

HR/LR Policy number #1437

Emergency Closure of State Agency Facilities

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Former AP: AP 5.4 Time Off on Emergencies (03/21/11)
Date Revised: N/A
Authority: Enterprise Human Resources

OVERVIEW

Objective

Provide standards and expectations to state agencies regarding closure of facilities during a natural or human-made emergency.

Policy Statement

The State of Minnesota must ensure the delivery of services during a natural or human-made emergency. Only the Commissioner of Minnesota Management and Budget (MMB) has the statutory authority to grant emergency paid leave to employees due to a natural or human-made emergency.

Executive Branch agencies may close their facilities; however, agencies must consult with MMB unless it is not feasible to do so because of the emergency circumstances. Executive Branch agencies cannot pay emergency paid leave to employees affected by a natural or human-made emergency without the approval of the Commissioner of MMB.

Scope

This policy applies to:

- All employees of executive branch agencies (M.S. 43A.02, subds. 2 & 22) and
- Classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employees Retirement Association, and Teachers Retirement Association (M.S. 43A.04, subd. 1(a)).

Definitions and Key Terms

Key Term	Definition
<i>Agency</i>	A department, commission, board, institution, or other employing entity of the civil service, in which all positions are under the same appointing authority.
<i>Commissioner</i>	The Commissioner of MMB or designee.
<i>Continuity of Operations Plan</i>	The plan developed and implemented by each state agency to continue priority services during any event or emergency that would threaten to disrupt those services.
<i>Critical Priority Services</i>	Priority 1 and 2 services determined necessary by an agency head or designee that must be provided during any situation.

Exclusions

- Minnesota State Colleges and Universities employees are excluded. Presidents of Minnesota State Colleges and Universities have statutory authority to excuse their employees from duty with full pay, under guidelines established by the Board of Trustees of the Minnesota State Colleges and Universities.
- Employees who are required by their agency to work in a critical priority service.

Statutory References

Minn. Stat. § 43A.05, subd. 4 Time off in emergencies

GENERAL STANDARDS AND EXPECTATIONS

I. Closing State Facilities Due to a Natural or Human-Made Emergency

- a. Agency facility closure decision
 - i. An agency may choose to close a facility in consultation with MMB. If it is not feasible for the agency to consult with MMB prior to closure because of the emergency circumstances, the agency must consult with MMB as soon as practicable after the closure decision.
 - 1. The agency can choose to close a facility if it does not impact its ability to maintain critical priority services and it is determined that the emergency:
 - (a) May impact the safety or health of employees or the customers they serve
 - or-
 - (b) Has made it impossible for employees to provide services
 - ii. Even if an agency decides to close a facility, employees are not entitled to emergency paid leave unless emergency paid leave is authorized by the MMB Commissioner.
 - iii. Employees who perform critical priority services may be required to work even if the facility is closed.
 - iv. If the agency facility is closed but the MMB Commissioner does not authorize emergency paid leave, in consultation with their supervisor, employees who do not perform critical priority services shall cover the absence with one of the applicable following items:
 - 1. Telework.
 - 2. Work from an alternative facility.
 - 3. Vacation leave.
 - 4. An adjusted work schedule.
 - 5. Compensatory time.
 - 6. Leave without pay.
- b. MMB facility closure decision
 - i. MMB may close state facilities in a geographic area if:
 - 1. Critical priority services are adequately staffed.
 - 2. The Commissioner of MMB, in consultation with the Commissioner of Public Safety, decides that continued operation during an emergency event would threaten individuals' health or safety.

II. Emergency Paid Leave

- a. Requesting Emergency Paid Leave
 - i. Agencies may request MMB approval for emergency paid leave by:
 - 1. Submitting supporting documentation with the reason for the facility closure to the MMB Enterprise Continuity Director.
 - 2. If the MMB Commissioner approves emergency paid leave:

- (a) Emergency paid leave shall not exceed 16 hours for the declared emergency unless the Commissioner authorizes a longer period.
 - (b) Individuals authorized to telework, or who have the means to work from home or from an alternative site, or who are on a pre-approved leave (e.g., vacation, FMLA, sick) are generally not eligible for emergency paid leave.
 - (c) Employees who report to work and are sent home on authorized emergency paid leave shall not be paid for more than their regularly scheduled hours.
 - (d) Employees who are required to work during the emergency are not eligible for emergency paid leave.
- b. Emergency Paid Leave Coding
- i. Agencies shall instruct employees to record authorized emergency paid leave time as “MSL” on their timesheet. They must also note in the Comments section "Weather Emergency" or "Emergency Situation".

RESPONSIBILITIES

Employees, agencies, and MMB all have responsibilities during emergency situations.

Employees are responsible for:

- Providing and keeping their emergency contact information current in Self Service.
- Determining if their assigned facility has been closed prior to their work shift by:
 - Listening to local radio and television stations.
 - Reviewing MMB’s emergency website mn.gov/mmb/be-ready-MN
 - Following any agency-specific emergency procedures.
- If the facility is closed and the employee is not assigned to perform critical priority services, the employee should:
 - Not report to the facility until they are given guidance or a “return to work” directive.
 - Follow agency instructions for returning to work after the emergency has ended.
 - Follow agency communication protocols for emergencies.
- If the facility is not closed, the employee should:
 - Take personal responsibility for their own health and safety.
 - Discuss with their supervisor how to address any absence according to this policy or any agency-specific procedure/policy.

Agencies are responsible for:

- Adopting this policy. However, agencies may develop additional agency-specific sections and supplemental forms that are consistent with this policy and the law and approved by MMB.
- Instructing employees on this policy, including that emergency paid leave may not be granted for all emergency events, nor to all employees.

- Determining the extent of an emergency and consulting with MMB on the need to activate the agency Emergency Operations Plan, or Continuity of Operations Plan.
- Consulting with MMB to determine if facilities should remain open or be closed.
- Ensuring the continuation of critical priority services.
- Addressing special circumstances (*e.g.*, road closures) that may occur when employees assigned to provide critical priority services are not able to report to work. MMB should be consulted for the appropriate course of action.
- Keeping current emergency contact lists used by the agency and MMB for providing notification of facility closings and other emergency notices.
- Requesting MMB to authorize emergency paid leave for eligible employees.
- Assigning employees alternative work or to alternative work sites (*e.g.*, telework) where appropriate.
- Consulting with MMB to try to synchronize office closure efforts for agencies with shared office space.

MMB is responsible for:

- Declaring a facility closure when the Commissioner of MMB, after consultation with the Commissioner of Public Safety, determines that continued operation during an emergency event would threaten individuals' health or safety.
- Notifying agencies with facilities in the geographic location of the closure decision.
- Consulting with agencies on the extent of an emergency event and the need to activate agency Emergency Operations Plan or Continuity of Operations Plan.
- Reviewing agencies' requests for emergency paid leave, and authorizing emergency paid leave if the Commissioner of MMB determines that emergency paid leave is appropriate under M.S. § 43A.05, subd. 4.
- Determining when to reopen facilities.

REFERENCES

1. M.S. § 43A.05, subd. 4 - Time Off in Emergencies
2. Collective Bargaining Agreements and Compensation Plans
3. Agency Continuity of Operations Plans
4. HR/LR Memo # 2019-1 Emergency Closure of State Agency Facilities - FAQ

CONTACTS

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