The declared weather emergency will be carried on local radio/television stations (Enclosure 2). Each employee is responsible for knowing if he/she is an essential or non-essential employee for purposes of this policy letter and is also individually responsible for listening to the appropriate radio/television station during extreme weather conditions. If a state employee is still unclear as to the weather emergency, he/she may call the Weather Emergency Voice Mail at (614) 821-9999. This number is operational 24 hours per day, seven days per week.
- e. When early closings, late arrivals, or early releases have been declared, the provisions outlined in this letter shall be implemented for state employees.

*This letter supersedes all State Employee Procedure Letters #6, dated prior to 12/15/2004.

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- f. The director of the Department of Public Safety is the Governor's designee to declare a weather emergency that affects the obligation of state employees to travel to and from work. The authority to declare a weather emergency for state employees rests solely with the Governor in consultation with the director of Public Safety. Local commanders, base service officers, and other supervisors do not have the authority to excuse state employees from work or implement this policy letter without the approval of the Adjutant General or an official news release bulletin by the Director of the Ohio Department of Public Safety.
- g. During the year, extreme weather conditions may exist and roadway emergencies may be declared by local sheriffs in certain counties, yet no formal weather emergency is declared by the Governor and state public offices remain open. Should this situation occur, supervisors are encouraged to exercise their judgment and discretion to permit non-essential employees to use any accrued vacation, personal, or compensatory leave if such employees choose not to come to work due to extenuating circumstances caused by extreme weather conditions. Non-essential employees with no or inadequate accrued leave may be granted leave without pay.
- h. No state employee will be excused from work except as described by this letter.
- i. Declared Weather Emergency in Work Site Location vs. County of Residence vs. Travel Through Declared Weather Emergency Counties: The provisions of this letter apply equally to all personnel when the officially declared weather emergency (as stated by section 2a above) is declared for the work site county, county of residence, or for counties that must be traveled through in order to report to the normal work location. Example: If the work site county is Franklin and there is no weather emergency for Franklin County but the employee lives in Morrow County and must travel through Delaware County, and both Morrow and Delaware Counties are declared, then the non-essential employees who reside in or who must travel through the declared counties do not report to work.

3. DEFINITIONS:

- a. Essential Employees Exempt From Collective Bargaining Units: Employees not included in collective bargaining units who are required to report to work or continue in a work status during a weather emergency. All individuals listed on the attached Enclosure 1 are ESSENTIAL employees. This list can be changed only by the Adjutant General. Division/Section Chiefs will have an annual opportunity to request changes to the roster. The provisions listed in paragraph 4(b) apply to this group of employees for compensation and time and attendance reporting.
- b. Essential Collective Bargaining Unit Employees: Employees covered by the provisions of the AFSCME/OCSEA Contract who are required to report to work or continue in a work status during a weather emergency. All individuals listed on the attached Enclosure 1 are ESSENTIAL employees. The provisions listed in paragraph 4(d) apply to this group of employees for compensation and time and attendance reporting.
- c. Non-Essential Exempt and Collective Bargaining Unit Employees: Employees either included in or excluded from the provisions of the AFSCME/OCSEA contract who are not listed on the attached Enclosure 1 are not required to work during a weather emergency. Depending on the effective time of the weather emergency, these employees would:

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- 1) not report to work if the emergency was effective prior to the normally scheduled work shift of the employee;
- 2) would have a delayed start time; or
- 3) would be released from the work location before the end of the employee's normally scheduled shift.

The provisions listed in paragraphs 4(a) and 4(c) apply to this group of employees for compensation and time and attendance reporting.

4. COMPENSATION AND TIME AND ATTENDANCE REPORTS (T&As):

- a. NON-ESSENTIAL Employees EXEMPT from Collective Bargaining: Employees in this category who do not report for work or who are sent home as a result of a declared weather emergency shall be paid for their full scheduled shift(s) at their regular rate of pay.

Employees in this category who **volunteer** to stay during a weather emergency and work their regularly scheduled hours are **not** entitled to overtime compensation or compensatory time and shall be paid at their regular rate of pay.

Employees in this category **should not normally be required** to remain at work during a declared weather emergency. On the rare occasion when non-essential employees are required to remain at work due to the absence of essential employees, such non-essential employees shall be entitled to overtime compensation or compensatory time, in addition to their regular rate of pay, as outlined below for exempt essential employees.

- b. ESSENTIAL Employees EXEMPT from collective Bargaining: Essential employees must report for work regardless of the weather conditions.

Overtime eligible employees shall be given overtime compensation for every hour worked during the emergency. Overtime exempt employees shall be given one hour of compensatory time for every hour worked during the emergency.

Essential employees who are instructed not to report for work or are released from work during an emergency shall be paid at their regular rate of pay. No compensatory time will be granted to essential employees who **volunteer** to work after being advised to leave or not report for work.

- c. NON-ESSENTIAL COLLECTIVE BARGAINING UNIT Employees: Non-essential bargaining unit employees who are sent home or do not report for work as a result of a declared weather emergency shall be paid their full scheduled shift(s) at their regular rate of pay.

Non-essential employees who are **required** to remain at work during a declared weather emergency due to the absence of essential employees shall receive pay at time and one-half (1 1/2) for hours worked. Any overtime worked during an emergency shall be paid at double time.

Non-essential employees should not be permitted to volunteer to remain at work during a declared weather emergency.

- d. ESSENTIAL COLLECTIVE BARGAINING UNIT Employees: Essential bargaining unit employees must report for work as scheduled regardless of the weather conditions.

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Essential employees shall receive pay at time and one-half (1 1/2) for hours worked. Any overtime worked during an emergency shall be paid at double time.

Essential employees who are instructed not to report for work or are released from work during an emergency shall be paid at their regular rate of pay. No compensatory time will be granted to essential employees who volunteer to work after being advised to leave or not report for work.

- e. **ALL EMPLOYEES** must complete the enclosed form labeled "ADJUTANT GENERAL'S DEPARTMENT EMPLOYEES' WEATHER EMERGENCY WORKSHEET" (Enclosure 2) and submit it to the State Human Resources Office with the Time and Attendance Report Form for the applicable pay period. Supervisors are responsible to insure that all employees complete this form, review and sign the form, and submit it to the T&A Certifying Official for submission with T&As.

When the T&A is completed for a pay period which includes a **declared emergency**, the daily entry for the day(s) of the emergency should be left BLANK. When totals are completed on the right side of the form, any time worked, leave time used, or overtime earned on the day of the emergency should be excluded.

Pay hours, leave hours, overtime hours, etc., for the day(s) of the emergency will be calculated at the State Human Resources Office based on the information provided on the Weather Emergency Worksheet. **Therefore, it is imperative that ALL EMPLOYEES COMPLETE THIS FORM, regardless of their work status on the day(s) of the emergency.**

- f. **ALL NON-ESSENTIAL EMPLOYEES** who did not work during an emergency should be recorded on the T&A the same as for any normally scheduled work day. The code "E" with the appropriate number of hours the employee did not work, or was released early, or arrived late based upon official announcement, should be designated on the daily entry. "E" hours should also be recorded in the "Other Leave" column on the right side of the form, unless the employee was in a pre-approved leave status on that day. In that case, no "E" entry is made and only the V8, S8, or other appropriate leave entry is entered on the form.
- g. An employee who is on a scheduled leave during a declared weather emergency shall be charged leave regardless of the declared weather emergency.
- h. With the prior approval of the supervisor, an employee may be permitted to make-up time if the employee arrives late and desires to do so. This make-up time will not be approved for overtime or compensatory time credit.

Enclosures (3)

1. **Essential Employees**
2. **Radio/Television Stations**
3. **Weather Emergency Worksheet**

DISTRIBUTION:**AD**