



HHS Circular C-017

Leave Accounting for an Office's Delayed Opening or Closure Due to Inclement Weather, Power Outages, or Other Emergencies

Purpose

The purpose of this circular is to provide leave accounting policy and procedures for employees and supervisors in HHS agencies affected by delayed opening of offices and/or office closures due to inclement weather, power outages, or other emergencies as determined by executive management.

Employees of DSHS State Hospitals, DADS State Supported Living Centers, DFPS Statewide Intake, or the DARS Criss Cole Rehabilitation Center

This circular only applies to these employees for the purposes of determining when to record the use of personal leave and/or emergency leave. Each individual state hospital, state supported living center, statewide intake, and the Criss Cole Rehabilitation Center have their own inclement weather policies that support their business needs for providing 24/7 service delivery. Please consult your direct supervisor for guidance regarding delayed openings or closures.

Note: Employees who are not supervised by a state hospital or state supported living center supervisor, yet work at one of these facilities, are required to follow that facility's procedures for office delays and closures.

Employee and Workplace Considerations

Employee safety is a consideration if an office is delayed opening or is closed due to a power outage or other emergency. Employees should not enter the workplace unless provided specific authorization from their supervisor. If an employee is allowed to enter the workplace when the office is delayed opening or the office is closed during inclement weather, power outages, or other emergencies the following considerations and policies apply.

FLSA Non-Exempt Employees [Covered by the Fair Labor Standards Act FLSA)]

Non- exempt employees are expected to follow the procedures as noted below.

Exempt Employees (Not Covered by the FLSA) Exempt employees are expected to perform their duties in accordance with their supervisor's expectations, and there is no special documentation

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required for hours worked or not worked due to inclement weather, power outages, or other emergencies.

Part-time and Temporary Employees

Part-time and temporary employees follow the same guidelines as prescribed below.

Hourly Employees

Regardless of schedule, hourly employees (full-time or part-time) only record hours worked.

Essential Personnel

When offices are opened conditionally and only essential personnel are required to report to work, then management determines which staff are essential personnel necessary to maintain minimal business operations. Employees should contact their supervisor directly to determine which employees are required to report.

Policy and Procedures

Employees and supervisors should take the following steps to account for various situations when a workplace has a delayed opening or is officially closed.

If...	Then...	Self-Service Action by Employee or Authorized Representative
FLSA covered employee did not work due to official delayed office opening or office closure.	Employee is granted emergency leave up to the number of hours the office was delayed opening or was closed, in accordance with the employee’s regularly scheduled work hours.	Emergency leave (EMGNY) needs to be entered in CAPPS for the number of hours granted. Employees should enter in the comments section inclement weather (or other reason) they are taking off work using emergency leave.

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If...	Then...	Self-Service Action by Employee or Authorized Representative
		Note: Entering emergency leave will prevent unearned FLSA overtime from banking when an office is delayed opening or is closed if the employee also physically worked greater than 40 hours in that same FLSA workweek.
FLSA covered employee traveled to work site and physically worked during the time the office was officially delayed or closed.	Employee is granted emergency leave for the number of hours worked, which must be used within 12 months. Note: Travel time to and from work is not considered work time.	The supervisor will post the Emergency leave (EMGNY) on the employees' timesheet in CAPPs when the employee takes off. Note: Supervisors can run the Time Reporting Code (TRC) Report for the TRC EMGNY to track any recorded emergency leave related to an office's delayed opening or closure.

- If an employee works during an office delay or closure, they receive emergency leave for the number of hours they physically worked. For example, if an employee was scheduled to start work at 6:00 a.m., and worked all his/her scheduled hours for the day and the office was delayed opening until 10:00 a.m., the employee would earn four hours of emergency leave.
- If an employee is not scheduled to work during the hours an office is closed, he/she is not affected by the office having a delayed opening or being closed and no emergency leave is earned or entered.

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If...	Then...	Self-Service Action by Employee or Authorized Representative
FLSA covered employee was on scheduled or unscheduled paid leave during an official office delay or closure (e.g., employee was on a scheduled vacation or called in sick on the day of the office closure).	Employee must use his/her own eligible/available leave for the time they were not at work including the period of time the office was delayed or closed.	Normal leave request and approval process through self-service in CAPPS.

- If the office is officially open during the employee’s regular work schedule and the employee is late or chooses not to come into the office for personal reasons after the office is opened (e.g., child’s school closes or roads are deemed unsafe by the employee), this is considered unscheduled time off and the employee must use his/her own available/eligible leave for the time out of the office in accordance with the employee's scheduled start and finish times to work.
- If the employee was pre-approved to use sick leave on the day of an office delayed opening or office closure (e.g., to attend a medical appointment), the employee must use his/her own leave for the period of time the office was delayed or closed. If the employee can establish with documentation from the doctor’s office that he/she was unable to make their medical appointment due to weather then they are entitled to emergency leave.

If...	Then...	Self-Service Action by Employee or Authorized Representative
Employee was on leave of absence.	The employee will continue in unpaid leave status and the procedures for an office delay or office closure do not apply.	No self-service action required.
Employee was on leave without pay.	The employee will continue in unpaid leave status, unless manager was already aware of employee’s intent to return to work.	Normal request and approval process through self- service.

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- If the employee does not have any leave balances and physically works on a day the office has a delayed opening or is closed, they earn emergency leave equivalent to the number of hours worked.
- If the employee does not have any leave balances at the start time they were to begin work and do not work when the office is delayed or closed, then they are to enter in Leave Without Pay (LWOPE) for the hours not worked. Employees are not entitled to emergency leave if they are in a leave without pay status.

If...	Then...	Self-Service Action by Employee or Authorized Representative
Employee worked from home with manager approval due to the office delay or closure.	Supervisor will not grant emergency leave for hours worked from home.	No self-service action is required.
Employee is a mobile worker	Management will determine if mobile workers are required to work and if emergency leave will be granted.	Self-service action may be required depending on direction from management.
Employee is a teleworker and is scheduled to work from home.	Supervisor will not grant emergency leave for hours worked from home unless the employee also had a power outage and could not work from home. Note: Requires some form of documentation that the employee experienced a power outage.	No self-service action required.
Employee is a teleworker and is not scheduled to work from home, but is scheduled to work in the office on the day the office is closed or delayed opening.	Employee is granted emergency leave up to the number of hours the office was delayed opening or was closed, in accordance with the employee's regularly scheduled work hours.	Self-service action may be required depending on direction from management.

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If...	Then...	Self-Service Action by Employee or Authorized Representative
	Supervisor will not grant emergency leave for hours worked from home.	

Inquiries

For assistance on any question or issue regarding self-service leave transactions on the timesheet in the CAPPS system, please contact the HHS Service Center at 1-888-894-4747.

For questions regarding this circular or any policy issue specific to leave accounting for delayed office openings or office closures, please contact the HHS Time Labor and Leave office via email at HHSTLLaction@hhsc.state.tx.us.