

SUBJECT: Temporary Interruption of Employment

DIVISION: Human Resource Services Division

NUMBER: 60.015.01

EFFECTIVE DATE: DRAFT 09-23-09

APPROVED: DRAFT

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 in conflict with an applicable collective bargaining agreement

ATTACHMENTS: Matrix for Leave-Related Questions

DEFINITIONS: See State HR Policy 10.000.01, Definitions; and OAR 105-010-0000

“Curtailment” means a temporary change in agency operations due to extreme conditions. Curtailment may involve continuing some but not all of an agency’s services.

“Closure” means a temporary stoppage of agency operations due to extreme conditions.

“Hazardous conditions” means internal or external environmental conditions having natural or manmade causes (for example, presence of hazardous chemicals, flood, fire, earthquake, or contagious illness).

“Inclement weather” means extreme weather conditions that interfere with normal agency operations.

“Portland Metro Area” includes but is not limited to the following cities: Beaverton, Clackamas, Gresham, Hillsboro, Lake Oswego, Milwaukie, Oregon City, Portland, Tigard, and Troutdale.

“Salem Metro Area” includes but is not limited to the following cities: Albany, Dallas, McMinnville, Monmouth/Independence, Sublimity, Salem/Keizer, and Woodburn.

POLICY:

(1) REASON(S) FOR CURTAILMENT OR CLOSURE

- (a) The state may curtail agency operations or close facilities for hazardous conditions, inclement weather, or other situations requiring assurance of health or safety of employees or the public.
- (b) Decisions to curtail operations or close facilities are based on information including, but not limited to, road conditions (as announced by the Department of Transportation), weather forecasts, public health alerts, building conditions, the accessibility of exits and parking areas, and discussions with local government

officials regarding the status of their building conditions.

(2) DESIGNATED OFFICIALS TO DETERMINE CURTAILMENTS AND CLOSURES

- (a) Designated officials, in consultation with appropriate stakeholders, determine unplanned curtailment of state agency operations or closure of agency worksites (except for 24-hour facilities) due to the reasons identified in (1) (a-b) as follows:

(A) Inclement Weather

- (i) In the Portland Metro and Salem Metro areas: the director of the Department of Administrative Services (DAS) or authorized designee consults with appropriate agency representatives, state office building managers, Department of Transportation, local government officials and decides the scope of curtailment or closure based on travel and weather conditions. The director of DAS may make individual agency exceptions for individual buildings based upon a request of the agency head for the impacted site. DAS communicates closure and curtailment decisions to employees and the media as indicated in Section (4).
- (ii) Outside the Portland Metro and Salem Metro geographical areas: The director of the Department of Transportation (ODOT) or authorized designee determines the scope of curtailment or closure based on travel and weather conditions. ODOT notifies DAS of closure decisions. ODOT communicates decisions to employees, other local, state offices, and the media as indicated in Section (4).

(B) Hazardous Conditions

- (i) Regional Decisions: When hazardous conditions require closing facilities or curtailing operations for multiple state agencies in a region (city, county, or portions of multiple counties), the director of DAS or authorized designee may curtail state operations, close worksites or, facilities. The director of DAS or authorized designee consults with appropriate agency representatives, state office building managers, State Public Health Division, or other partner agencies as applicable to the circumstances. Based on the recommendations received, the DAS director or authorized designee decides the scope of curtailment or closure. DAS provides notice of the closure to agencies, employees, and the media as indicated in Section (4) of this policy.
- (ii) Local Area Decisions: When hazardous conditions interfere with the normal operations of a single agency, an agency head or authorized designee may curtail agency operations or close agency worksites or, facilities. An agency head or authorized designee consults with the appropriate agency representatives, DAS Facilities Operations and Maintenance, state office building managers, State Public Health Division, or other partner agencies as applicable to the circumstances. Based on recommendations received, the agency head or authorized designee decides the scope of curtailment or closure. An agency head or designee provides notice of the closure or curtailment to the director of DAS, agency employees, and the media as indicated in Section (4) of this policy.
- (b) 24-hour Facilities: The agency head or authorized designee for facilities operating on a 24-hour basis (e.g., state hospitals, correctional facilities, state operated group homes, and state operated school facilities) decides who needs to report to work. Employees uncertain of their need to report to work should contact their supervisor for instructions. Agencies with 24-hour facilities maintain plans describing their procedures.

(3) ESSENTIAL PERSONNEL

Agency heads designate essential personnel who, by the nature of their assigned duties, are essential to agency operations during curtailment or closure of agency operations. Agencies notify essential personnel that they are

required to report, as directed, regardless of closure or curtailment. Agencies provide essential personnel with instructions on how to proceed in the event of closure or curtailment.

(4) PROCEDURES

(a) Notification of curtailed operations or closures:

(A) Employees should rely on the media outlets listed in section (4) (a) (E) or (F) for information about unplanned curtailment of agency operations or closures. Employees may also get information about curtailments or closures on the DAS home page: <http://www.oregon.gov/DAS/index.shtml>. Agencies may also develop additional internal procedures for notifying employees and the public of unplanned curtailment of operations or closures.

(B) When the State curtails operations or closes facilities, designated officials or authorized designees notify the DAS Public Affairs at (503) 378-3104 and by e-mail to; building.closures@das.state.or.us. DAS Public Affairs updates the information on closures and curtailments on the DAS web page.

(C) If an official designated in Section (2) decides to curtail or close operations during normal business hours, the official notifies affected agency heads or local area managers by telephone, electronic mail, or internet posting.

(D) If a curtailment or closure decision is made before the start of the work day, the official designated in Section (2) notifies the media outlets listed below by 5:00 a.m. Notification to appropriate managers in government offices are made by 5:00 a.m. by electronic mail or internet posting. Agencies establish communication procedures for employees who start work at or prior to 6:00 a.m.

(E) Designated officials or authorized designees notify the following regional media outlets, or other local media outlets as appropriate:

Corvallis	KLOO	106.3 FM / 1340 AM
Eugene	KUGN	590 AM
Portland	KATU-TV KGW-TV KOIN-TV KPTV KEX KINK KKSJ KOPB KUPL KXL	1190 AM 101.9 FM 97.1 FM 91.5 FM 98.7 FM / 970 AM 750 AM
Salem	KBZY KSND KYKN	1490 AM 95.1 FM 1430 AM

(F) Agencies establish local media outlets to contact in the event of agency curtailment of operations or closure. Agencies transmit or post this information to inform employees.

(b) Leave-Related Considerations:

- (A) The following are general guidelines related to employee leave in the event of curtailment of operations or closure. See the attachment to this policy or an applicable collective bargaining agreement for specific information.
 - (i) When an agency or worksite is open for operation:
 - (I) Employees, other than temporary employees, who report to work and receive direction to leave, receive pay for the remainder of their scheduled shift.
 - (II) Temporary employees receive compensation for actual time worked.
 - (III) An employee, FLSA-exempt or non-exempt, who chose not to report to work or chose to leave 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.
 - (IV) Upon subsequent closure, an employee who chose not to report to work or chose to leave prior to the end of the shift remains on leave. However, if an FLSA-exempt employee does not have appropriate paid leave available to cover the hours associated with the closure, the employee receives miscellaneous paid leave for the period of closure.
 - (ii) When the agency or worksite is closed:
 - (I) Employees do not report to work, unless otherwise directed.
 - (II) An FLSA-exempt employee:
 - (i) Receives miscellaneous paid leave and is not required to use accrued paid leave or leave without pay for absences when the state or an agency curtails or closes operations for periods of less than one full work week.
 - (ii) Uses appropriate accrued paid leave or leave without pay for closures that extend for the employee's full work week(s).
 - (III) An FLSA non-exempt employee must use appropriate accrued paid leave (vacation leave, personal business leave, or compensatory time) or leave without pay for absences when the state or an agency curtails or closes operations.
 - (iii) At the discretion of the agency, employees may make up time within the same workweek as the hours missed.
- (B) 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.
- (C) Leave-related questions should be directed to the agency's human resources staff.