

## **Personnel Rule 3.9 - Compensation Conditions for Inclement Weather and Disaster Response**

### **3.9.0 Authority**

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-Making Authority

SMC 10.02.090 and subsequent revisions thereto, Seattle Human Resources Director to register employees and volunteers

Executive Order on Inclement Weather—Compensation, revised 12/07/98

Citywide Emergency Management Policy, dated 12/23/96

WAC 118-04 Emergency Worker Program

RCW 38.52 Emergency Management

### **3.9.1 Definitions**

- A. "Adjusted work schedule" shall mean a temporary change to an hourly employee's schedule to permit him or her to make up work hours missed on one or more days during a workweek by working additional hours on other days during the same workweek, without incurring an overtime obligation.
- B. "Appointing authority" shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City, or a designated management representative. The term includes and can be used interchangeably with department head, department director, superintendent or chief.
- C. "Disaster Readiness and Response Plan" shall mean the Citywide plan that encompasses the policies, information and guidance used by City officials for making operational decisions to increase Seattle's ability to deliver timely and efficient emergency services.
- D. "Emergency Operations Center" shall mean a central command center used by City officials and other support agencies to provide a coordinated response to major emergencies and disasters.
- E. "Essential personnel" shall mean those employees designated by management as such because their work directly supports efforts to maintain or restore public safety and include, but may not be limited to, utility workers, roadway maintenance workers, police officers and firefighters.
- F. "Hourly employee" shall mean an employee who is compensated on an hourly basis for each hour of work performed, including time worked beyond 40 hours in a work week.
- G. "Inclement weather" shall mean severe weather that is accompanied by 1 or more of the following: public school closures, interruption of transit service, blockading

of streets, significant power outages, and/or a mayoral proclamation of the closure or delayed opening of City offices and shops.

- H. "Mutual aid agreement" shall mean a formal agreement between the City and another political entity or agency providing for the temporary utilization by one jurisdiction of employees from the other jurisdiction for emergency response purposes.
- I. "Regularly appointed employee" shall mean an individual with an exempt, probationary or regular appointment to a position of City employment.

### **3.9.2 Application of this Rule**

- A. This Rule applies to regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the collective bargaining agreement.
- C. This Rule does not apply to individuals who are employed under the terms of a grant that includes compensation provisions that are inconsistent with this Rule.
- D. This Rule does not apply to individuals hired by the City on a temporary, intermittent or seasonable basis, or for a work schedule of fewer than 20 hours per week, nor does it apply to individuals hired under contract to the City. These individuals are subject to all applicable federal, state and City laws.
- E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing units, provided that such procedures do not conflict with the provisions of this Rule.

### **3.9.3 Compensation Conditions for Inclement Weather**

- A. When inclement weather does not warrant a Mayoral proclamation of office closure or delayed opening, but individual employees decide not to report to work due to their own safety concerns, transportation problems or dependent care issues, the following compensation conditions shall apply:
  - 1. Employees must notify their supervisors as soon as possible of their decision not to report to work.
  - 2. Time loss incurred by an employee due to inclement weather may be charged against vacation, compensatory time, personal holidays, other appropriate leave balances, or time off without pay. Sick leave cannot be used to cover time loss incurred by the employee except if the employee is able to establish to his or her supervisor's satisfaction that there is a bona fide reason for sick leave use.
  - 3. At his or her supervisor's discretion, an hourly employee may make up lost time through an adjusted work schedule, but under no circumstances shall this result in the employee becoming eligible for overtime compensation.

- B. In the event the Mayor declares that City offices and shops are closed, or office and shop openings are delayed, due to inclement weather, the following compensation conditions shall apply:
1. Those employees who have been designated by management as essential personnel shall report to their work sites according to the work schedules established for them. They shall be paid for hours worked as provided by the governing ordinance, rule or collective bargaining agreement.
  2. The purpose of closing City offices or delaying their opening is to allow essential personnel to perform their tasks without the unnecessary interruption of traffic and resulting risk to public safety. Therefore, employees who have not been designated as essential personnel shall not report to work, whether or not they are able to do so, as long as City offices are designated as closed. Their time loss may be covered by vacation, compensatory time, personal holidays, other appropriate leave balances, or time off without pay. Sick leave cannot be used to cover time loss due to City closure unless the employee is able to establish to his or her supervisor's satisfaction that there is a bona fide reason for sick leave use.
  3. In the event of a delayed opening of a City office or shop, employees should not attempt to arrive at work significantly in advance of the announced opening time, in order to allow essential personnel to perform their jobs. Employees will be paid from the time of the official opening, or from the time they arrive at work, whichever is later, until their departure. The difference between what they are paid for the delayed opening day and their regular wages may be charged against vacation or other appropriate paid leave balances, may be unpaid or, with their supervisor's approval, may be made up by an adjusted work week during the remainder of the work week in which the delayed opening occurs.
  4. The Mayor's Office will make every attempt to announce a City closure or delayed opening as far in advance as possible. When notification occurs less than 4 hours prior to an employee's normal start time and the employee, as a direct result of such short notice, arrives at his or her work location and chooses to remain and work, he or she must locate a management representative onsite. The management representative may authorize the employee to perform work if he or she reasonably determines that there are appropriate duties to assign to the employee. The work assigned must not interfere with essential personnel performing their jobs. In addition, this provision notwithstanding, employees who have not been identified as essential for purposes of this Rule are expected not to report to work in the event of a closure or delayed opening.
- C. When inclement weather or other emergency conditions (e.g., power outage, flooding, etc.) require the early closure of a City office or work site, supervisors shall determine whether employees can be redeployed to other City facilities to complete their workday. If employees must be sent home early, they shall receive their regular wages for the portion of the workday completed. The remainder of the workday may be charged against appropriate paid leave balances or may be

unpaid at the employee's discretion. If at all possible, supervisors shall permit employees to make up lost time provided they can do so without incurring an overtime obligation.

### **3.9.4 Compensation Conditions for Disaster Response**

In the event of a major emergency or disaster requiring the activation of the City of Seattle's Disaster Readiness and Response Plan and Emergency Operations Center (EOC), City employees may or may not be required to carry out normal job duties or pre-assigned emergency response tasks. In some cases City employees may be called into service to work in jobs and in locations other than where they are normally assigned. Some City employees may serve as emergency workers on a volunteer basis with another city or municipality. In the event of an emergency or disaster requiring the activation of the Disaster Readiness and Response Plan and the Emergency Operations Center, employees shall be compensated as follows:

- A. Employees who report to their regular work locations to perform their normal tasks as instructed shall receive their regular rate of pay while so engaged.
- B. Employees who report to their regular or another work location to perform pre-assigned tasks in accordance with their department's emergency operations plan shall receive their regular rate of pay while so engaged, or may be eligible for out-of-class pay as determined by the appointing authority.
- C. Employees who cannot report to their regular or emergency work location, but who obtain approval from a designated management representative to perform tasks for another agency or jurisdiction with which the City has a mutual aid agreement shall receive their regular rate of pay while so engaged, or may be eligible for out-of-class pay as determined by the appointing authority.
- D. Employees who cannot report to their regular or emergency work location, nor to an agency or jurisdiction with which the City has a mutual aid agreement, may serve as volunteers for another agency or jurisdiction and may be eligible for compensation under Washington State's Emergency Worker laws.
- E. City employees who choose not to report to work in circumstances contemplated by this Rule shall charge their time loss against appropriate paid leave balances or may be unpaid at the employee's discretion. Sick leave cannot be used to cover time loss caused by an emergency or disaster unless the employee is able to establish to his or her supervisor's satisfaction that there is a bona fide reason for sick leave use.
- F. Regularly appointed employees who are released from work or who are instructed not to report for work in circumstances contemplated by this Rule shall have their time loss covered as determined by the Mayor under the authority granted to him or her by State law. The Mayor's decision to provide full or partial regular compensation to employees who are released from work or who are instructed not to report to work may include consideration of some or all of the following criteria:
  - 1. The length of time that employees are directed not to report for work;

2. The City's ability to reschedule work and/or relocate employees so that they may make up missed work time within the appropriate work week, if hourly, or pay period, if salaried;
  3. Whether or not employee layoffs are likely as a direct result of the emergency or disaster;
  4. The City's ability to pay;
  5. Other factors as appropriate.
- G. An employee who is on scheduled and approved leave during any period of time covered by this Rule shall have their time deducted from the appropriate paid leave balance unless he or she reports to work in response to a management directive.