



To: All Appointing Authorities and Personnel Officers  
From: Hugh Quill, *Director of Administrative Services*  
Re: Weather Emergency Procedures

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## PURPOSE

To establish uniform procedures for all agencies implementing weather emergency procedures for bargaining unit and exempt employees.

## GENERAL

Ohio Administrative Code Rule 123:1-46-01 sets forth procedures for payment of employees during weather emergencies.

It is the policy of the state of Ohio to consistently apply this rule to all classified and unclassified exempt employees and to all collective bargaining unit members.

## PROCEDURE

### A. Declaring the Weather Emergency

Emergency is defined in section 5502.21(F) of the Ohio Revised Code as any period during which the Congress of the United States or a chief executive has declared or proclaimed that an emergency exists. This formal declaration or proclamation can be made by the chief executive of any political subdivision, including the Governor, for natural disaster, man-made disaster, hazardous materials incidents or civil disturbance.

Weather emergency is a term of art which refers to all formal declarations or proclamations which may limit a state employee's obligation to travel to and from work for a specific period of time due to severe weather conditions not limited to snowstorms. A formal declaration or proclamation can only be made by the Governor or the Governor's designee. Emergency declarations made by chief executives, other than the Governor or the Governor's designee; do not affect a state employee's obligation to travel to and from work. A weather emergency cannot be declared by an individual agency, department or director.

# DAS Directive

Directive No. **06-03**  
Effective Date: **02-12-07**



The director of the Department of Public Safety is the Governor's designee to declare a weather emergency, which affects the obligation of state employees to travel to and from work. The authority to declare a weather emergency rests solely with the Governor in consultation with the director of Public Safety.

The director of Public Safety shall consult with appropriate state agency and local officials and gather necessary information for use in determining the need for and parameters of a declared weather emergency. When a weather emergency is declared, the director of Public Safety shall:

1. Communicate the weather emergency to the appointing authority, director or head of each state agency and department by way of facsimile.
2. Communicate the weather emergency to each appointing authority, director, head or director's designated representative or alternate by way of voice mail or paper.
3. By county designation, notify each appointing authority, director or head of each state agency and department of the exact geographic area of the state under the declared weather emergency. An emergency may be declared and limited to a region, county, area or facility where employees live or work.
4. Notify each appointing authority, director or head of each state agency and department of the approximate time duration of the weather emergency and establish, as soon as possible, a specific emergency period with a beginning and ending time designation.
5. Designate a Public Safety Representative who shall be responsible for communicating the weather emergency to the media in the effected area.

## B. Communicating the Weather Emergency

The agency head or director of each appointing authority shall designate a representative and an alternate to be responsible for receiving notice that a weather emergency has been declared by the director of Public Safety. All designated agency representatives should be essential or exempt employees and have voice mail or pager capabilities. Designated agency



representatives are responsible for advising all appropriate supervisors in their departments, agencies, boards or commissions of the weather emergency.

## C. Designating Essential Employees

Each year, by the first day of October, all agencies must create and maintain a list of essential employees. Essential employees are those employees whose presence at the work site is critical to maintaining operations during any weather emergency. Essential employees normally consist of a skeletal crew of employees necessary to maintain essential office functions, such as those state employees who are essential to maintaining security, health and safety, and critical office operations.

Critical office operations vary from agency to agency depending upon agency type. Agencies with 24 hour operations and agencies with institutional, law enforcement, residential or custodial functions will typically require more employees to maintain essential office operations than an administrative or regulatory type agency. Whether an employee is essential may depend upon the particular activities that are occurring in the agency. For example, during certain time periods in a payroll or benefit cycle, specific payroll officers and payroll/benefits processors, or computer system operators may be employees essential to processing the payroll or essential to processing certain benefits or benefits payments. Similarly, critical dates and deadlines may aid in determining those employees who are essential in the preparation and filing of certain legal or fiscal records and reports, or those who are critical in the issuance of vital licenses and permits, or other matters that are determined by specific deadlines and filing dates. Essential employees should be designated based on their PCN numbers and actual job duties.

Employees who are designated as essential employees should be advised of the designation. Essential employees should be advised that they should expect to work during weather emergencies unless otherwise advised. However, they are not guaranteed work. Nothing in this directive prevents an appointing authority from using his or her discretion in sending essential employees home or instructing them not to report for work once a weather emergency has been declared.



## D. Granting Leave to Non-Essential Employees

During the year, extreme weather conditions may exist and roadway emergencies may be declared by local sheriffs in certain counties, yet no formal weather emergency is declared by the Governor and state public offices remain open. Should this situation occur, agency directors and department heads are encouraged to exercise their judgment and discretion to permit non-essential employees to use any accrued vacation, personal or compensatory leave if such employees choose not to come to work due to extenuating circumstances caused by extreme weather conditions. Non-essential employees with no or inadequate accrued leave may be granted leave without pay. Nothing in this directive prevents an appointing authority from using its discretion to temporarily reassign non-essential employees to indoor job duties, consistent with their job classification, so that such employees are not performing unnecessary road- or travel-related duties during days or shifts of especially inclement weather.

## E. Compensation for Exempt Employees during Weather Emergencies

- Exempt Non-Essential Employees

Exempt non-essential employees who do not report for work or who are sent home as a result of a declared weather emergency shall be paid for their full scheduled shift(s) at their regular rate of pay.

Exempt non-essential employees who volunteer to stay during a weather emergency and work their regularly scheduled hours are not entitled to overtime compensation or compensatory time and shall be paid at their regular rate of pay.

Exempt non-essential employees should not normally be required to remain at work during a declared weather emergency. On the rare occasion when non-essential employees are required to remain at work due to the absence of essential employees, such non-essential employees shall be entitled to overtime compensation or compensatory time, in addition to their regular rate of pay, as outlined below for exempt essential employees.



- Exempt Essential Employees

Essential employees must report to work regardless of the weather conditions.

Essential employees who work during a declared weather emergency shall be given overtime compensation or one hour of compensatory time for every hour worked during the emergency. Such compensation or compensatory time is governed by Directive 00-06 for overtime exempt employees and by section 124.18 of the Revised Code, and Directive 00-07 for overtime eligible employees.

Essential employees who are instructed not to report to work or are released from work during an emergency shall be paid at their regular rate of pay. No compensatory time will be granted to essential employees who volunteer to work after being advised to leave or not to report for work.

F. Compensation for Bargaining Unit Non-Exempt Employees during Weather Emergencies

- Non-Essential Employees

Non-essential bargaining unit employees who do not report for work or who are sent home, as a result of a declared weather emergency, shall be paid their full scheduled shift(s) at their regular rate of pay.

Non-essential bargaining unit employees who are required to remain at work during a declared weather emergency due to the absence of essential employees shall be paid at the premium rate, if any, provided under contract. (As there are slight distinctions in the state's labor agreements for premium pay during a weather emergency, please refer to the appropriate contract for premium rates.)

Non-essential bargaining unit employees should not be permitted to volunteer to remain at work during a declared weather emergency.

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- Essential Employees

Essential non-exempt bargaining unit employees must report to work as scheduled regardless of the weather conditions. Essential employees shall be paid at the premium rate, if any, provided under contract.

G. Scheduled Leave

Any employee who is on scheduled leave during a declared weather emergency shall be charged leave regardless of the declared weather emergency.

## TRAINING

Designated Agency Representatives and their alternates will be notified of a training course which will be held during the last week of October, by the departments of Public Safety and Administrative Services.

## NOTIFICATION AND ENFORCEMENT

Each agency is responsible for designating an agency representative and maintaining a list of essential employees. Each year, by the first day of October, a copy of the list of essential employees should be posted and forwarded to the director of Public Safety and the labor union, as appropriate per labor agreement, so that such employees can be issued essential employee cards to facilitate their travel to and from work on state roadways and highways during a declared weather emergency. Each agency must, by letter, notify its essential employees of that status. Agency employees previously issued agency identification cards may use those cards or other picture identification and their agency letter designating them as essential employees. Members of the Ohio National Guard will carry their agency letter of designation and their DD Forms 2A or 2A (Res), U.S. Armed Forces Identification Card, as identification of their essential employee status during a declared weather emergency. Agencies are responsible for properly reporting any increased payments for employees to Payroll Processing, where applicable. Agencies must follow Directives 00-06 and 00-07 for the accrual and use of any compensatory time or overtime compensation, and the individual labor agreement to determine appropriate premium rates for the duration of the weather emergency.

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This directive supersedes any previously issued directive or policy and will remain effective until canceled or superseded.

## AUTHORITY & REFERENCE

ORC 124.18  
OAC 123:1-45-01  
OAC 123:1-46-01