

MINNESOTA MANAGEMENT AND BUDGET

ADMINISTRATIVE PROCEDURE 5.4

TIME OFF IN EMERGENCIES

Description and Scope

Minnesota Statute § 43A.05, Subdivision 4, permits the Commissioner of Minnesota Management and Budget to excuse employees from duty and to authorize state agencies in the executive branch to pay employees for time off work during natural or man-made emergency situations. This Administrative Procedure specifies that the Commissioner has the authority to declare an emergency situation, close state agencies in the executive branch, and authorize payment to employees who do not report to work or are sent home from work after an emergency has been declared. *State Agencies retain the authority to close or not close their offices and/or facilities at any time.*

Objective

To provide state agencies with defined criteria to follow during emergency situations in order to enhance the ability of state government to sustain priority services during natural or man-made emergencies.

Definitions

"Full pay" means regularly scheduled straight time pay for the scheduled work day. It does not include shift or equipment differential or overtime.

"Service Continuity Emergency Operating Procedure" is a standard operating procedure developed and implemented by each state agency to continue priority services during any event or emergency that would threaten to disrupt those services.

Responsibilities

State employees, state agencies in the executive branch, and MMB have responsibilities in emergency situations.

A. Employees:

- Should provide and keep up to date their emergency contact information.
- If not required to report to work, employees should take personal responsibility for own health and safety and coordinate with their supervisor to be excused from work during natural or man-made emergencies.

- To listen to local radio and television stations, review MMB's emergency website www.BeReadyMN.com, and/or follow their internal agency procedures prior to start of work shift to determine whether facilities in area have been closed due to natural or man-made emergencies.

B. State Agencies in the Executive Branch:

- Determine the extent of the emergency and identify if other work locations or arrangements can be made to continue priority services.
- Determine if offices/facilities should remain open or be closed as appropriate. The decision as to whether the employee absence is with pay as declared by MMB, or charged to some other approved leave, is secondary to the health and safety of the state agency's employees.
- Special circumstances, such as road closures, may occur where weather essential employees are not able to report to work. These will be treated on a case-by-case basis, and Minnesota Management and Budget may be consulted for the appropriate course of action.
- Develop and maintain a Service Continuity Emergency Operating Procedure which specifies:
 1. Essential staffing requirements to be maintained during emergency situations.
 2. The name and phone number of the individual(s) who can make closure decisions within the state agency.
 3. Steps/procedures to follow in making closure decisions.
 4. The name and phone number of the agency contact and back-up person responsible for implementing the plan.
 5. Internal operating procedures to be followed during a natural or man-made emergency, including notification of closure for persons with hearing, vision, or other impairments.
- Keep current emergency contact lists used by agency and MMB in providing notification of emergency declarations.
- Request exemption from invocation of emergency leave for essential work units or employees.

C. Minnesota Management and Budget:

- Declare the emergency that may adversely impact the health and safety of employees, and to ensure consistency among state agencies in a geographic area.
- Notify state agencies in the applicable geographic location of the declaration of the emergency.
- Authorize state agencies in the emergency area to pay employees for time off work as appropriate.
- Approve recommendations of state agencies as to which offices and/or facilities are to be exempted from the invocation of emergency leave.
- Exempt certain individuals and operations from emergency leave on the basis of essentiality of services rendered or other staffing or work-related considerations (case-by-case basis) on request of state agency.
- Declare an end to the emergency.

D. Closing State Offices and/or Facilities Due To Natural or Man-Made Emergencies:

A natural or man-made emergency may be declared by the state agency and/or MMB.

1. Executive Branch State Agency Declared Emergencies

Provided priority services are adequately staffed, a state agency may close an office and/or facility without consultation with MMB if the state agency determines a natural or man-made emergency may:

- a) Adversely impact the health and safety of employees in the office and/or facility; and,
- b) Results in unavailability of work until the emergency has passed.

If a state agency does close an office and/or facility due to a natural or man-made emergency, then employees shall cover the absence with annual leave, an adjusted work schedule, compensatory time, or leave without pay.

As soon as is practical, the state agency shall notify MMB of the closure.

- a) During normal business hours, the state agency shall contact the State Continuity of Government Planning Director at MMB;
- b) After normal business hours and weekends, the state agency must notify the Minnesota Duty Officer of the closure.

The state agency may request approval for emergency leave by submitting documentation supporting the reason for the closure to the State Continuity of Government Planning Director at MMB. If the Commissioner of MMB approves and subsequently declares an emergency, then the absence from work due to the emergency shall be with pay.

2. MMB Declared Emergencies

Provided priority services are adequately staffed, MMB may close the state office(s) and/or facility(ies) in a geographic area if it is determined that a natural or man-made emergency may:

- a) Adversely impact the health and safety of employees in the office and/or facility; and,
- b) Results in unavailability of work until the emergency has passed.

If an emergency is declared by MMB contemporaneously with, or following declaration of the state agency, then the absence from work due to the emergency shall be with pay.

The following outlines the process MMB shall follow to consider whether to declare an emergency:

- a) Consulting with Department of Public Safety, Division of Homeland Security and Emergency Management, and the Minnesota Duty Officer regarding the emergency conditions and impact on health and safety of employees in geographic location;
- b) Consulting with state agency regarding availability of appropriate work for employees in geographic location of emergency;
- c) Commissioner of MMB declares emergency or determines that emergency doesn't exist;
- d) Commissioner of MMB communicates decision to all affected state agencies;
- e) Commissioner of MMB authorizes emergency pay if appropriate.

E. Employees At Work When Emergency Declared by MMB:

- 1. Employees who report to work and are then sent home shall not be paid for more than their regularly scheduled hours. Employees shall not be enriched through additional compensation, including compensatory time, or increased benefits as a result of an emergency situation.
- 2. Employees who are required by their state agency to remain at work shall not be paid for more than their regularly scheduled hours or the actual number of hours worked.

F. Employees on Leave When Emergency Declared by MMB:

1. Employees on approved sick or pre-arranged vacation leave shall not have such leave time restored to their balances.
2. Employees on any approved leave without pay shall not be paid for any emergency leave time.
3. Employees who call in, on the day of an emergency, for vacation time, or compensatory time will be credited with emergency leave from the point of the declaration of the emergency declared by MMB to the end of the scheduled shift.

G. Amount of Emergency Leave When Emergency Declared by MMB:

1. An employee's absence with pay for emergency situations shall not exceed 16 hours during that emergency unless the Commissioner of MMB authorizes a longer period.

H. Reporting Emergency Leave for MMB Declared Emergencies:

1. Agencies using the positive time reporting system should instruct employees to record this time under "Other Authorized Leave Hours Taken" and record "MSL" to designate the type of leave taken. Also note in the Remarks section "Weather Emergency" or "Emergency Situation" as appropriate.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

M.S. § 43A.05, Subd. 4 - Time Off In Emergencies
Collective Bargaining Agreements