

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office of Education Services
Policies and Procedures

Non- Mandatory Adverse Weather

Effective Date: September 30, 2002
Original Effective Date: September 30, 2002
References: [State Personnel Manual, Employment Records, Section 5, pages 39-40, September 30, 2002.](#)

Purpose:
To ensure that staff is knowledgeable of State Personnel Regulations and to enforce such regulations as they pertain to employee options and responsibilities during periods of adverse weather conditions.

Policy:
It is the policy of the Office of Education Services that all employees working within the division shall be knowledgeable of and comply with regulations governing the options and responsibilities of employees of the State of North Carolina during adverse weather conditions as issued by the Office of State Personnel (see attachment).

Adverse Weather

Policy The geographical location and diversity of State services and programs make it impossible to apply a uniform statewide policy regarding how operations will be affected in time of adverse weather conditions. This policy sets forth guidelines for the closing of offices and accounting for leave time.

Covered Employees

Type of Appointment	Is Employee Eligible?	
	Yes	No
Full-time or part-time (half-time or more) Permanent, probationary, trainee, or time-limited	x	
Temporary, intermittent, or part-time (less than ½ - time)		x

Administrative Offices - Wake County The administrative offices of State government in Wake County must be open during normal business hours to serve local governments and the citizens of North Carolina and to provide support services to business and industry. These offices will remain open, even in adverse weather, and it is the responsibility of employees to make a good faith effort to come to work during these times.

Mandatory Operations It is recognized that some other operations in and out of Wake County must continue to provide services without regard to weather conditions. Therefore, agency heads shall predetermine and designate the mandatory operations which will remain open.

Accounting for Time Not Worked When an employee, who is not in a mandatory operation, chooses not to report to work or chooses to leave early or when it has been determined that services will be suspended, time lost will be:

- charged to vacation leave,
- charged to bonus leave,
- charged to accrued compensatory time,
- taken as leave without pay, or
- made up in accordance with the provisions outlined below.

Employees who are on prearranged vacation leave or sick leave will charge leave to the appropriate account with no provision for make-up time.

Adverse Weather, Continued

Other Operations

Agency heads, or their designated representatives, may determine to what extent any other operations, which are not mandatory, may be suspended or temporarily closed.

Using Vacation and/or Bonus Leave

Employees, not working in mandatory operations, who anticipate problems in transportation should be permitted and encouraged to avail themselves of leave privileges when encountering difficulty in reporting for work or when leaving early.

Make-up Provisions

Where operational needs allow, except for employees in mandatory operation, management must make every reasonable effort to arrange schedules whereby employees will be given an opportunity to make up time not worked (either by suspension of services or voluntary action by employee) rather than charging it to leave.

There are very few opportunities for such time to be made up without the employee working more than forty hours during a workweek. Since hours worked in excess of forty during a workweek would constitute overtime under Federal regulations for FLSA non-exempt employees, it will be necessary for make-up time to be limited to the workweek in which the time is lost or in a week when the employee has not worked a full work schedule due to such absences as holidays, vacation, bonus leave, sick leave, civil leave, etc. (See advisory note below for use of compensatory time.)

Advisory Note: Employees may use compensatory time to make up for time lost due to adverse weather if management approves the overtime in response to bona fide needs for work in excess of forty hours. If there is no bona fide need for overtime, then the make-up time must be limited to weeks when an employee has not worked a full forty hours due to scheduled or unscheduled absences. Agencies must use extreme care in determining when overtime is justified and decisions to require overtime shall be based on the same criteria as used when adverse weather is not an issue.

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Adverse Weather, Continued

Make-up Provisions (continued)

Employees who volunteer to make up adverse weather time on a holiday will not receive Holiday Premium Pay.

Time must be made up within 12 months from the occurrence of the absence. If it is not made up within 12 months, the appropriate leave must be charged, or leave without pay.

Transfer to Another State Agency

If the employee transfers to another State agency before the time is made up, the adverse weather time may be transferred as a minus if the receiving agency is willing to accept it. Otherwise, the leave must be charged to the appropriate leave or deducted from the employee's paycheck by the releasing agency.

Separation

If an employee separates from State government before adverse weather leave is made up, it must be charged to vacation or bonus leave or deducted from the final paycheck.

Special Provision

When catastrophic, life-threatening weather conditions occur, as created by hurricanes, tornadoes, or floods, and it becomes necessary for authorities to order evacuation from the place of employment, the following provisions will prevail:

- Employees who are required to evacuate will not be required to make up time that is lost from work during the period officially declared hazardous to life and safety.
- Employees required to remain at work may be relieved administratively for a period of time necessary to assure the safety of their family.
- Employees required to work in such emergency situations will be paid in accordance with the State's policy on Hours of Work and Overtime Compensation.
- Every effort should be made to compensate overtime by additional payment rather than compensatory time.