west virginia DIVISION OF PERSONNEL | POLICY

Emergency Situations / Inclement Weather

I. PURPOSE:

To ensure continuity of government operations during emergency situations, including but not limited to inclement weather conditions ("ES/IWC"), and to ensure employees are compensated fairly.

II. POLICY:

A. All employees shall be required to report to work as scheduled during ES/IWC, unless specifically directed otherwise by the Governor or the Governor's designee. If an employee has indicated unavailability for work due to previously scheduled annual leave, sick leave, or the like, he or she is required to charge leave as scheduled.

B. Employees who are unwilling or unable to report to work as scheduled during ES/IWC shall be charged annual leave, accrued compensatory time, or are required to take a personal leave of absence without pay for time absent from work; *Provided*, that employees and their direct supervisors may agree upon alternate work locations or work from home requirements in lieu of the annual leave/leave of absence requirement. Time lost from work may be made up in the same work week at the discretion of the employee's supervisor.

1. Under no circumstances shall comparable time off be provided to an employee who worked as scheduled during ES/IWC.
2. Employees unable or unwilling to work during ES/IWC shall be required to follow their agency's standard procedures for reporting unscheduled absences.

C. Essential employees who fail to report to work as scheduled during ES/IWC may face disciplinary actions as outlined by their agency policies; *Provided*, that under appropriate circumstances, essential employees may be excused from work if so directed by the Governor, appointing authority, or his or her designee.

Essential employees, in this context, are employees designated as such by their cabinet secretary or his or her designee. Essential personnel may include, but are not limited to, those employees directly involved in the custody, care and safety of those housed in state correctional and healthcare facilities; employees who work in facilities open on a 24-hour basis; and employees who work for agencies that provide services related to the health, safety, and welfare of individuals.

In situations where an employee's place of work is unavailable due to ES/IWC, the cabinet secretary of that agency or his or her designee shall direct employees to report to an alternate work location, work from home, or remain in restricted on-call status until such time as the place of work becomes available.

In situations where multiple agencies occupy the same workplace, the cabinet secretaries of those agencies, or their designees, shall confer and provide appropriate work directives to the affected state employees.

D. Pursuant to West Virginia Code §§ 16-2-11(b)(2) and 29-6-17(a), local health departments under a Service Level Agreement with the Division of Personnel shall abide by the provisions of this policy;

Provided, that a local health department administrator or his or her designee shall provide the department's employees personnel directives and guidance during ES/IWC. Personnel directives and guidance from the Governor or his designee shall not affect local health department employees.

E. Nothing herein shall supersede the Governor's authority to provide personnel directives during ES/IWC, by proclamation or otherwise, that may be contrary to this policy.

III. REFERENCES:

A. West Virginia Code § 15-5-6.
B. West Virginia Division of Personnel *Administrative Rule* (143CSR1), subsection 14.3, Annual Leave.
C. Executive Order No. 13-10 (November 10, 2010).

IV. EFFECTIVE DATE: February 1, 1992.

V. REVISIONS:

A. Previous Revision: November 1, 1993.
B. Latest Revision: November 1, 2014.

VI. POLICY NUMBER: DOP-P4.

Approved and issued by:



Sara P. Walker, Director of Personnel
Date Signed: October 21, 2014.