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 TA 7/15/2025 JM
 1. J. R. N. 5
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INCLEMENT WEATHER/HAZARDOUS CONDITIONS LEAVE¹

3 [Building Codes Division (BCD) Article 37]

4 *Revise Section 1 as follows:*

5 Section 1.

6 a. The Employer/Agency designated official(s) may close or curtail offices, facilities,
 7 or operations because of inclement/environmental, weather, weather related or
 8 hazardous conditions, including active shooter or threat of violence. The
 9 Employer/Agency will announce such closure or curtailment to employees. The
 10 Employer/Agency shall factor in the safety of State employees and the public to
 11 determine a closure. An employee shall have the right to leave work if they deem
 12 it is necessary for safety. Subject to the operating needs of the agency and
 13 notification to their immediate supervisor, an employee may leave work early due
 14 to inclement weather or hazardous conditions and code their time as accrued sick
 15 leave, vacation, compensatory time off, personal leave or approved leave without
 16 pay. The Employer/ Agency will strive to make its decision to close and/or
 17 postpone day shift no later than 5 am; however, the Parties recognize that
 18 changing conditions may require further adjustment. The Employer/Agency may
 19 provide this information through methods such as mass notification systems, pre-
 20 designated internet web sites, phone trees, radio stations and/or television media.
 21 Notifications do not apply to employees who are required to report to work.

22 Notifications do not apply to employees who are essential employees.

23 b. For purposes of this Article essential staff are those staff who cannot perform their
 24 core job duties or essential Agency functions from a remote work location. *The*
 25 Agency shall notify employees of these designations and post the notices on

¹ This proposal applies to the following Local Tables

BCD - A	CCB - A	DEQ - A	DLCD - A	DOC Den - A		DSL - A	OAJA - A	ODEM - A	OHAP - A
OLCC - A	OLTCO - A	OMD - A	OPDC ASD - A	OPDC ATT - A	OPDC LS - A	OSFM - A	OSH RNS - A	OSPSU - A	OYA - A
REA - A	SACU - A								

Agency bulletin boards by November 1st of each year. Notifications do not apply to employees who are required to report to work. Essential staff/positions shall be designated by the Agency by November 1st of each year. Essential staff/positions shall be designated by the Agency by November 1st of each year. Such designations may be modified with two weeks advance notice to the affected employee(s). Essential staff who are required to report to work by the Employer/Agency shall be on approved leave without pay status if absent, unless the employee elects to use accrued leave. If an employee shows up within two (2) hours of their scheduled shift, subject to operating requirements and supervisory approval, they may make up the work time missed during the same workweek, provided work is available.

c. Where the Employer/Agency has announced a delayed opening pursuant to Section 1, 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 flex their time with manager's approval, or cover the time with accrued sick leave, vacation, compensatory time off, personal leave or approved leave without pay.

d. When a closure has been determined before the start of an employee's work day the employee may:

1. work from home, with manager's approval or
2. work from an alternate work location that is no more than fifty (50) miles from their regular work location ~~which has been identified by mutual agreement between the employee and the supervisor; or~~
3. use inclement weather/hazardous conditions leave if no alternative worksite is available as allowed for in Section 6 of this Article.

Revise Section 2 as follows:

Section 2. FLSA Non Exempt Employees Only.

If no work is available or the employee is unable to work from home or alternate work location, the employee will:

1. use accrued vacation hours, compensatory time off, personal leave time, leave without pay; or
2. use inclement weather/hazardous conditions leave (not to exceed forty (40) hours a biennium), or,
3. 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 flex their time to engage in training through the electronic employee training platform or other Agency approved resources remotely. Such approval will not be unreasonably denied. Employees engaging in these options will waive their shift differential for such time; or, Complete supervisory approved remote training courses.

Once the forty (40) hours of inclement weather/hazardous conditions leave is used, and there are more Agency closures **or curtailments** during the biennium, if unable to work remotely, 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.

Revise Section 3 as follows:

Section 3. FLSA Exempt Employees.

When the Employer/Agency notifies employees not to report to work pursuant to Section 1, prior to the beginning of the work shift, FLSA exempt employee shall be paid for the

work shift. An FLSA exempt employee may be required to use paid leave or leave without pay where the closure applies to that employee for one (1) or more full workweek(s).

Revise Section 4 as follows:

Section 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, or have the ability 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.**

Inclement weather/hazardous conditions leave shall not count as hours worked for the purpose of overtime calculation.

Inclement weather/hazardous conditions leave not used during the 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.

Part time employees will receive a prorated amount of inclement weather leave when applicable.

Revise Section 5 as follows:

Section 5.

When in the judgment of the Employer/Agency, inclement/environmental, weather or weather-related or hazardous conditions, including active shooter or threat of violence require the closing of the work place following the beginning of an employee's work shift, the employee shall be paid for the remainder of their work shift, **unless an alternate work location is available.**

Section 6. Alternate Work Sites.

Employees may be assigned or authorized to report to work at an alternative work site(s) and be paid for the time worked. Employees who have been pre-approved to work

remotely and are unable to complete their assigned duties due to a loss of electricity, loss of internet service, or comparable circumstance, due to inclement or hazardous conditions will pursue alternative methods for completing their assigned duties. However, employees unable to work through an alternative method will be eligible for inclement/hazardous conditions leave not to exceed the forty (40) hours a biennium.

Section 7. Late or Unable to Report.

Where the Agency remains open and an employee notifies their supervisor that they are unable to report to work, or will be late, due to inclement weather, weather related, or hazardous conditions including active shooter or threat of violence, the employee shall be allowed to work from home with the approval of their supervisor, use accrued vacation leave, compensatory time off, personal leave or approved leave without pay, or accrued sick leave. Where the Employer and the employee mutually agree, the employee may be permitted to flex their time.

Section 8. Employees on Pre-scheduled Leave.

If an employee is on pre-scheduled leave the day of the closure, the employee will be compensated according to the approved leave.

Section 9. Make-up Time Provisions.

Subject to Agency operating requirements and supervisory approval, employees who do not work pursuant to Sections 2 and 5 of this Article may make-up part or all of their work time missed during the same workweek. In no instance will time worked during the make-up period result in overtime being charged to the Agency. The Employer/Agency shall not be liable for any penalty or overtime payments when employees are authorized to make up work.

Section 10.

If the Employer/Agency anticipates the inclement condition will last longer than fourteen (14) calendar days, the Parties will meet and discuss impacts of the inclement weather and/or hazardous conditions.

Section 11. Non-Essential Workers Required During Inclement Weather/Hazardous Condition.

When a situation arises that requires management to direct a non-essential worker to report to work, in-person, during a Inclement Weather/Hazardous Conditions event, the employee shall receive the Essential Worker Inclement Weather/Hazardous Conditions Pay differential under Article XX.

REV: 2017, 2021, 2023