



## **Frequently Asked Questions and Answers (FAQ) on Employee Obligations during Severe Weather Conditions and Emergencies (SWCE) under Executive Order Twenty-eight (EO 28)**

### **1Q Explain the Employee Obligations during Severe Weather Conditions and Emergencies (SWCE).**

- 1A** The Governor, or Governor's designee, has the sole authority to excuse employees of the Executive Branch from work during Severe Weather Conditions and Emergencies ("SWCE"). In appropriate circumstances, the Governor shall issue an SWCE announcement stating that, due to expected or existing conditions, certain non-essential employees (as designated in the Governor's Executive Order Twenty-eight (EO 28)) are excused from reporting to work. Unless such an announcement has been issued, all employees of the Executive Branch shall report to and remain at work for their regularly scheduled hours or shift.

The SWCE announcement may apply to all Executive Branch employees or be confined to a specific geographical region or a combination of geographical regions.

### **2Q What branches of State government are covered by the Employee Obligations during Severe Weather Conditions and Emergencies (SWCE)?**

- 2A** Executive Order Twenty-eight (EO 28) applies to Executive Branch employees only. Legislative and Judicial branch employees should contact their respective human resources representatives or administrators for specific information.

### **3Q What are regular State business hours?**

- 3A** Monday through Friday 8:00 a.m. to 4:30 p.m. except for statutory holidays.

### **4Q Is a Severe Weather Conditions and Emergencies (SWCE) the same as declaring a State of Emergency?**

- 4A** No. A State of Emergency is the Governor's declaration for all the State's constituents that an emergency or disaster has occurred or that the occurrence or threat of occurrence of an emergency or disaster is imminent. The Governor may declare a State of Emergency without declaring an SWCE. The Governor may

declare an SWCE when a set of circumstances or condition warrants the modification of the State's Regular Business Hours or staffing of one or more Executive Branch Agencies. The Governor may declare an SWCE without declaring a State of Emergency.

**5Q What is considered an "essential" employee during Severe Weather Conditions and Emergencies (SWCE)? How do I know if I am essential?**

- 5A** An "Essential" employee is an employee who is indispensable to the emergency service function of his or her employing agency or department and is required to assist the department or agency in meeting its operational needs.

Essential employees are designated by each cabinet/agency head. Essential employees must report to work as scheduled, even if State offices are closed due to Severe Weather Conditions or Emergencies (SWCE).

Many Essential employees provide direct care at one of the State's facilities that operate 24 hours a day, 7 days a week. Some employees are "Report When Contacted." These employees may not normally be considered Essential but may be required to work at specific times.

For example, if State offices are closed and the SWCE falls on a day when payroll must be processed, it is likely that payroll specialists, data entry clerks, and human resource professionals could be designated Essential for that particular emergency. Employees should speak to their supervisors to find out their particular designation.

All Essential employees shall be notified accordingly in writing, and a list of such employees and/or classifications shall be posted in a conspicuous location and distributed to the appropriate Exclusive Bargaining Representatives.

**6Q How are Essential employees compensated for working during Severe Weather Conditions and Emergencies (SWCE), as defined in Executive Order Twenty-eight (EO 28)?**

- 6A** Essential employees are compensated at their regular hourly rate of pay, plus equal time off for their regularly scheduled shift worked during the period of the SWCE. If Essential employees are required to work additional shifts or hours in excess of their regular work schedule, they are compensated according to existing rules governing overtime, as set forth in the Fair Labor Standards Act and the Merit Rules.

**7Q How would Essential employees be compensated if a Severe Weather Conditions and Emergencies (SWCE) is in effect for only a portion of a work shift?**

- 7A** Essential employees would receive equal time, either paid time or time off, for their regularly scheduled shift for the hours the State offices were closed. For example, if State offices are closed from 8:00 a.m. to 4:30 p.m. and the Essential employee's shift is 3:00 p.m. to 11:00 p.m., the Essential employee would receive 1.5 additional hours of compensation for working from 3:00 p.m. to 4:30 p.m.
- 8Q If I am not an Essential employee, should I come to work if I know I can make it in during the closing due to Severe Weather Conditions and Emergencies (SWCE)?**
- 8A** As a non-essential employee, you should not report to work unless you have supervisory approval. State buildings and parking lots are often closed during Severe Weather Conditions and Emergencies (SWCE).
- 9Q If I am a non-essential employee and report to work in error during a closing due to Severe Weather Conditions and Emergencies (SWCE), will I receive additional compensation?**
- 9A** No. It is important to check the Severe Weather Conditions and Emergencies (SWCE) website (<http://de.gov/closings>) for accurate, up-to-date information. The SWCE website (<http://de.gov/closings>) allows employees to sign up for email, text and/or phone alerts which will notify you when the State's SWCE is updated.
- 10Q Who makes the decision to declare closings, delayed arrivals, or early departures during Severe Weather Conditions and Emergencies (SWCE)?**
- 10A** Prior to making a decision to close State offices, open offices late or close offices early, the Governor may consult with many people, including the State Police, DelDOT, the Delaware Emergency Management Agency, and other senior staff members. It is not always possible to make the decision to declare an SWCE as early as employees would like but information is promptly listed on the State's SWCE website (<http://de.gov/closings>) and is sent to the local news media for broadcast. Employees with long commutes to work, or unique problems that occur during inclement weather, such as school or day care closings, are encouraged to speak to their supervisors to determine the best way of handling unique situations. Making arrangements with your supervisor in advance may be helpful for you and your supervisor.
- 11Q How will I know if the Governor declares a closing due to Severe Weather Conditions and Emergencies (SWCE)?**
- 11A** If the Governor makes the decision to close State offices due to an SWCE which may affect State employees and in any way alters their work schedules, an email is sent to all State employees alerting the employee of the current SWCE status.

In addition, employees who have subscribed to the Delaware Notification Service

via the SWCE website (<http://de.gov/closings>) will be notified by the method (email, text and/or phone) they chose when registering. Local radio and television stations are also notified via email.

Employees are encouraged to register for SWCE notifications, visit the SWCE website, and listen closely and carefully to their local radio and/or television stations for pertinent information about cancellations or late openings among State agencies.

Official Severe Weather Conditions and Emergencies (SWCE) Announcements:

Information pertaining to delays or closings due to adverse weather is provided to the local media. While every effort is made to provide this information to the media as quickly as possible and in an accurate format, we cannot guarantee the timeliness or method of posting that the various local media use. The State's current SWCE website (<http://de.gov/closings>) is kept up-to-date with information pertaining to delays or closings due to adverse weather. (Please remember to refresh your computer when viewing the website.) For those without computers, we recommend that you check with your agency to determine if it has a back-up or other recommended methods to obtain this information.

**12Q What happens if I am on leave during a State office closing due to Severe Weather Conditions and Emergencies (SWCE)?**

**12A** Employees on paid annual, sick, or compensatory leave during a State office closing for an SWCE, and work 8:00 a.m. to 4:30 p.m. regular business hours will have their leave records adjusted upon return to work. Employees are not charged leave time during a State office closing for SWCE with the exception of employees who work an alternate/flex schedule, as covered in Executive Order Twenty-eight (EO 28).

**13Q Are casual/seasonal employees compensated if they cannot attend work during a State office closing due to Severe Weather Conditions and Emergencies (SWCE)?**

**13A** Casual/seasonal employees are paid for hours worked. These employees should speak to their supervisors to determine what they should do during a closing due to SWCE. Supervisors are encouraged to have the employees make up the hours during the same pay period if operationally possible.

**14Q If I am working an alternate/flex or compressed schedule, how would a State office closing due to Severe Weather Conditions and Emergencies (SWCE) affect me?**

**14A** All non-essential employees on an alternate or compressed schedule shall have their time adjusted in accordance with that schedule and other applicable rules

and regulations whenever there is an SWCE.

If an employee is scheduled to work less than 7.5 or 8 hours that day, then s/he does not get credited anything extra if the State closes. If s/he is scheduled to work more than 7.5 or 8 hours and does not have to report to work, then s/he gets the benefit of being off all day. The only time adjustments necessary around flexed or compressed schedules is when the employee was already on approved leave for the day.

An example would be an employee on an alternate work schedule whose scheduled hours are from 7:00 a.m. to 4:30 p.m. rather than 8:00 a.m. to 4:30 p.m. daily, and the Governor issues an announcement for the State to be closed that day during regular business hours. The employee who reports at 7:00 a.m. is not expected to come to work at 7:00 a.m. and leave at 8:00 a.m. On that day, the employee gets the benefit of the entire day off without being charged leave. However, if the employee is already out on approved leave, s/he is charged leave for the first hour, but not for the rest of the day.

**15Q What happens if the police or other emergency personnel prevent an Essential employee from reporting to work?**

**15A** Essential employees must notify the police or other emergency personnel that they are on their way to work and are Essential employees. If they are still unable to report to work, they must immediately notify their supervisor and will not be charged for the absence.

**16Q What happens if mass transit stops running but the Governor has not closed State offices due to Severe Weather Conditions and Emergencies (SWCE)? Must I use my own leave time if I cannot make it to work?**

**16A** Essential employees must immediately notify their supervisors anytime they anticipate arriving late and/or if they are unable to make it to work. Employees are required to request use of appropriate accumulated leave. Failure to do so in a timely fashion could result in the denial of a leave request and, possibly, corrective action.

**17Q What happens if the Governor declares a State of Emergency due to a natural or man-made disaster but does not issue an SWCE?**

**17A** The Governor only closes State offices if there is a specific need to do so. In general, if an employee lives or works in the affected area and encounters difficulty getting to work due to the disaster or emergency, the employee is to contact his/her supervisor, inform his/her supervisor of the impending lateness and state the expected time of arrival for work. Reasonable delay (not to exceed two hours) in arriving at work due to poor travel conditions will not be a basis for charging annual leave.

A declared State of Emergency does not necessarily mean that State offices will be closed or an SWCE will be issued. Please check <http://de.gov/closings> or the previously mentioned media sources for closings/delays.

**18Q If I reside outside Delaware and the Governor of the state where I reside declares the equivalent of a State of Emergency, closes roads, etc., am I excused from work in my Delaware State job with pay?**

**18A** No, the Governor of Delaware only has jurisdiction and control over Delaware. If the Governor of Delaware has not closed the Delaware State office where you work, you are expected to report to work as scheduled. If you are unable to do so, you are expected to notify your supervisor and follow standard call-out procedures. You may request to use available annual leave or compensatory time.

**19Q If the Governor closes State of Delaware offices in one county and excuses employees that live or work in that county from work that day, am I also excused if I must travel through that county to get to my job assignment in a different county?**

**19A** If the Governor has not closed the roads to non-essential employees in the county in which you live or work, then you are expected to report to work as scheduled. However, if in the course of driving to work an employee is specifically prevented by the police or other emergency personnel from traveling to his/her work site due to a natural or man-made emergency, the employee shall immediately notify his/her supervisor of the obstruction and shall be excused from reporting and not charged for the absence.

Employees who are required to work but who do not report to work for any other reason shall immediately notify their supervisors and shall not be paid for the absence. Employees in this category may request approval to use annual leave, accumulated compensatory time, if any, or have their pay docked. Employees should not assume leave will be granted and may be subject to disciplinary action if approval is not received for the absence.

Additionally if a natural or man-made emergency forces any employee to be late for work, the employee shall contact his/her supervisor, inform the supervisor of the impending lateness, and state the expected time of arrival for work.

Reasonable delay (not to exceed two hours) in arriving at work due to poor travel conditions will not be a basis for charging annual leave.