


DELAWARE
TECHNICAL  COMMUNITY
COLLEGE

MEMORANDUM

TO: Board of Trustees
FROM:  Michael Y. Brainard, President
DATE: October 20, 2022
RE: Request to Amend the Personnel Policy Manual Regarding Severe Weather and
Emergency Conditions

The policy regarding severe weather and emergency conditions was last updated in 2006. Since that time, and in response to the global pandemic, the College purchased and provided most employees with a “virtual briefcase” which included a laptop, monitor, docking station, and other equipment, enabling them to perform their job duties remotely, when necessary or when operationally feasible. As a result of this initiative, most of our employees are now able to access their work remotely; therefore, a collegewide or campus closure, due to severe weather conditions or other emergency condition, no longer impacts the ability of many employees to perform their job duties.

In summary, employees who are deemed “essential” will be required to work onsite to assist the campus with meeting its emergency operational needs. Employees who are deemed “non-essential” will be required to perform their job duties remotely, if remote work is available to them. Employees who are “non-essential” and no remote work is available to them, due to their specific job duties, will be paid for the hours they were scheduled to work during the time of the emergency.

In an effort to further clarify how this change impacts the obligations of employees, both essential and non-essential, during a severe weather or emergency situation, I have proposed a revision to policy 6.04 Severe Weather and Emergency Conditions, for your consideration and approval. The current policy (in black) as well as the proposed policy (in red) are outlined below for your convenience and reference. Thank you for your consideration of this request.

CURRENT POLICY - 6.04 SEVERE WEATHER AND EMERGENCY CONDITIONS

In the event of severe weather conditions or other natural or man-made emergencies, decisions regarding campus closings (including late openings) will be made on a county-by-county basis by the respective Vice President and Campus Director. If a severe weather condition or other natural or man-made emergency develops during working hours, Vice Presidents and Campus Directors may allow their non-essential employees to leave work early. No loss of pay or utilization of accumulated leave or compensatory time will occur in the event of early dismissal for this reason.

1. Obligation of Employees

The respective Vice President and Campus Director shall indicate whether campus closings pertain to both staff and students, or to students only. If a severe weather condition or other 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 in arriving at work due to poor travel conditions will not be a basis for charging annual leave or accrued compensatory time.

2. Essential "Report When Contacted" Employees

An essential employee is defined as one who is indispensable to the emergency service function of the campus and is required to assist the campus in meeting its emergency operational needs. Any other employee can be requested to report to work when there is a compelling and justifiable operational reason.

Vice Presidents and Campus Directors, or their respective designee, shall name employees as essential depending upon their necessity in carrying out the emergency service responsibilities of the campus. These employees shall be notified accordingly in writing, and a list of these essential employees is to be posted in a conspicuous location.

The essential employee roster may not be changed after a state of emergency has been declared, except in those extraordinary situations which could not be foreseen where the Vice President and Campus Director determines a change is necessary to carry out the emergency service responsibilities of the campus or is in the best interest of the campus. An employee whose essential status is changed after a state of emergency is declared shall be so notified in person or by telephone by the Vice President and Campus Director, (President for the Office of the President) or his/her designee. However, the status of an employee designated essential at the time an emergency is declared and who reports to work during the emergency, shall not be changed with respect to that emergency. Depending on the type of emergency, the Vice President and/or his/her designee may exempt certain groups of essential employees.

If an essential employee is required to work but is specifically prevented by the police and/or other emergency personnel from traveling to his/her work site due to a severe weather condition or other natural or man-made emergency, and after notifying such emergency personnel of his/her essential status, the employee shall immediately notify his/her supervisor of the obstruction. If a State of Emergency is declared by the Governor for the area in which the employee/campus is located preventing travel on State roadways the employee shall be excused and not charged for the absence. An employee who is required to work but who does not report to work for any other reason shall immediately notify his/her supervisor and shall not be paid for the absence. An employee in this category, however, may request to use annual leave or accumulated compensatory time; however, the employee cannot assume that it will be granted and may be subject to disciplinary action if approval is not received by the Director of Administrative Services, or his/her designee, and they do not report to work. Before approving pay for after-the-fact sick leave during a declared emergency, the Vice President and Campus Director may require either a physician's certificate and/or a written statement by the employee setting forth the reason for the absence. All determinations as to whether leave will be approved or whether there will be docking and/or disciplinary action will be made on a case-by-case basis taking into consideration the totality of circumstances preventing the employee from reporting to work.

Essential employees who are required to work are entitled to compensation at their regular hourly rate plus equal time off for all hours worked during the normal workday or shift (7-1/2 hours). Such employees who work additional hours within the same workday shall be compensated for these hours in accordance with existing rules and personnel policies governing overtime payment with the exception that all paid absences are to be included as hours worked (i.e. annual, sick, compensatory time, etc.).

3. Record Keeping Requirements for Sick and Annual Leave

Any essential employee, who is on sick leave or annual leave during a declared severe weather or other natural or man-made emergency, shall not be charged leave for the duration of the emergency. Upon the employee's return to work from sick leave or upon his/her return to work from approved annual leave, the employee's leave records will be credited accordingly. (Revised June 6, 2006)

PROPOSED POLICY - 6.04 SEVERE WEATHER AND EMERGENCY CONDITIONS

In the event of severe weather conditions or other natural or man-made emergencies, decisions regarding campus closings or delays will be made on a county-by-county basis by the respective vice president and campus director. If a severe weather condition or other natural or man-made emergency develops during working hours, vice presidents and campus directors may allow their non-essential employees to leave work early. No loss of pay or utilization of accumulated leave or compensatory time will occur in the event of a closure, delay or early dismissal for this reason.

Employees who live in a county where a campus closes or has a delay, but work at a campus location that does not have a closure or delay, are expected to report to work at their normal time. However, employees may use annual or compensatory leave upon notification to supervision.

Employees who live out of state, where a state of emergency has been declared in their home state, city or local municipality, are expected to report to work as scheduled. However, employees may use annual or compensatory leave upon notification to supervision.

Obligation of Employees

If a severe weather condition or other natural or man-made emergency forces any employee to be late for work, the employee must contact their supervisor, inform the supervisor of the impending lateness, and state the expected time of arrival for work. A reasonable delay in arriving at work due to poor travel conditions will not be a basis for charging annual leave or compensatory time.

Essential Employees

An essential employee is defined as one who reports to work onsite at a campus for work that is essential to the emergency service function of the campus and is required to assist the campus in meeting its emergency operational needs. Any employee can be requested to report to work when there is a compelling and justifiable operational reason.

Vice presidents, or their respective designee, shall designate employees as essential depending upon their necessity in carrying out the emergency service responsibilities at the campus location. Depending on the type of emergency, the vice president or their designee may designate essential employees depending on the nature of the emergency. This designation will be communicated as soon as operationally feasible.

If an essential employee is required to report to work onsite, but is specifically prevented by the police and/or other emergency personnel from traveling to their work site due to a severe weather condition or other natural or man-made emergency, and after notifying such emergency personnel of his/her essential status, the employee shall immediately notify his/her supervisor of the obstruction. If a State of Emergency is declared by the Governor or other authority, preventing roadway travel, the employee shall be excused and not charged for the absence.

An essential employee who is required to work onsite, but who does not report to the campus location shall immediately notify their supervisor and shall not be paid for the absence. Alternatively, an employee in this category may request to use annual leave or accumulated compensatory time; however, the employee cannot assume that it will be granted and may be subject to disciplinary action if approval is not received by the supervisor. Before approving pay for after-the-fact sick leave during a declared emergency, the vice president may require either a physician's certificate and/or a written statement by the employee setting forth the reason for the absence. All determinations as to whether leave will be approved or whether there will be docking and/or disciplinary action will be made on a case-by-case basis taking into consideration the totality of circumstances preventing the employee from reporting to work.

Essential employees who are required to work onsite are entitled to their regular hourly rate for all hours worked during their scheduled workday. Such employees who work additional hours beyond their scheduled workday shall be compensated for these hours in accordance with the overtime policy.

Non – Essential Employees

A non-essential employee is one who is identified as providing work that is not essential to maintaining onsite College operations and is, therefore, not required to report to their work site under emergency conditions, as determined by the respective vice president.

Employees who are not required to report to work onsite during emergency conditions but have the ability to work remotely are expected to perform their regularly assigned duties, even if their work site is closed due to emergency conditions.

Employees for whom remote work is not available due to their specific job duties, but are not designated as essential, should not report to their work site and will be paid for the hours they were scheduled to work during the time of the emergency.

(Revised October 20, 2022)