

HR/LR Memo # 2019-1

## Emergency Closure of State Agency Facilities - FAQ

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### GENERAL GUIDANCE AND INFORMATION FAQs

The State of Minnesota must ensure the delivery of services even during times of adverse conditions caused by a natural or human-made emergency. Agencies often have questions about service interruptions as a result of these emergencies. The following are answers to some commonly asked questions.

#### **Who has the authority to declare a facility closure?**

The Commissioner of MMB and state agencies both have the authority to close facilities. Agencies must consult with MMB prior to closing a facility. If it is not feasible to do so because of the emergency circumstances, the agency must consult with MMB as soon as practicable after the closure decision.

Only the MMB Commissioner has the authority to grant emergency paid leave to employees due to a natural or human-made emergency.

#### **What conditions does MMB assess to determine whether to close a facility?**

Several conditions must exist before MMB closes a state facility as a result of a natural or human-made emergency. The MMB Commissioner consults with several agencies and individuals to assess conditions. These agencies and individuals may include the:

- MMB Enterprise Continuity Director
- Department of Public Safety, including the State Patrol
- Department of Transportation
- National Weather Service
- Agency Heads
- Local law enforcement

#### **Can only the MMB Commissioner close an agency facility?**

No, an agency head can choose to close a facility for a natural or human-made emergency, if it does not impact its ability to maintain critical priority services and it is determined that the emergency:

- May impact the safety or health of employees and the customers they serve
- or-
- Has made it impossible for employees to provide services

The MMB Enterprise Continuity Director must be consulted if continuity of operations plans are activated. If it is not feasible for the agency to consult MMB prior to the closure because of the emergency circumstances, the agency must consult with MMB as soon as practicable after the closure decision.

### **Which facilities can be closed?**

Executive Branch facility closures can be statewide or be limited to a specific location or area in the state.

### **Which state agency employees are affected by MMB-declared facility closures?**

All state agency employees in the Executive Branch EXCEPT:

- Minnesota State Colleges and Universities employees are excluded. Presidents of Minnesota State Colleges and Universities have statutory authority to close their campuses, under guidelines established by the Board of Trustees of the Minnesota State Colleges and Universities.
- Employees who are required by their agency to continue to provide critical priority services or other services during any emergency.

### **Who authorizes payment to employees who cannot work due to a facility being closed?**

Only the MMB Commissioner has the authority to grant emergency paid leave to employees as a result of a facility closure related to a natural or human-made emergency. Even though a facility is closed, employees are not entitled to emergency paid leave unless emergency paid leave is authorized by the MMB Commissioner.

### **What if a closure is declared, and an employee works at an alternate work site, including from home?**

If an employee is authorized to telework or has the means to work from home or an alternative site, the expectation is that they will continue to work if the natural or human-made emergency does not prevent them from safely performing work at their alternate work site or remote work location. An exception to this would be if the emergency creates a condition which would not allow the employee to work in compliance with law or statewide or agency policy.

### **If an employee is on a pre-approved leave during a facility closure can the leave be substituted for emergency paid leave granted by MMB as a result of a closure declaration?**

Generally, emergency paid leave will not be substituted for pre-approved leave. However, there may be some unusual circumstances for which MMB will consider substitutions. Those situations will be reviewed on a case-by-case basis.

### **What if an employee's assigned work location is open but the employee cannot report to the assigned work location due to a natural or human-made emergency?**

If an employee is unable to report to their assigned work location due to a natural or human-made emergency in the area they are traveling from, the employee should contact their supervisor to report their situation. The employee can then decide with their supervisor to use accrued vacation leave, telework, flex time, or leave without pay to cover the work day.

## **REFERENCES**

1. Minn. Stat. § 43A.05 Subd. 4 Time off in emergencies
2. HR/LR Policy number #1437 Emergency Conditions Closure
3. Agency Continuity of Operations Plan and Procedures
4. [Be Ready MN](#)