

ARTICLE 123--INCLEMENT OR HAZARDOUS CONDITIONS

Section 1. Closures and Curtailments.

(a) Closures and curtailments will be announced through pre-designated sites, which may include internet websites, telephone trees, radio stations and/or television media. The Agency shall notify employees of these designated sites and post the notices on Agency bulletin boards by November 1 of each year. *

(b) The Employer/Agency designated official(s) may close or curtail offices, facilities, or operations because of inclement weather, hazardous conditions or the worksite being inaccessible in accordance with the statewide Temporary Interruption of Employment Policy (60.015.01). The Employer/Agency will ~~make reasonable efforts to~~ announce such closure or curtailment to employees no later than 5:00 a.m. When a closure is announced after a curtailment has already been announced or a curtailment is extended, the Employer/Agency will announce the change as soon as the decision is made. However, the Parties recognize that circumstances may delay the notice, in which case, the Employer/Agency will announce the closure or curtailment as soon as the decision is made.

Notifications do not apply to employees who are essential employees.

(c) Where there ~~is an~~ Employer/Agency has announced a delayed opening pursuant to Section 1(~~be~~), employees are responsible for continuing to monitor the reporting sites for updated information related to the delay or potential closure. Employees may be allowed up to two (2) hours commuting time as reasonably needed to report for work after a delayed opening has been announced. Where an employee arrives

late due to this extended commute, they may temporarily modify their schedule with manager's approval, or cover the time with accrued sick leave, vacation, compensatory time off, personal leave or approved leave without pay.

Section 2. Inclement Weather and Hazardous Conditions Leave for Fair Labor Standards Act (FLSA) Non-Exempt Permanent, Limited Duration, and Seasonal Employees (Non-essential).

~~(a) Curtailment (Delayed Opening). In the event of a curtailment (delayed opening), the affected employee shall be allowed to access inclement weather/hazardous conditions leave for the duration of the curtailment that occurs during their regularly schedule work day, up to forty (40) hours a biennium.~~

(b) Full Day Closure or Curtailment (Delayed Opening). In the event of a full day closure or curtailment, the employee may, with prior supervisory approval, work from home or an alternate work location. Alternate worksites assigned will not be more than fifty (50) miles from the employee's original worksite.

(1) The employee will use accrued vacation hours, compensatory time off, personal leave time, leave without pay or inclement weather/hazardous conditions leave (not to exceed ~~forty (40)~~ **fifty-six (56)** hours a biennium) in any of the following situations

- i. When no work is available,
- ii. When no alternate work location is available, or
- iii. the employee is approved to work from home, but is unable to do so for reasons beyond their control.

If the employee declines to work from an alternate worksite, the employee will use accrued vacation hours, compensatory time off, personal leave time, or leave without pay.

(2) The employee may, with Agency prior approval, temporarily adjust their work hours during the same workweek to make up for hours not worked. The Agency shall not suffer any overtime or penalty payments as a result of this schedule change. The employee may be approved to temporarily modify their work schedule to engage in training through the electronic employee training platform or other Agency approved resources remotely. Employees engaging in these options will waive their shift differential for such time.

(3) Once the ~~forty (40)~~ **fifty-six (56)** hours of inclement weather/hazardous conditions leave is used, if there are more Agency closures **or curtailments** during the biennium, the employee will use accrued vacation hours, personal leave or compensatory time off, leave without pay or, with prior Agency approval, temporarily adjust their work hours during the same workweek. The Agency shall not suffer any overtime or other penalty payments as a result of the change in schedule.

(4) Employees will not be eligible for inclement/hazardous conditions leave when their regular days off occur on a day the Agency closes an office or facility, or when the employee is on prescheduled leave or already scheduled to work from an alternate location. Only employees who are scheduled to report to work at the location which is closed **or curtailed**, the day of the closure **or curtailment**, are eligible for any use of the inclement weather leave.

- (5) Inclement weather/hazardous conditions leave shall not count as hours worked for the purpose of overtime calculation.
- (6) Inclement weather/hazardous conditions leave not used during a biennium will be lost and will not be rolled over into the next biennium. Inclement weather/hazardous conditions leave is not compensable if the employee separates from state service.
- (7) Part-time and job share employees shall be granted such leave in a prorated amount of ~~forty (40)~~ fifty-six (56) hours per biennium based on the same percentage or fraction of FTE (full-time equivalent) they are hired to work.
- (8) Seasonal employees shall be granted a prorated amount of leave based on the amount of time anticipated they will work in the biennium at the time of hire. For example, if the employee is being hired for a six (6)-month equivalent FTE, they would receive ten (10) hours. The time will not be re-adjusted if the employee is hired into subsequent seasonal positions within the biennium or works longer than originally anticipated.
- (9) When, in the judgement of the Agency, inclement weather/hazardous conditions require the closing of an office or facility following the beginning of an employee's shift, the employee shall be paid for the remainder of the shift when no work is available, when no alternate work location is available, or the employee is approved to work from home, but is unable to do so for reasons beyond their control. If the employee declines to work from an alternate worksite, the employee will use accrued vacation hours, compensatory time off, personal leave time, or leave without pay.

Section 3. FLSA-Exempt Permanent, Limited Duration, and Seasonal Employees

(Non-essential). Pursuant to the FLSA, an exempt employee shall be paid for the work shift. An FLSA-exempt employee may be required to use paid leave where the closure applies to that employee for one (1) or more full workweek(s).

Section 4. Late or Unable to Report. Except as provided for in Section 6 of this Article, where the Agency remains open and an employee notifies their supervisors that they are unable to or will be late in reporting for work due to inclement weather or hazardous conditions, the employee shall use accrued vacation leave, compensatory time off, personal leave, or leave without pay.

Section 5. Employees on Pre-Scheduled Leave. If an employee is on pre-scheduled leave the day of inclement weather or hazardous conditions, the employee will be compensated according to the approved leave.

Section 6. Essential Employees.

(a) For purposes of this Article, essential employees are employees who cannot perform their core job duties from a remote work location.

(b) The Agency shall maintain a list(s) of essential employees for inclement weather and hazardous conditions. Essential employees shall be notified of this designation no later than November 1 of each year or upon hire. Such designations may be modified with two (2) weeks advance notice to the affected employee(s).

(c) **Section 7. Non-Essential Workers Required During Inclement Weather/Hazardous Condition. When a situation arises that a non-essential employee is required requires management to direct a non-**

~~essential worker to report to work, in-person, during an Inclement~~
~~Weather/Hazardous Conditions event, the employee shall receive the~~
~~Essential Worker Inclement Weather/Hazardous Conditions Pay differential~~
~~under Article 26, Section 14.~~

Section 7. Evacuated from Home. Employees who have been evacuated from their
homes shall be eligible to use inclement weather/hazardous condition leave not to exceed
a combined total of ~~forty (40)~~ **fifty-six (56)** hours per biennium.

Section 8. Inclement Weather/Hazardous Conditions and Existing Remote Work
Agreements. Inclement conditions may arise in remote work locations. If utility providers
experience outages that prevent an employee from working, employees may access
inclement weather/hazardous conditions leave, unless there is an alternate work location
available. If an employee declines an alternate worksite, the employee shall use accrued
vacation leave, compensatory time off, personal leave, or leave without pay.

Section 9. Use of the inclement weather/hazardous conditions leave for either
curtailment of full-day closures shall not exceed a combined total of ~~forty (40)~~ **fifty-six**
(56) hours per biennium.

Section 10. Temporary Employees. Non-exempt employees will be unscheduled from
work and FLSA-exempt temporary employees will be in paid status for closures less than
one (1) full workweek and unscheduled from work for closures more than one (1) full
workweek under this Article unless the temporary appointment ends.

(See also Human Services Coalition Letter of Agreement [123.1M-19-329](#) in Appendix A.)

138 ***The State will outline the factors that are used when making closure or curtailment**
139 **decisions. to the Temporary Interruption of Employment Policy (60.015.01).**

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