

Adverse Weather and Emergency Event Policy

Effective: January 1, 2016

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I. Policy

The University of North Carolina must assure the delivery of critical services to its students, clients, customers, patients, and the general public during a variety of adverse weather and emergency events, and facilitate an orderly transition to more limited operations if conditions make that necessary. Recognizing the varied geographic locations and diversity of University facilities, this policy establishes broad guidelines for how operations may be affected during emergencies and establishes work expectations for employees.

II. Employees Covered

This policy applies to all employees of The University of North Carolina and its constituent institutions who are subject to the State Human Resources Act; it excludes University employees who are exempt from this Act unless otherwise directed by the President of the University.

III. Definitions

The following are definitions of terms used in this policy:

| Term | Definition |
|------------------------|---|
| Adverse Weather | Significant accumulation of snow or ice, high winds, tornados, earthquakes, hurricanes, flooding, and other weather events that can cause a variety of safety risks to employees, students, clients, customers, patients, or the general public and impede the ability of individuals to travel to or from the campus. Such events can also result in significant logistical challenges, including loss of utilities, IT, and other critical infrastructure that may impede the effective and efficient functioning of the institution or one or more of its operating units. |

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| Term | Definition |
|--------------------------------|--|
| Emergency Events | Unusual situations that may adversely impact the University's ability to continue to provide services to clients, customers, patients, students or the general public or may place members of the campus community (including employees) at risk. Such conditions may include criminal acts or terrorism, fire, chemical spills, adverse or toxic odors, biological and public health threats, sustained loss of critical infrastructure (e.g., power, water, heat, and life safety systems), major public transit disruptions, and special directives or restrictions from public safety authorities. |
| Mandatory Employees | Employees whose presence has been determined to be mandatory to University operations during certain types of adverse weather or emergency events. |
| Mandatory Operations | Services that have been determined mandatory to continue during various types of adverse weather and emergency events. Typical examples include: law enforcement and public safety, direct patient care, operating high risk or sensitive research facilities, critical student support services, facility operations, and campus utilities. These services could also include administrative operations that support critical University activities or infrastructure. |
| Non-mandatory Employees | Employees who have not otherwise been designated as mandatory during adverse weather or emergency events. |

IV. Determination of Mandatory Operations

The President, or a Chancellor as the President's designee at a constituent institution, shall predetermine to the extent possible which University operations will be designated as mandatory and therefore remain open and in operational status during particular adverse weather or emergency events. All other University operations shall be considered non-mandatory and may therefore be subject to reduced/suspended operation or closure during these events. These determinations may vary depending on the event type.

V. Mandatory Employees

Mandatory employees are expected to report to or remain at work during adverse weather and emergency events and, if deemed necessary, to work a differing schedule or shift than normally assigned. When required to report to work during these events, the employee is expected to use sound judgment with respect to maintaining personal safety given their individual circumstances, but to also make a substantial and good faith effort to reach the work site in a timely manner.

Mandatory employees should be notified in advance, in writing (or alternatively by electronic means) of this designation. This notification may be accomplished at any point in an employee's service with the University and will be considered an ongoing condition of employment.

The University may also take the unusual measure of "calling-in" employees who are not normally designated as "mandatory" and temporarily assign them to this status, if a specific adverse weather or emergency event is critical enough to require it.

VI. Decision Making and Criteria for Declaring Emergency Condition Levels

The President, or a Chancellor as the President's designee at a constituent institution, is vested with the authority to make decisions regarding changes in campus operational status as a result of adverse weather or emergency events. The Chancellor's determination to cancel classes is a separate decision from his/her authority to declare condition levels described below. **These condition levels may be declared for the entirety of a campus or for one or more specific buildings or operational units based on the scope, severity, and nature of the event.**

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A. Condition 1 (Reduced Operations)

Condition 1 is appropriate when an event has significant potential to or is already negatively impacting local area commuting, important campus services, or the efficient functioning of campus buildings and grounds. In this instance, it may be beneficial for the University to permit expanded flexibility for employees to report to work late, leave early, or not report at all, based on their own personal circumstances.

B. Condition 2 (Suspended Operations)

Condition 2 is appropriate when safety risks or logistical challenges are more severe and there is a substantial interest to have a relatively limited number of individuals travel to or remain at the university. In the event of severe weather events, University officials should consider the totality of factors including National Weather Service alerts and warnings, reported road conditions for major thoroughfares, law enforcement directives, the status of area mass transit, the status of campus utility systems, and executive orders from local government heads or the Governor. The Governor's declaration of a "State of Emergency" or an advisory by the State Highway Patrol to avoid travel does not automatically necessitate suspended operations, but may be an important consideration in reaching a decision on the University's operational status.

C. Condition 3 (Closure)

Condition 3 is limited to events that pose the most severe risks to health and safety or present the most difficult logistical challenges that will severely impede the efficient and effective functioning of the university. Examples include severe weather events which involve substantial numbers of downed trees and/or power lines or uncontrolled flooding over a substantial portion of the local commuting area, substantial and unusual accumulations of snow, ice, or water that risk building stability or safety, or a loss of critical utilities (power, heat, cooling, water, life safety systems). In the event of a loss of utilities, the expected duration of the loss and the feasibility of implementing alternate work sites or logistical arrangements may be a consideration as to whether to declare Condition 2 (*Suspended Operations*) or Condition 3 (*Closure*).

Note: Declaring Condition 3 (*Closure*) for the entirety of a constituent institution for a consecutive period of greater than seventy-two (72) hours requires direct consultation with and approval of the President.

VII. Limited Operations or Closures for Rented or Leased University Facilities

Landlords do not make the decision to limit or close University operations that occupy leased facilities. However, the closure of a building by a landlord will be a factor for University management to consider in deciding the operational status of University units or entities that reside in that building.

VIII. Reporting to Work and Accounting for Missed Work Time

Note: Under all of the Condition levels noted below, supervisors shall facilitate at-home work or alternate work sites whenever feasible and safe. Even so, such arrangements may not be practicable for all types of employees or during every type of adverse weather or emergency event.

A. Condition 1 (Reduced Operations)

The University remains open, but certain non-mandatory operations may be reduced due to more limited staffing. Mandatory employees must report to or remain at work. All other employees have the option to report late, leave early, or not work at all; however, the employee is responsible for informing his/her supervisory chain in a timely manner of all such decisions. **Employees must code available leave for any work time missed during a Condition 1 event (see "Accounting for Time During Limited Operations or Closures" below), unless the supervisor authorized off site work arrangements or the Governor issues an Executive Order permitting leave with pay for any missed work time.**

B. Condition 2 (Suspended Operations)

The University remains open on a very limited basis, but has formally suspended all but mandatory operations due to minimal staffing levels. Employees designated or temporarily assigned as mandatory must report to work as directed; all other employees may not report to work or must leave the workplace when this status takes effect. ***Employees must code available leave for any work time missed during a Condition 2 event (see “Accounting for Time During Limited Operations or Closures” below), unless the supervisor authorized off site work arrangements or the Governor issues an Executive Order permitting leave with pay for any missed work time.***

C. Condition 3 (Closure)

Due to significant and sustained emergency conditions, University facilities are closed; this can apply to the entirety of the university or one or more specific buildings based on the type of incident involved. All or only a limited number of mandatory employees may be directed to remain at or report to work under this condition. This is intended to assure an orderly shutdown of campus facilities and to sustain only the most critical campus utilities and services. All other employees, including those who are otherwise designated as mandatory but not needed for the particular event, are not permitted to report to or remain at work. ***Employees shall not be required to charge leave or make-up any work time missed during a Condition 3 event, unless the duration of the event necessitates a differing decision by direction of the President or by Executive Order of the Governor.***

IX. Accounting for Time during Reduced or Suspended Operations

When an employee misses work time during Condition 1 (*Reduced Operations*) or Condition 2 (*Suspended Operations*), the time shall be accounted for as follows:

- Compensatory time, if available, must be used first.
- If the employee has no compensatory time available, the employee has the option to use annual and/or bonus leave.
- If the employee does not have or choose to use annual and/or bonus leave, the employee will take leave without pay (LWOP).
- The University may, but is not required, to offer employees the option of “make-up” time in lieu of LWOP or paid leave.
 - If “make-up” time is offered, it shall be made up no later than 90 calendar days following the triggering event.
 - “Make-up” time shall not be subject to any premium pay, with the exception of FLSA-mandated overtime, when applicable.
- Employees who are already out on approved leave during an event that triggers any of these conditions will charge the approved sick, annual, compensatory, or bonus leave, with no provisions for LWOP or “make-up” time.
- If the employee transfers to another constituent institution or State agency or terminates from State employment before any allowed “make-up” time is satisfied, this time shall be charged to annual or bonus leave. If there is not sufficient annual or bonus leave to cover the make-up time, the value of the make-up time shall be calculated and deducted from the employee’s final paycheck.

X. Additional Equivalent Time Off (ETO) for Mandatory Employees

FLSA exempt mandatory employees are not eligible to receive ETO. When a non-exempt mandatory employee is required to report to or remain at the work site during Condition 2 (*Suspended Operations*) or Condition 3 (*Closure*), ETO shall be awarded on an hour-for-hour basis as described below.

- ETO is in addition to and does not replace any required FLSA overtime or compensatory time for time worked during an event.
- The ETO must be used within twelve months of the triggering event.

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- The scheduling of the ETO shall be subject to management approval, but every reasonable effort shall be made to permit the employee to use the ETO prior to its expiration.
- At the end of the twelve-month period, any unused ETO shall expire and is not subject to payout.
- Any mandatory or non-mandatory employee who is not required or voluntarily chooses to work at home during Condition 2 (*Suspended Operations*) or Condition 3 (*Closure*), or who reports to work during such event without supervisory permission, shall not be entitled to ETO.

XI. Disciplinary and Performance Matters

A mandatory employee who is unable to report to work or remain at work during adverse weather or emergency events on a repeat basis may be subject to disciplinary action for unsatisfactory job performance. A sustained inability to meet obligations for mandatory reporting during adverse weather or emergency events may subject an employee to more significant disciplinary action, up to and including termination.

A non-mandatory employee who physically reports to work in Condition 2 (*Suspended Operations*) or Condition 3 (*Closure*) in violation of management directives may be subject to disciplinary action for unacceptable personal conduct.

XII. Communicating University Operational Status

The President for UNC General Administration, and the individual Chancellors for the constituent institutions or their designees, shall be responsible for developing and maintaining procedures for notifying employees when changes in University operational status are in effect. These procedures will also detail the University's expectations for remaining at work, reporting to work, or accounting for missed time from work. There shall also be a communication plan for how students, clients, customers, patients, and the general public are notified of changes in University operational status due to adverse weather or other emergency events.

XIV. Event Reporting Requirements

Any constituent institution that declares any of the three condition levels set forth in this policy for adverse weather or emergency events, either for the entirety of the campus or any individual building or locations, shall formally report this event on the prescribed form(s) to UNC General Administration Human Resources no later than forty-eight (48) hours following the end of the event.

UNC General Administration Human Resources shall report this information regarding any constituent institution, or regarding its own operations, in summary form to the Director of State Human Resources no later than seven (7) business days following the end of the event.