



DHRM POLICY 1.35, EMERGENCY CLOSINGS

APPLICATION	Full-time, quasi full-time, and part-time classified employees in Executive Branch agencies. As directed by the Appointing Authority, agencies may use this policy as a guide for employees who are not covered by the Virginia Personnel Act, such as wage, at-will, faculty, and university employees.
PURPOSE	It is the policy of the Commonwealth of Virginia to ensure continued delivery of efficient operations and services. Certain circumstances may necessitate emergency closing. This policy provides procedural guidance for emergency closings and outlines expectations and compensation for employees.
AUTHORITY & INTERPRETATION	Title 2.2 of the Code of Virginia The Director of the Department of Human Resource Management (DHRM) is responsible for official interpretation of this policy, in accordance with §2.2-1201 of the Code of Virginia. DHRM reserves the right to revise or eliminate this policy.
CODE OF VIRGINIA	None

POLICY HISTORY

EFFECTIVE DATE	DESCRIPTION
02-14-2000	Original publication of policy.
05-12-2005	Revised.
04-16-2020	Re-format of policy, addition of telework provisions.
7-10-2024	Revised.

EMERGENCY CLOSINGS PROCEDURES for EXECUTIVE BRANCH AGENCIES

Emergency Closings	<ul style="list-style-type: none"> • A state agency’s work locations may be closed for specific periods of time due to inclement weather or other emergencies such as utility failure, fire, natural disaster, or other forced evacuations from the work location. • Emergency closings may be for a full business day or a partial business day resulting in delayed openings or early dismissals. • Emergency closings must be authorized as outlined in this policy.
Richmond Metropolitan Area (Richmond City, Chesterfield, Hanover, and Henrico counties)	<ul style="list-style-type: none"> • The Governor or designee will make the decision to close Executive Branch agencies in the Richmond Metropolitan area during standard business hours when inclement weather or other emergency conditions affect multiple agencies in the area.



Announcement of Governor’s Emergency Closing	<ul style="list-style-type: none"> • DHRM will announce the Governor’s authorization to close state agencies located in the Metro Richmond area via television, radio and social media as identified on DHRM’s website.
Isolated emergency situations affecting an agency or a work location that is shared by multiple agencies (Utility failures, fire, or other events)	<ul style="list-style-type: none"> • For emergency situations that impact a single location for one agency or in buildings where multiple agencies are located, the Agency Heads or their designees will make closing decisions and ensure timely notification to their employees. • For shared facilities where multiple agencies are located, Agency Heads shall confer and determine the best course of action for impacted agencies in the shared facility to ensure consistent messaging to employees. • It is recommended that Agency Heads notify their respective Cabinet Secretaries via email of emergency closing decisions.
Agencies with 24-Hour Operations within the Richmond Metropolitan area	<ul style="list-style-type: none"> • Agency Heads or their designees will make closing decisions for agency operations occurring outside of standard business hours. • It is recommended that Agency Heads notify their respective Cabinet Secretaries via email of emergency closing decisions.
Colleges and Universities and Museums	<ul style="list-style-type: none"> • College and University presidents and Museum Directors or their designee will make closing decisions for their institutions. • It is recommended that Agency Heads notify their respective Cabinet Secretaries via email of emergency closing decisions.
Agencies located outside of the Richmond Metropolitan area	<ul style="list-style-type: none"> • Agency Heads or their designees of agencies located outside of the Richmond Metropolitan area will make closing decisions affecting their respective agencies. • Agency Heads are encouraged to confer with the Agency Heads or designees of nearby state agencies impacted by the same event to ensure consistency of actions and communications to affected employees. • It is recommended that Agency Heads notify their respective Cabinet Secretaries via email of emergency closing decisions.

AGENCY RESPONSIBILITIES and PROCEDURES

Agency Policies and Procedures	<ul style="list-style-type: none"> • Agencies, Colleges, and Universities must develop, implement, and communicate state and agency procedures for emergency closings to employees. • These procedures shall be issued to agency employees annually and must be included in onboarding communications.
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	<ul style="list-style-type: none">• Agency procedures shall be consistent with and incorporate the provisions of this policy. At a minimum, they should include:<ul style="list-style-type: none">○ Instructions to follow the Governor’s closing decisions or the closing decisions of the agency head or facility director.○ Instructions that essential employees are expected to make every effort to report to work on time and complete their scheduled work hours while exercising personal safety precautions.○ Designation of positions as essential or non-essential to emergency operations used to determine which employees are required to report to the workplace during emergency closings to perform their duties.○ A process for notifying employees that their positions are designated as essential or non- essential to emergency operations.○ Instructions advising that Agency managers/supervisors may determine the staffing needs during emergency operations. An employees’ status of essential or non-essential may change depending upon the nature or scope of different emergency situations. Employees must be informed of their status change as soon as practicable.○ Notification procedures to advise employees and Cabinet Secretaries of agency, office or facility closing decisions in a timely manner. This may include television, radio, social media options, phone networks or other internal communication networks.
Designation of Positions as Essential or Non-Essential to Emergency Operations	<ul style="list-style-type: none">• Agency positions must be designated as Essential to Emergency Operations or Non-Essential to Emergency Operations as follows:<ul style="list-style-type: none">○ Essential to Emergency Operations (Essential)<ul style="list-style-type: none">▪ The duties and responsibilities of the position are critical to ongoing operations during an emergency.▪ Essential employees are required to report to their assigned work location as directed by supervisors/managers to perform their job duties. Unless otherwise directed, Essential employees may not telework during emergency closings.▪ In response to the emergency staffing needs, Essential employees may be required to work during times when they are normally not scheduled to work.▪ An essential employee’s failure to report to work as directed may result in disciplinary action under DHRM Policy 1.60, Standards of Conduct and/or require the hours missed to be charged to leave with or without pay.



	<ul style="list-style-type: none">▪ Late arrivals due to road conditions or transportation difficulties may be determined as justified by agency management. In such cases, the lost time will not be charged to the employee's leave balances or leave without pay, and no disciplinary action will be taken.○ Non-essential to Emergency Operations (Non-essential)<ul style="list-style-type: none">▪ The duties and responsibilities of the position are not critical to ongoing operations during an emergency.▪ Employees assigned to non-essential positions are not required to report to their assigned work location during an emergency closing.▪ Non-essential employees who are eligible to telework shall work remotely during emergency closings.▪ Agencies must communicate to employees who are eligible to telework the expectations for continuing to work during emergency closings. This must be documented in the Telework Agreement.▪ During emergency closings involving delayed openings or early dismissals, employees eligible to telework are expected to maintain their normal work schedules.▪ Emergency closings of the central workplace may require expanded telework to meet customer demand and continuity of government services during an emergency closing. Agencies must communicate this expectation to employees when an emergency closing for inclement weather is anticipated, and again when an emergency closing is announced.▪ Supervisors/managers may permit a Non-Essential Employee who is not eligible to telework to telework during an emergency closing provided the employee has the necessary tools that meet agency IT security standards.● As determined by Agency management, the designation of Essential or Non-Essential may change to align with the business needs of the respective emergency. For example: Certain positions may be designated as essential during inclement weather emergencies while other positions are designated as essential during heating or electrical failures. Also, certain positions may be designated as essential in providing support to essential employees during emergency closings.
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COMPENSATION DURING EMERGENCY CLOSING

Hours Worked During an Emergency Closing	<ul style="list-style-type: none"> Exempt and Non-Exempt employees will be compensated at their regular rate of pay for hours worked during an emergency closing.
Compensatory Leave for Essential Employees Required to work during an emergency closing	<ul style="list-style-type: none"> Essential employees who are required to work on-site during an emergency closing are granted compensatory leave for hours worked during the emergency. See Policy 3.10, Compensatory Leave Examples: <ul style="list-style-type: none"> Example #1: An essential employee’s normal work schedule is five 8-hour workdays. The agency closes two hours early due to inclement weather, but the employee is required to work the full shift. The employee will receive two hours of compensatory leave for working during the emergency closing. The employee is also paid their regular rate of pay for the 8 hours worked. Example #2: An essential employee’s normal work schedule is four 10-hour workdays. The agency is closed for the day due to an emergency utility failure in the building. The employee worked ten hours during the emergency closing and will receive their regular rate of pay for the hours worked and ten hours of compensatory leave. Example #3: An essential employee’s normal work schedule is four 10-hour days. Due to a power failure, the building is closed. The employee worked five hours during the closing to resolve the power failure. This employee will receive their regular rate of pay for the ten hours scheduled and five hours of compensatory leave.
Compensation for Non-Essential Employees During an Emergency Closing	<ul style="list-style-type: none"> Non-essential employees are not required to report to the agency’s physical location during an emergency closing. Non-essential employees who are eligible to telework or who are reporting to an alternative work location that is not impacted by the emergency are expected to work as scheduled during emergency closings to ensure continuity of operations. <ul style="list-style-type: none"> Employees who are teleworking during an emergency closing are not eligible for Compensatory Leave and will be paid for the hours worked at their regular rate of pay. Employees must seek approval to use their available leave for hours that are not worked. Non-essential employees who are not eligible to telework, are eligible for emergency closing pay during an emergency closing. Non-essential employees who are not eligible to telework, will not be eligible for emergency closing pay if they were on unpaid leave on the scheduled workday before and after the emergency closing. <p><i>Example 1: A non-essential employee was on unpaid leave on Tuesday, the agency had an emergency closing on Wednesday,</i></p>



	<p><i>and the employee was also on unpaid leave on Thursday. This employee is not eligible to be compensated for the emergency closing on Wednesday.</i></p> <p><i>Example 2: An employee worked the day before an emergency closing and was on the unpaid leave the scheduled workday after the emergency closing. The employee is not eligible to be compensated for the emergency closing.</i></p> <p><i>Example 3: An emergency closing occurred on Tuesday. An employee was on approved paid leave on Monday and Wednesday. They were scheduled to work on Tuesday during the emergency closing. The employee is eligible to be compensated for the emergency closing.</i></p>
Overtime Compensation for Non-Exempt Employees	<ul style="list-style-type: none">• In accordance with the FLSA, all hours worked in an established work cycle will be counted for the purpose of determining if overtime pay or leave is warranted for Non-Exempt employees.<ul style="list-style-type: none">○ <i>Example #1: A Non-Exempt Essential Employee is normally scheduled to work five, 8-hour workdays. The employee works 8 hours during the emergency closing and receives 8 hours of Compensatory Leave. The employee works their regular schedule for the work cycle. This employee's cumulative total of hours worked is 40 hours. Because the employee's work hours did not exceed 40 hours in the work cycle, no overtime pay is required.</i>○ <i>Example #2: A Non-Exempt Essential Employee is normally scheduled to work five, 8-hour workdays. The employee worked 12 hours during an emergency closing and worked his normal schedule for the work cycle resulting in a cumulative total of 44 hours worked. The employee earned 12 hours of compensatory leave and four hours of overtime leave or pay.</i>
Employees on Pre-Approved Leave During the Emergency Closing	<ul style="list-style-type: none">• Employees who are on an approved leave on the date of the emergency closing will continue to use their available leave balances for the absence. Emergency closing leave is not applicable because the employees are not expected to work on the day of the closing.
Employment Begin Date on Emergency Closing Date	<ul style="list-style-type: none">• Essential Employees scheduled to begin their first day of employment shall:<ul style="list-style-type: none">○ Agency management may exercise discretion in requiring new hires or rehires to report to work during emergencies based upon the safety concerns associated with the emergency job duties. If employees are instructed to not report to the work location, they will be eligible for Emergency Closing Leave if they work the entire day following the emergency closing.
Separation/Last Day Worked During Emergency Closing	<ul style="list-style-type: none">• In accordance with DHRM Policy 1.70, Termination/Separation from State Service:



	<ul style="list-style-type: none">○ If an emergency closing occurs on an Essential employee's last scheduled workday prior to the separation, the employee is expected to work as scheduled, if not on pre-approved leave. Otherwise, the last day the employee worked will be considered as their effective date of separation.○ Non-essential employees whose scheduled last day falls on an emergency closing will be paid for hours worked or if they are not required to work, provided Emergency Closing Leave provided the employee was on paid leave or worked on the day before the emergency closing.
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GLOSSARY

Emergency Closing	Closing of a state agency or multiple state agencies by the appropriate Authority, such as the Governor, Agency Heads, Museum Directors, or Presidents of Colleges/Universities.
Essential to Emergency Operations	Positions designated by their agencies as essential to agency operations during emergencies. Employees whose positions have this designation are required to report for duty at their assigned work location for the emergency. Referred to as an Essential Employee.
Emergency Conditions	Circumstances that require an authorized emergency closing to include inclement weather, utility failure, fire or other forced evacuations from the agency facility or work location.
Exempt Employee	An employee who is not subject to the overtime provisions of the Fair Labor Standards Act (FLSA).
Non-Essential to Emergency Operations	Positions determined to be non-essential to the agency's emergency operations. Employees with this designation are not required to report to the work location during an authorized closing but may be required to telework as noted in this policy.
Non-Exempt Employee Standard Business Hours	An employee who is subject to the overtime provisions of the FLSA. An Agency's designated public Service Hours. The normal operating hours for most state agencies, which consist of at least eight hours per workday, usually from 8:30 a.m. to 4:30 p.m.



24-Hour Operations

Agency whose business hours are typically 7 days a week and 24-hours per day.