

SUBJECT: Temporary Interruption of Employment	NUMBER: 60.015.01
DIVISION: Chief Human Resources Office	EFFECTIVE DATE: 11/1/2023
APPROVED: Signature on file with the Chief Human Resources Office	

POLICY STATEMENT: State agencies curtail services and close facilities only under hazardous conditions or inclement weather that interfere with normal agency operations.

AUTHORITY: ORS 240.145(3); 240.250; 240.551

APPLICABILITY: All employees except where covered by an applicable collective bargaining agreement

ATTACHMENTS: None

DEFINITIONS: **Curtailment:** A temporary change in agency operations due to extreme conditions. Curtailment may involve continuing some but not all of an agency’s services.

Closure: A temporary stoppage of agency operations due to extreme conditions.

Chief Operating Officer: The director of the Department of Administrative Services or their authorized designee; referred to in this policy as the COO.

Designated official: A person authorized to curtail operations or close a building. Depending on whether the closure or curtailment is regional or local, the designated official is the COO, an Oregon Department of Transportation (ODOT) designee, or an agency head.

Essential personnel: Individuals assigned by an agency head as essential to operations during curtailment or closure and whose core job duties cannot be performed remotely.

Hazardous conditions: Internal or external environmental conditions having natural or manmade causes; examples include presence of hazardous chemicals, flood, fire, earthquake, tsunami and contagious illness.

Inclement weather: Extreme weather conditions that interfere with normal agency operations.

Portland Metro Area: All cities within Clackamas, Columbia, Multnomah and Washington counties.

Salem Metro Area: All cities within Benton, Linn, Marion, Polk and Yamhill counties.

Also refer to State HR Policy 10.000.01, Definitions.

POLICY:

(1) Curtailments and Closures

- (a) A designated official may curtail agency operations or close facilities (excluding 24-hour operations) for hazardous conditions, inclement weather, or other situations requiring assurance of the health or safety of employees or the public. The decision to close or curtail operations is based on available information such as road conditions announced by ODOT, weather forecasts, public health alerts, building conditions, accessibility of exits and parking areas, and discussions with local government officials regarding the status of their building conditions.
- (b) **In the event of INCLEMENT WEATHER the following designated officials make the decision to close or curtail operations:**
 - (A) In the Portland Metro and Salem Metro areas: The COO makes the decision to close or curtail operations. The COO:
 - (i) Consults with appropriate agency representatives, state office building managers, ODOT officials and local government officials.
 - (ii) Decides the scope of curtailment or closure based on travel and weather conditions.
 - (iii) Authorizes individual agency exceptions for specific buildings based on a request of the agency head for the impacted site.
 - (iv) Instructs DAS Communications to provide closure and curtailment decisions to employees and the media.
 - (B) Outside the Portland Metro and Salem Metro areas: The designated officials for ODOT determine the scope of curtailment or closure based on travel and weather conditions. The ODOT designee notifies DAS Communications and the media of closure decisions.
- (c) **In the event of HAZARDOUS CONDITIONS the following designated officials make the decision to close or curtail operations:**
 - (A) Regional decisions: The COO may curtail state operations or close worksites or facilities when hazardous conditions exist for multiple state agencies in a region (city, county, or portions of multiple counties). The COO:
 - (i) Consults with appropriate agency representatives, state office building managers, state public health personnel, or other agencies as applicable to the circumstances.
 - (ii) Decides the scope of curtailment or closure.

- (iii) Instructs DAS Communications to provide notice of the closure to the media and others as relevant.
 - (B) Local area decisions: In consultation with the COO, an agency head or their authorized designee may authorize curtailment of agency operations or close agency worksites or facilities. The agency head:
 - (i) Consults with the Operations section of the DAS Enterprise Asset Management division, state office building managers, state public health personnel, and other agencies as applicable to the circumstances.
 - (ii) Decides the scope of curtailment or closure.
 - (iii) Provides notice of the closure or curtailment to the COO, the media and agency employees.
 - (iv) 24-hour facilities: The agency head or their authorized designee for facilities operating 24 hours (e.g., state hospitals, correctional facilities, state-operated group homes, and state-operated school facilities) decides who must report to work. An employee uncertain of their need to report to work should contact their supervisor. Agencies with 24-hour facilities maintain plans describing their procedures.
- (2) Reporting Curtailed Operations or Closures:¹
- (a) When a designated official curtails or closes operations, the official notifies the COO by phone at 503-378-3104 and email² at building.closures@das.oregon.gov . DAS Communications posts the curtailment or closure notice on the DAS website.
 - (b) If a designated official curtails or closes operations during normal business hours, the official notifies local agency heads or area managers and media outlets, as appropriate, as soon as possible. Notification to appropriate state agency offices is made through the media, by email or website posting.
 - (c) If a designated official curtails or closes operations before the start of the workday, the official notifies the media outlets by 5 a.m.
 - (d) Each agency establishes its own communication procedures to notify employees whose shifts begin prior to media postings, when a curtailment of operations or closure occurs.
 - (e) Each agency designates local media outlets, where appropriate, to contact in the event of curtailment of operations or closure. Agencies provide this information to employees through website posting or another method determined by the agency head.
 - (f) Essential personnel are required to report to work in the event of curtailment or closure, unless informed otherwise by the agency head or their designee.³

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- (3) Notification to Employees of Curtailed Operations or Closures:
- (a) Employees should rely on major and local media outlets for information about unplanned curtailment of agency operations or closures.
 - (b) Additional information about curtailments and closures is on the DAS website: <https://www.oregon.gov/das/Pages/buildingclosure.aspx>
 - (c) Agencies may develop internal procedures for notifying employees and the public of unplanned curtailment of operations or closures.
- (4) Paid and Unpaid Leave Considerations: The following are general guidelines related to employee leave in the event of curtailment of operations or closures. The “Guide for Leave-Related Questions for Temporary Interruption of Employment” located in the policy toolkit provides samples of situation-specific information.
- (5) When an agency or worksite is **OPEN** for operation, employees are expected to report to work.
- (a) An employee, whether FLSA exempt or non-exempt, who does not report to work or leaves work prior to the end of a shift due to hazardous conditions or inclement weather, uses appropriate accrued leave with pay or leave without pay for those absences. (An employee uses agency call-in procedures if they will not report to work or will be late.)
 - (b) Permanent or limited duration employees, whether FLSA exempt or non-exempt, who reports to work and is directed to leave, is paid miscellaneous paid leave for the remainder of their scheduled shift.
 - (c) An FLSA non-exempt temporary employee who reports to work and is directed to leave, is paid only for actual time worked.
 - (d) If an agency is open but closes later in the day, an employee who did not report to work or who left work before the closure and prior to the end of their shift because of hazardous conditions or inclement weather, uses appropriate accrued paid leave or leave without pay for their absences, including the closure. (Exception: An FLSA exempt employee receives miscellaneous paid leave for the period of the closure.)
- (6) an agency or worksite is **CLOSED**, employees do not report to work, except for employees who are “essential personnel” or otherwise directed to report.
- (a) An FLSA exempt employee receives miscellaneous paid leave for periods of less than one full work week. If a closure lasts for an employee’s full work week, the employee uses the appropriate accrued paid leave or leave without pay.
 - (b) An FLSA non-exempt employee with prior approval will work from home or an assigned alternate work location.
 - (A) If no work is available or the employee is unable to work from home or an assigned alternate location, the employee uses appropriate accrued paid leave, inclement weather leave (not to exceed 40 hours in a biennium) or leave without pay. At the discretion of the agency, the employee may adjust their work hours in order to make up the hours missed within the same work week. Employees engaging in these options waive their shift differential for such time.

- (i) If work from home or an assigned alternate worksite is available and the employee declines to work, the employee must use their accrued leave or leave without pay.
- (B) An FLSA exempt employee who declines to work remotely or from an assigned alternate location will use accrued leave or leave without pay for time not worked.
- (c) When an agency or worksite has a delayed opening, an FLSA non-exempt employee may use inclement weather leave, not to exceed 40 hours in a biennium. An FLSA non-exempt employee is allowed reasonable commuting time, but no more than two hours, to report to work after a delayed opening has been announced. Employees may modify their schedule with manager approval or use accrued leave or leave without pay.
- (d) Inclement weather leave shall not count as hours worked for the purpose of overtime calculation.
- (e) An FLSA non-exempt temporary employee is not eligible for “inclement weather” paid leave.
- (7) A temporary interruption of employment caused by curtailment of agency operations or closure is not considered a layoff when the interruption does not exceed 15 calendar days and all employees are returned to work.
- (8) Inclement weather or hazardous conditions of remote work locations.
 - (a) Employees whose home worksites are evacuated due to hazardous conditions or inclement weather may use inclement weather leave unless an assigned alternate worksite is available. Use of inclement weather leave for this purpose is included in the 40 hours allowed per biennium. If inclement weather is not available, employees may use appropriate accrued leave or leave without pay.
 - (b) If work at an assigned alternate worksite is available and the employee declines to work, the employee must use their accrued leave or leave without pay.
 - (c) For the purposes of (6), inclement weather includes power outages.
- (9) Leave-related questions should be directed to the agency’s human resources staff.

¹ “Quick Card for Directors/Building Closures” is a quick reference for an agency director or their designee to use each time they curtail operations or close a building. “Quick Cards” are available through DAS Communications.

² An agency head making a local decision to curtail operations or close a building includes this information in their email: time of closure, name and address of building, names of other agencies occupying the building, date (or time) predicted to reopen, assigned alternate worksite or instructions for the public or employees, any security concerns that require the address or information to be excluded from the notice, and whether the agency wishes DAS to notify the media.

³ An agency head or their designee notifies essential personnel in advance of curtailment or closure that they are essential personnel and therefore are required to report to work during a curtailment or closure. Essential personnel are likely identified in the agency’s continuity of operations plan.