

SUBJECT: Temporary Interruption of Employment	NUMBER: 60.015.01
DIVISION: Chief Human Resources Office	EFFECTIVE DATE: 2/01/2019

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.

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

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

Portland Metro Area: all cities within the following counties: Clackamas, Columbia, Multnomah and Washington.

Salem Metro Area: all cities within the following counties: Benton, Linn, Marion, Polk and Yamhill.

Telecommuting: a mutually agreed upon work option between the agency and the employee in which the employee works at an alternate worksite on a regular basis on specified days.

Teleworking: a mutually agreed upon work option between the agency and the employee in which the employee works at an alternate worksite on an occasional irregular basis with the remainder of his or her time at the central worksite.

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: 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) Twenty-four Hour Facilities: The agency head or their 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 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 office by phone at 503-378-3104 and e-mail² at building.closures@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.
- (c) If a designated official curtails or closes operations before the start of the workday, the official notifies the media outlets by 5:00 a.m. or as soon as possible if the closure decision occurs after 5:00 a.m. Notification to appropriate state agency offices are made through the media, by electronic mail, or website posting.
- (d) Each agency establishes its own communication procedures to notify employees whose shift begins prior to media postings, when a curtailment of operations or closure occurs.
- (e) Each agency establishes local media outlets, where appropriate, to contact in the event of agency curtailment of operations or closure. Agencies provide this information to employees through 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 his or her designee.³

- (3) Notification to Employees of Curtailed Operations or Closures:
- (a) Employees should rely upon 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: <http://www.oregon.gov/das/Pages/buildingclosure.aspx>.
 - (c) Agencies may develop additional 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 closure. The “Guide for Leave-Related Questions for Temporary Interruption of Employment” located in the policy toolkit provides samples of situation-specific information.
- (a) 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) A permanent and limited duration employee, 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) A 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 left work prior to the end of the shift before the closure, because of hazardous conditions or inclement weather, uses appropriate accrued paid leave or leave without pay for the day. (Exception: an FLSA exempt employee receives miscellaneous paid leave for the period of the closure.)
 - (b) When the 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 the closure lasts for the employee’s full work week, the employee uses his or her appropriate accrued paid leave or leave without pay.
 - (B) An FLSA non-exempt employee with prior approval will work from home or an alternate work location for at least one half of their regular work day. The employee uses “inclement weather” paid leave (IW) for the remainder (up to one half) of their regular work day, not to exceed 40 hours in a biennium. If no work is available or the employee is unable to work from home or an alternate location, the employee uses appropriate accrued paid leave or leave without pay for one half of their shift. At the discretion of the agency, the employee may adjust his or her work hours in order to make up time within the same work week as the hours missed.

Temporary Interruption of Employment

60.015.01

- (5) 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.
- (6) Leave-related questions should be directed to the agency's human resources staff.

¹ "Quick Card for Directors/Building Closures" is a quick reference to an agency director and their designee to use each they curtail operations or closes 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 e-mail: time of closure, name and address of building, names of agencies occupying the building, date predicted to reopen, 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 they are required to report to work during a curtailment or closure. Essential personnel are likely identified in the agency's continuity of operations plan.