

DAS Directive

Directive No. **HR-D-11**
Effective Date: **10-06-2011**



To: All Appointing Authorities and Personnel Officers
From: Robert Blair, *Director of Administrative Services*
Re: Public Safety Emergency Procedures

PURPOSE

To establish uniform procedures for all agencies implementing public safety emergency procedures.

GENERAL

It is the policy of the State of Ohio to consistently apply this directive to all employees, regardless of whether they are classified, unclassified, exempt from collective bargaining, or subject to a collective bargaining agreement. Section 123:1-46-01 of the Ohio Administrative Code sets forth the payment procedures for exempt employees during weather emergencies. Bargaining Unit employees should refer to their specific collective bargaining agreements.

PROCEDURE

A. Types of Emergencies

“Emergency” is defined in section 5502.21(F) of the Ohio Revised Code as any period during which the Congress of the United States or a chief executive has declared or proclaimed that an emergency exists. This formal declaration or proclamation can be made by the chief executive of any political subdivision, including the Governor, for natural disaster, man-made disaster, hazardous materials incidents or civil disturbance.

“Public Safety emergency” is a term of art which refers to all formal declarations or proclamations which may limit a state employee's obligation to travel to and from work for a specific period of time. Such emergencies may include, but are not limited to, severe weather conditions like snowstorms. A public safety emergency declaration or proclamation can only be made by the Governor or the Governor's designee. Emergency declarations that are not public safety emergency declarations do not affect a state employee's obligation to travel to and from work. A public safety emergency cannot be declared by an individual agency, department or director.

The director of the Department of Public Safety is the Governor's designee to declare a public safety emergency. The authority to declare a public safety

DAS Directive

Directive No. **HR-D-11**

Effective Date: **10-06-2011**



emergency rests solely with the Governor in consultation with the director of Public Safety.

The director of Public Safety shall consult with appropriate state agency and local officials and gather necessary information for use in determining the need for a public safety emergency declaration. When a public safety emergency is declared, the director of Public Safety shall communicate the public safety emergency declaration and its parameters to designated agency personnel.

B. Communicating the Public Safety Emergency

The agency head or director of each appointing authority shall designate a representative and an alternate to be responsible for receiving notice that a public safety emergency has been declared by the director of Public Safety. All designated agency representatives should have telephone and cell phone capabilities and should be exempt employees or employees who have been designated as being expected to work during a public safety emergency. Designated agency representatives are responsible for advising all appropriate supervisors in their departments, agencies, boards or commissions of the public safety emergency.

C. Designating Employees

Each year, by the first day of October, all agencies must create and maintain a list of employees who are expected to work during a public safety emergency. This list should contain the names, phone numbers, and classifications of a skeletal crew of employees whose presence at the work site is critical to maintaining operations and essential office functions during any public safety emergency, such as those state employees who are essential to maintaining security, health and safety, and critical office operations.

Critical office operations vary from agency to agency depending upon agency type. Agencies with 24 hour operations and agencies with institutional, law enforcement, residential or custodial functions will typically require more employees to maintain essential office operations than an administrative or regulatory agency. Whether an employee is expected to be at work may depend upon the particular activities that are occurring in the agency. For example, during certain time periods in a payroll cycle, specific payroll officers may be employees whose presence at the work site is critical to processing the payroll. As such, those employees may be expected to work during the public safety emergency when those payroll processes are occurring at the agency.

Similarly, critical dates and deadlines may assist in determining those employees who should work during a public safety emergency. For example, those employees

DAS Directive

Directive No. **HR-D-11**
Effective Date: **10-06-2011**



who assist with the preparation and filing of certain legal or fiscal records, or those who are critical to the issuance of vital licenses and permits may be required to work during a public safety emergency since they deal with matters that are determined by specific deadlines and filing dates.

Employees who are expected to work during a public safety emergency should be advised of their designation, and of the expectation that they work during public safety emergencies unless otherwise advised. However, they are not guaranteed work. Nothing in this directive prevents appointing authorities from using their discretion in sending employees home or instructing them not to report for work once a public safety emergency has been declared.

Employees who do not appear on the list of employees expected to work during a public safety emergency are excused from work and will be designated as “excused employees” for purposes of this directive.

D. Granting Leave to Excused Employees

Snow emergencies may be declared by local sheriffs in certain counties, yet no formal public safety emergency is declared by the Governor and state public offices remain open. Should this situation occur, agency directors and department heads are encouraged to exercise their judgment and discretion to permit employees to use any accrued vacation, personal or compensatory leave if such employees choose not to come to work due to extenuating circumstances caused by the county sheriff snow emergency. Employees with no or inadequate accrued leave may be granted leave without pay. Nothing in this directive prevents an appointing authority from using its discretion to temporarily reassign employees to indoor job duties, consistent with their job classification, so that such employees are not subjected to extreme conditions as a result of the county sheriff snow emergency. For example, an agency may reassign an individual to an indoor shift so that the employee avoids performing unnecessary road- or travel-related duties during days or shifts of especially inclement weather.

E. Compensation for Employees who are exempt from a collective bargaining agreement.

- Exempt Excused Employees

Excused exempt employees who either do not report for work or who are sent home as a result of a declared public safety emergency shall be paid for those hours of work they were scheduled to work during the declared public safety emergency at their regular rate of pay.

DAS Directive

Directive No. **HR-D-11**
Effective Date: **10-06-2011**



Excused exempt employees should not normally be required to remain at work during a declared public safety emergency. Those excused exempt employees who volunteer to work during a public safety emergency are entitled to their regular rate of pay and should not receive any additional overtime compensation or compensatory time as a result of the public safety emergency.

On the rare occasion when excused employees are required to work due to the absence of an employee who is expected to work during a public safety emergency or due to another extenuating circumstance, they shall be treated the same as exempt employees who are expected to work during a public safety emergency and shall be entitled to overtime compensation or compensatory time as outlined below.

- Exempt Employees who are expected to work during a Public Safety Emergency

Employees who are expected to work during a Public Safety Emergency must report to work regardless of the conditions.

Employees who are overtime-eligible under the FLSA and who work during a declared public safety emergency shall be given a choice of overtime compensation or 1.5 hours of compensatory time for every hour worked during the public safety emergency. Employees who are overtime-exempt under the FLSA shall receive one hour of compensatory time for every hour worked during the public safety emergency. For both overtime-eligible and overtime-exempt employees, such compensation or compensatory time shall be given in addition to the employees' regular rate of pay. This compensation is governed by Directive 06-08 for overtime exempt employees and by section 124.18 of the Revised Code, and Directive 06-06 for overtime eligible employees.

Employees who are expected to work during a public safety emergency and who are instructed not to report to work or are released from work during a public safety emergency shall be paid at their regular rate of pay. No additional overtime compensation or compensatory time will be granted to employees who volunteer to work after being advised to leave or not to report for work.

F. Compensation for Bargaining Unit Employees during Public Safety Emergencies

- Bargaining Unit employees who are excused from work during a public safety emergency

DAS Directive

Directive No. **HR-D-11**
Effective Date: **10-06-2011**



Excused bargaining unit employees who do not report for work or who are sent home as a result of a declared public safety emergency shall be paid for those hours of work that they were scheduled to work at their regular rate of pay.

Excused bargaining unit employees should not be permitted to remain at work during a declared public safety emergency. On the rare occasion when excused employees are required to work during a declared public safety emergency, they shall be treated the same as bargaining unit employees who are expected to work during a public safety emergency and shall be paid at the premium rate, if any, provided under contract. (As there are slight distinctions in the state's labor agreements for premium pay during a public safety emergency, please refer to the appropriate contract for premium rates.)

- Bargaining Unit employees who are expected to work during a Public Safety Emergency

Bargaining unit employees who are expected to work during a public safety emergency must report to work as scheduled regardless of the conditions. These employees shall be paid at the premium rate, if any, as provided under contract.

G. Scheduled Leave

In accordance with their internal policies, each agency should determine whether the employee's leave request was "pre-scheduled." Any employee who is on pre-scheduled leave during a public safety emergency shall be charged leave regardless of the public safety emergency declaration. However, if the employee's leave request was not pre-scheduled, and if the employee does not appear on the list of employees who were expected to work during a public safety emergency, the employee should receive compensation at their regular rate of pay for the hours the employee was scheduled to work during the public safety emergency, and should be charged leave for any remaining scheduled hours of work not covered by the public safety emergency declaration.

H. Teleworking

Teleworkers who work from home are not eligible for any stipend, any public safety emergency leave, or any additional compensatory time or overtime compensation for the hours they were scheduled to work during the public safety emergency.

DAS Directive

Directive No. **HR-D-11**
Effective Date: **10-06-2011**



TRAINING

Designated Agency Representatives and their alternates will be notified of an annual training course which will be held by the departments of Public Safety and Administrative Services.

NOTIFICATION AND ENFORCEMENT

Each agency is responsible for designating an agency representative and maintaining a list of employees who are expected to work during the public safety emergency. Each year, by the first day of October, agencies must enter into the Ohio Administrative Knowledge System (OAKS) Human Capital Management (HCM) Module the names, phone numbers, and classifications of the employees who are expected to work during the public safety emergency. This system is online at: **www.myohio.gov**. Each agency must, by letter, notify its employees of that status.

Further instructions on identifying employees for public safety emergencies in the OAKS HCM Module are attached to this directive.

Employees who are expected to work during the public safety emergency will be issued cards to facilitate their travel to and from work on state roadways and highways during a declared public safety emergency. Agency employees previously issued agency identification cards may use those cards (or other picture identification) and their agency letter designating them as employees who are expected to work during the public safety emergency. Members of the Ohio National Guard should carry their agency letter of designation and their U.S. Armed Forces Identification Card, as identification of their employee status during a declared public safety emergency.

Agencies are responsible for properly reporting any increased payments for employees to Payroll Processing, where applicable.

This directive supersedes any previously issued directive or policy and will remain effective until canceled or superseded.

AUTHORITY & REFERENCE

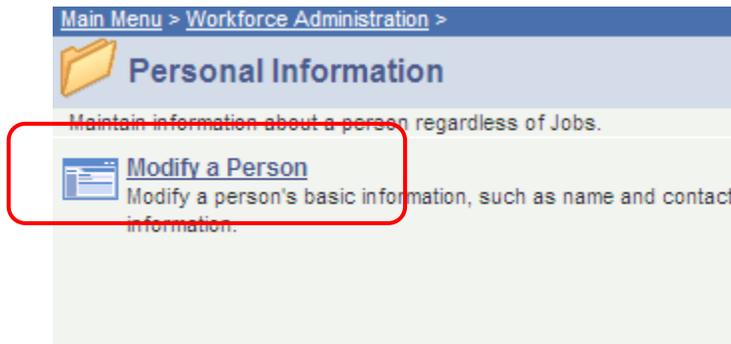
ORC 124.09
OAC 123:1-46-01



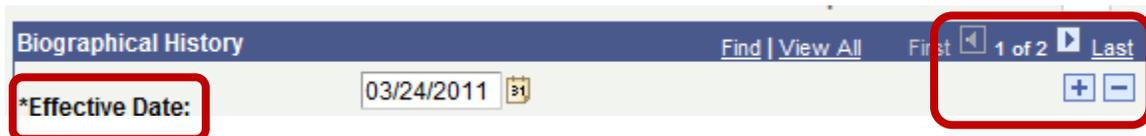
Designating Essential Personnel During a Public Safety Emergency

Before starting, please navigate into HCM through myOhio.

1. Click **Workforce Administration** on the left navigation menu.
2. Click **Personal Information** on the right side of the screen.
3. Click **Modify a Person** on the right side of the screen.



4. Enter the Employee ID, click the **Include History** box, and click **Search**.
5. You **will** need to add a row to the employee's Biographical History section as well as change the date field there to the correct effective date.



6. In the Biographical History section, find the **Alternate ID:** field.

7. Enter the letter "E" into the **Alternate ID:** field and click **Save**.

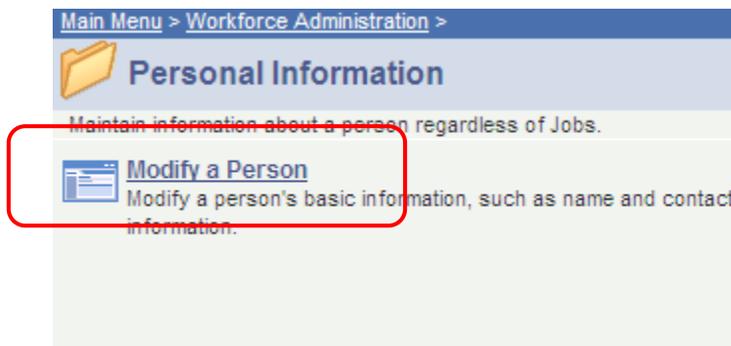
Biographical History		Find View All	First	1 of 1	Last
*Effective Date:	02/01/1999				
*Gender:	Male				
*Highest Education Level:	A-Not Indicated				
*Marital Status:	Married	As of:			
Language Code:					
Alternate ID:					
	<input type="checkbox"/> Full-Time Student				



Removing the Essential Personnel Designation

Before starting, please navigate into HCM through myOhio.

1. Click **Workforce Administration** on the left navigation menu.
2. Click **Personal Information** on the right side of the screen.
3. Click **Modify a Person** on the right side of the screen.

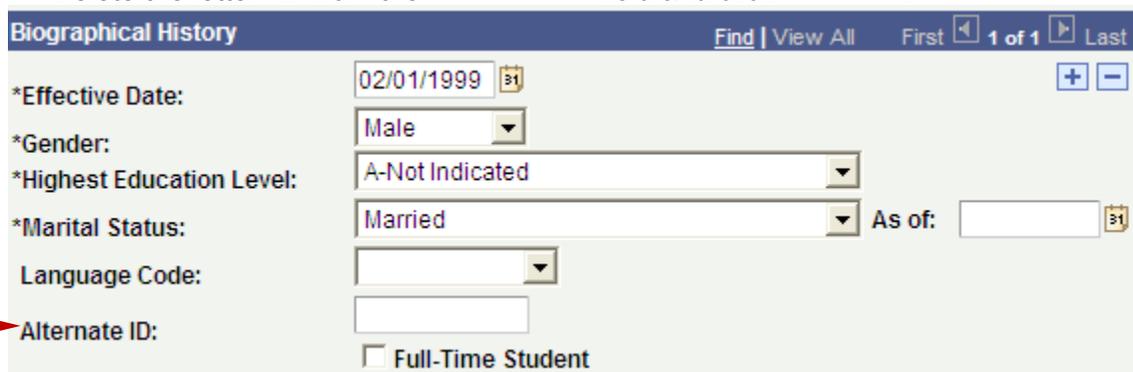


4. Enter the Employee ID, click the **Include History** box, and click **Search**.
5. You **will** need to add a row to the employee's Biographical History section as well as change the date field at the top of the screen to the correct effective date.



6. In the Biographical History section, find the **Alternate ID:** field.

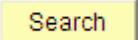
7. Delete the letter "E" from the **Alternate ID:** field and click **Save**.





Running the Public Safety Emergency Essential Employee Query

Before starting, please navigate into HCM through myOhio. This query will provide you with a list of employees with your agency that have been designated as essential for a public safety emergency.

1. Click  on the left navigation menu.
2. Click  on the right side of the screen.
3. Click  on the right side of the screen.
4. Enter the query name OH_HR_EMER_ESS_EES in the box and click .

Query Viewer

Enter any information you have and click Search. Leave fields blank for a list of all values.

*Search By: begins with

[Advanced Search](#)

5. This will bring up the below screen. This screen allows you to run the query with various options such as running it to HTML or Excel. You will also be able to schedule the query to run at a specific time.

Search Results

*Folder View:

Query								Customize Find View All		First	1 of 1	Last
Query Name	Description	Owner	Folder	Run to HTML	Run to Excel	Schedule	Add to Favorites					
OH_HR_EMER_ESS_EES		Public		HTML	Excel	Schedule	Favorite					

If you choose to run the query to HTML, you will have the option to put that information into an Excel spreadsheet once the query runs.

OH_HR_EMER_ESS_EES

Download results in : [Excel SpreadSheet](#) [CSV Text File](#) (9 kb)