

# Guide for Leave-Related Questions for Temporary Interruption of Employment<sup>1</sup>

Revised November 18, 2020

Use of leave is governed by federal law and state statute, DAS policies, and collective bargaining agreements (CBA)<sup>1</sup>. This guide was created to suggest various scenarios that may occur relating to pay. However, AGENCIES SHOULD NOT RELY ONLY ON THIS GUIDE. Instead, agencies should use it as a model and refer to State HR Policy 60.015.01 Temporary Interruption of Employment, other relevant policies and if appropriate, an applicable collective bargaining agreement, for specific information on paying employees.<sup>2</sup> Contact the Chief Human Resources Office if you have questions.

SCENARIO <sup>3</sup>	FLSA EXEMPT	FLSA NON-EXEMPT
<b>Delayed opening.</b> News media notified before 5 a.m. that offices will open at 10 a.m. Employee appropriately comes to work at 10 a.m.	Time between beginning of shift and time opened is miscellaneous paid leave (MPL). Note <i>"inclement weather"</i> on timesheet.	Employee may use "inclement weather" paid leave (IW) for up to one half of the delay. The amount of IW used may not exceed more than one half of the employee's regular work shift. Use of IW paid leave for this purpose is included in the 40 hours allowed per biennium. The employee uses accrued paid leave or leave without pay for the other half of the delay.
<b>Delayed opening.</b> News media notified before 5 a.m. that offices will open at 10 a.m. Employee reports to work at 8 a.m.	Employees who work during the closure are paid regular (RG) work time.	
<b>Delayed opening.</b> News media notified before 5 a.m. that offices will open at 10 a.m. Employee does not report to work for the entire day.	Time between beginning of shift and time opened is miscellaneous paid leave (MPL). Employee uses appropriate accrued paid leave or leave without pay for the remainder of their shift.	Employee uses appropriate accrued paid leave or leave without pay for full shift.
<b>Office closes early.</b> Agency notified that offices will close at 3 p.m. Employee is already at work, employee leaves or stops working at 3 p.m. <sup>4</sup>	Time remaining in regular shift is miscellaneous paid leave (MPL). Note <i>"inclement weather"</i> on timesheet.	
<b>Office closes early.</b> Agency notified that offices will close at 3 p.m. Employee did not report to work or chooses to leave prior to closure.	Employee uses appropriate accrued paid leave or leave without pay for time prior to closure. Employee uses miscellaneous paid leave (MPL) for the remainder of their shift after the closure.	Employee uses appropriate accrued paid leave or leave without pay for time prior to closure and the remainder of their shift after the closure.
<b>Agency office is open.</b> Employee chooses to leave early and obtains prior approval from supervisor.	Employee uses appropriate accrued paid leave or leave without pay for the remainder of their shift.	

<sup>1</sup> The majority of this information was compiled by the CHRO and DOJ Labor and Employment in 2009. Minor revisions were made in 2012, 2014, 2015, 2017 and 2019.

<sup>2</sup> Managers do not have the authority to act outside the policy or collective bargaining agreement. An employee's FLSA status matters in each scenario. An agency manager who is unsure of an employee's FLSA status should check with their agency's human resources office.

Appropriate accrued leave: vacation, personal business, compensatory time and leave without pay, depending on the policy and CBA. If an agency policy or applicable CBA allows, an employee may seek permission to make up time within the same workweek in lieu of using appropriate accrued paid leave or leave without pay. Sick leave is used in the event of illness or other approved uses per policy and CBA.

<sup>3</sup> For the purpose of this policy, an employee's worksite is their normal scheduled work location. Telecommuting means the employee works at an alternative worksite on a regular basis on specific days. Teleworking means the employee works at an alternate worksite on an occasional, irregular basis. When an employee's worksite closes and their normal work location is in an office share (e.g., a university, county office, etc.), and no alternative worksite is available or working from home is not an option, the employee follows the worksite closure and not the agency closure.

<sup>4</sup> Non-Exempt temporary employees are paid for hours worked and are not eligible for miscellaneous or inclement weather paid leaves.

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<p><b>Agency office is open.</b> Employee does not report to work.</p>	<p>Employee uses appropriate accrued paid leave or leave without pay for their shift.</p>	
<p><b>Full day closure.</b> News media notified before 5 a.m. that offices will be closed for the entire day. Employee appropriately does not report to work.</p>	<p>Time is miscellaneous paid leave (MPL) for closures or curtailments lasting less than one full week. Employee uses appropriate accrued paid leave or leave without pay for closures or curtailments lasting an employee's full work week.</p>	<p>With prior approval, employee will work from home or an alternate work location for at least one half of their regular work day. If no work is available or employee is unable to work from home or an alternate work location, the employee uses appropriate accrued paid leave or leave without pay for one half of their shift. 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.</p>
<p><b>Full day closure.</b> News media notified before 5 a.m. that offices will be closed for the entire day. Employee receives special approval to telework.</p>	<p>Record hours worked as regular (RG) time worked.</p>	<p>With prior approval, employee will work from home or an alternate work location for at least one half of their regular work day. If no work is available or employee is unable to work from home or an alternate work location, the employee uses appropriate accrued paid leave or leave without pay for one half of their shift. 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.</p>
<p><b>Full day closure.</b> News media notified before 5 a.m. that offices will be closed for the entire day. Employee comes to work and leaves without working or employee comes to work and is unable to get into the building.</p>	<p>Time is miscellaneous paid leave (MPL) for closures or curtailments lasting less than one full week. Employee uses appropriate accrued paid leave or leave without pay for closures or curtailments lasting an employee's full work week.</p>	<p>With prior approval, employee will work from home or an alternate work location for at least one half of their regular work day. If no work is available or employee is unable to work from home or an alternate work location, the employee uses appropriate accrued paid leave or leave without pay for one half of their shift. 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.</p>
<p><b>Full day closure.</b> News media notified before 5 a.m. that offices will be closed for the entire day. Employee reports to work at the beginning of their work shift, works a few hours and goes home.</p>	<p>Record hours worked as regular (RG) time worked. Time remaining in regular shift is miscellaneous paid leave (MPL). Note "inclement weather" on timesheet.</p>	<p>Record hours worked as regular (RG) time worked. Employee uses "inclement weather" paid leave (IW) for up to one half of their regular work day, not to exceed 40 hours in a biennium, and uses appropriate accrued paid leave or leave without pay for the remainder of their shift.</p>

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<b>Employee attends</b> a business-related conference, training or other business-related event when an office closure occurs. The event is not at the location of the office closure.	Record hours worked as regular (RG) time worked.	
<b>Employee is on sick leave or on a previously approved leave</b> when office closure occurs.	Employee uses appropriate accrued paid leave for entire shift.	
<b>Employee reports to another temporary work site</b> for business-related purposes and the temporary work site office has a full day closure. Employee is unable to return to normal work site.	Time is miscellaneous paid leave (MPL) for closures or curtailments lasting less than one full week. Employee uses appropriate accrued paid leave or leave without pay for closures or curtailments lasting an employee's full work week.	Employee uses "inclement weather" paid leave (IW) for up to one half of their regular work day, not to exceed 40 hours in a biennium, and uses appropriate accrued paid leave or leave without pay for the remainder of their shift.
<b>Employee normally works remotely</b> from home or alternate location on the day when there is a delayed opening or early closure of their primary work site.	Employee continues to work regular scheduled work shift and records hours as regular (TCM or TCE) time worked.	
<b>Employee normally works remotely or received approval to work remotely on that day</b> from home when there is a delayed opening or early closure. Employee is unable to continue to work from home due to conditions (e.g., power outage) or is given supervisory approval to discontinue work.	Record hours worked as regular (TCM or TCE) time worked. Time remaining in regular shift is miscellaneous paid leave (MPL). Note " <i>inclement weather</i> " on timesheet.	Record hours worked as regular (TCM or TCE) time worked. Employee uses appropriate accrued paid leave or leave without pay for any remaining hours of their shift.
<b>Employee normally works remotely</b> from home or an alternate location when there is full day closure at their primary work site. Employee is unable to continue to work from home due to conditions (e.g., power outage) or is given supervisory approval to discontinue work.	Record hours worked as regular (TCM or TCE) time worked. Time remaining in regular shift is miscellaneous paid leave (MPL). Note " <i>inclement weather</i> " on timesheet.	Record hours worked as regular (TCM or TCE) time worked. Employee uses appropriate accrued paid leave or leave without pay for any remaining hours of their shift.
<b>Employee normally works remotely</b> and is unable to continue to work from home due to conditions (e.g., power outage). Agency office is open.	Record hours worked as regular (TCM or TCE) time worked. Time remaining in regular shift is miscellaneous paid leave (MPL). Note " <i>inclement weather</i> " on timesheet.	Record hours worked as regular (TCM or TCE) time worked. Employee uses appropriate accrued paid leave or leave without pay for any remaining hours of their shift.
<b>Employee received approval to work remotely on that day</b> and is unable to continue to work from home due to conditions (e.g., power outage). Agency office is open and employee is unable to work in the office.	Record hours worked as regular (TMC or TCE) time worked. Employee uses appropriate accrued paid leave or leave without pay for any remaining hours of their shift.	