

811. Hazardous Conditions Policy Revised: December 21, 2011; **March 16, 2020;**
May 12, 2021

- .1 Because of the critical nature of the public services the City provides, circumstances rarely warrant closing of City offices. However, each employee needs to make a personal judgment pertaining to his/her personal safety in traveling to and from work, understanding that any absences puts a greater burden on those employees that come to work despite difficult conditions. This policy will apply whenever there is a hazardous condition to insure the public continues to receive necessary services and to provide for the safety and well-being of City employees. This policy is applicable only to non-sworn employees.

Definitions

- .11 Hazardous Condition - is a situation or condition the Mayor finds constitutes an immediate potential threat to the life, health, safety, and/or welfare of the City's employees or to the life, health, safety, and/or welfare of the inhabitants of the City. Each Hazardous Condition is a separate and unique condition.
- .111 A pandemic or other widespread infectious disease with an impact on society is included in the definition of Hazardous Condition.
- .112 Isolation – means to separate sick people with a contagious disease from people who are not sick
- .113 Quarantine – is a restriction of movement on persons who may have been exposed to an infectious disease but who do not have a confirmed medical diagnosis.
- .12 Adverse Driving Condition - is a circumstance in which the Mayor finds the condition of the roadways constitutes an immediate potential threat to the life, health, safety, and/or welfare of the City's employees or to the life, health, safety, and/or welfare of the inhabitants of the City. Each Adverse Driving Condition is a separate and unique condition.
- .13 Required Hazardous Condition Personnel - are those non-sworn employees deemed by their department heads to be necessary to the work of the City during the time a Hazardous Condition or an Adverse Driving Condition has been declared. Nothing contained herein shall limit the authority of the Mayor or a department head to require personnel to report to any City or non-City work site including telecommuting (see PPPM 816) or to require any employee to undertake additional duties in response to the declared condition. Assignment as Required Hazardous Condition Personnel shall be considered a condition of employment.
- .14 Non-Required Hazardous Condition Personnel - are those non-sworn employees not required by their department heads to report to work during the time a Hazardous Condition has been declared.

- .15 Regular Working Hours - are the periods of time during which an employee is regularly scheduled for work.
- .16 Emergency Leave Policy - allows Non-Required Hazardous Condition Personnel, with the permission of their supervisors, to make unscheduled use of their accrued vacation leave, compensatory time or Floating Holidays or to use leave without pay (LWOP) immediately before or after the time that a Hazardous Condition is declared or during the time an Adverse Driving Condition is declared.
 - .161 Floating Holidays used under the Emergency Leave Policy must be expended in whole day increments.
- .17 Hazardous Condition Leave - provides non-sworn employees paid leave during the time in which a Hazardous Condition has been declared by the Mayor, for a period of time as declared by the Mayor.
 - .171 Use of Hazardous Condition Leave will be reviewed on a periodic basis.
 - .172 Use of Hazardous Condition Leave in excess of eighty (80) hours for a single hazardous condition event may result in the reduction of base pay by one-third (.33).
 - .1721 Hazardous Condition Leave pay which is reduced under .172 may be supplemented by another appropriate paid leave so that an employee receives full pay.
- .18 Eligibility for Hazardous Condition Leave may include any employee whose ability to perform their basic job responsibilities is impacted by, but not limited to, the following:
 - .181 Exposure to an infectious disease during a pandemic.
 - .182 Quarantine.
 - .183 Isolation
 - .184 Care for self or household members which is related to the Hazardous Condition.
 - .185 Closure of or imposition of staff reduction at a City facility.
 - .186 Inability to work remotely.
 - .187 Inability to work due to a critical equipment, system, or network failure.

.2 Authority and Procedure

- .21 The Mayor or designee may declare, verbally or in writing, the existence of a Hazardous Condition or an Adverse Driving Condition and take the actions deemed prudent and necessary under such condition. The Mayor's actions may include instituting an Emergency Leave Policy for Non-Required Hazardous Condition Personnel; altering or reducing Regular Working Hours for Non-Required Hazardous Condition Personnel; requiring or allowing employees to work remotely; causing or allowing departments, divisions, and/or specific work locations to be closed or to operate with reduced personnel when such personnel are not required to respond to the Hazardous Condition; ordering employees to report to duty outside of Regular Working Hours; and providing such other extraordinary responses as the Mayor or designee deems essential.
- .22 Required Hazardous Condition Personnel
 - .221 Non-Exempt employees who have been designated as Required Hazardous Condition personnel will be paid at their regular rate for all hours worked during the period of time the Hazardous Condition is in effect.
 - .222 Exempt employees who have been designated as Required Hazardous Condition personnel and who are required to work during such periods as a condition of employment will receive their regular rate of pay only.
- .23 Provision for Leave Time
 - .231 Collective Bargaining Agreements to Apply. FLSA non-exempt employees required to work beyond their regular work schedule during a declaration of a Hazardous Condition or an Adverse Driving Condition shall receive such compensation for hours actually worked as is provided in their respective collective bargaining agreements, where applicable, or in the Personnel Policies and Procedures Manual.
 - .232 Hazardous Condition - Paid Leave for Non-Required Personnel. When a Hazardous Condition is declared, and the Mayor authorizes reduced working hours for Non-Required Hazardous Condition Personnel, such personnel may be granted Hazardous Condition Leave for the time and under the circumstances authorized by the Mayor or his designee.
 - .233 Provisions for Leave Usage
 - .2331 A Non-Required Hazardous Condition Personnel who reports late for duty after a Hazardous Condition has ended or leaves duty before the Hazardous Condition is declared by the Mayor will be charged Vacation Leave or compensatory time for those hours not authorized by the Mayor. Floating Holidays may also be used but only in whole day increments. If an employee has no accrued paid

leave or the absence is not approved in advance, such employee will be charged leave without pay and may be subject to disciplinary action.

.2332 Leave approved prior to the declaration of a Hazardous Condition shall be counted against leave balances on the day or days a Hazardous Condition is declared in the amounts originally approved, unless the Non-Required Hazardous Condition Personnel is required to report to work that day.

.2333 A Non-Required Hazardous Condition Personnel who is required to work and does not report for some or all duty on such day, may be charged LWOP for the entire period missed and may be subject to disciplinary action.

.2334 Employees serving disciplinary suspension during a Hazardous Condition are not eligible to receive Hazardous Condition Leave.

.2335 Temporary Employees are not eligible for paid leave under this policy. Temporary employees, with the permission of supervisors, may be allowed to flex their hours to make up missed time once the Hazardous Condition is ended. Such flex time may only be used within regular work hours and on regular work days and must be worked within the same work week the time was missed.

.23351 The Mayor may waive .2335 at their discretion.

.2336 The number of hours the City is officially closed during the employees scheduled workday or workweek will be recorded in leave records as Hazardous Condition Leave and will be recorded in the Time and Attendance System as such. Hazardous Condition Leave will not be counted as time worked when computing overtime.

.234 Failure to Report for Duty. Required Hazardous Condition Personnel who fail to report to work may be charged LWOP for the hours they did not report for duty and will be subject to disciplinary action.

.3 Employee Responsibility

Any employee who knows or believes a Hazardous Condition has been declared and is not sure when or if he or she is required to report to work, is responsible for contacting his or her supervisor or another person within the departmental chain of command for instructions on reporting to work.

- .31 The City may designate a reporting procedure for employees when a Hazardous Condition is declared. All employees are required to follow such a procedure and failure to do so may subject them to disciplinary action.
- .32 Any Non-Required Hazardous Condition Personnel whose department or division is closed should not report to work after a Hazardous Condition has been declared, and doing so may subject them to disciplinary action.
- .33 Any City employee may be required to work from home or at a non-City site even if a Hazardous Condition has been declared.
- .34 Non-exempt employees should not work from home or at any non-City site without approval through a process designated by the City. Violations may result in disciplinary action for the employee and/or their supervisor.