



State of Ohio Administrative Policy

Public Safety Emergency

No:
State Human Resources Division
HR-11

Effective:
July 26, 2021

Issued By:

Kathleen C. Madden, Director

1.0 Purpose

To establish a uniform policy for all agencies to implement during a public safety emergency.

A glossary of terms found in this policy is located in Appendix A - Definitions. The first occurrence of a defined term is in ***bold italics***. To go directly to a term's definition, click on the bold and italicized term. To return to the body of the policy, click on the defined term.

2.0 Policy

It is the policy of the State of Ohio to consistently apply this policy to all employees, regardless of whether they are classified, unclassified, exempt from collective bargaining, or subject to applicable collective bargaining agreements.

- 2.1 **Public Safety Emergency Declaration:** The authority to declare a ***public safety emergency*** rests solely with the Governor in consultation with the Director of the Department of Public Safety (DPS). A public safety emergency declaration can only be made by the Governor or the Governor's designee. The Director of the DPS is the Governor's designee to declare a public safety emergency. The Director of DPS shall consult with appropriate state agency and local officials and gather necessary information for use in determining the need for a public safety emergency declaration. A public safety emergency cannot be declared by an individual agency, department, or director.

Emergency declarations that are not public safety emergency declarations do not trigger implementation of this policy and do not impact a state employee's obligation to travel to and from work.

2.2 **Communication:** When a public safety emergency is declared, the Director of DPS shall communicate the public safety emergency declaration and its parameters to designated agency, board, or commission personnel.

2.2.1 Each agency head, Director or appointing authority shall designate a representative and an alternate to be responsible for receiving notice that a public safety emergency has been declared by the Governor or the Director of DPS. Designated agency representatives are responsible for advising all appropriate supervisors in their departments, agencies, boards or commissions of the public safety emergency.

2.2.2 All designated agency, board, or commission representatives should: 1) have telephone and cell phone capabilities; and, 2) be exempt employees or employees who have been designated as being expected to work during a public safety emergency.

2.3 **Designating Employees:** Each year, by the first day of October, all agencies must create and maintain a list of **employees who are expected to work during a public safety emergency**. Employees who are expected to work during a public safety emergency are commonly referred to as essential employees. This list should contain the names, phone numbers, and classifications of a skeletal crew of employees whose presence at the work site is critical to maintaining operations and essential office functions during any public safety emergency, 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 twenty-four (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 agency. Whether an employee is expected to be at work may depend upon the particular activities that are occurring in the agency. For example, during certain time periods in a payroll cycle, specific payroll officers may be employees whose presence at the work site is critical to processing the payroll. As such, those employees may be expected to work during the public safety emergency when those payroll processes are occurring at the agency.

Similarly, critical dates and deadlines may assist in determining those employees who should work during a public safety emergency. For example, those employees who assist with the preparation and filing of certain legal or fiscal records, or those who are critical to the issuance of vital licenses and permits may be required to work during a public safety emergency since they deal with matters that are determined by specific deadlines and filing dates.

Employees who are expected to work during a public safety emergency should be advised of their designation in writing, and of the expectation that they work during public safety emergencies unless otherwise advised. However, they are not guaranteed work. Nothing in this policy prevents appointing authorities from using their discretion in sending employees home or instructing them not to report for work once a public safety emergency has been declared. Employees who do not

appear on the list of employees expected to work during a public safety emergency are generally not required to work during a public safety emergency and will be designated as **excused employees**.

Further instructions on identifying employees for public safety emergencies in the OAKS HCM Module are attached to this policy. Employees who are expected to work during the public safety emergency should be issued cards or written notification to facilitate their travel to and from work on state roadways and highways during a declared public safety emergency. Agency employees previously issued agency identification cards may use those cards (or other picture identification) and an agency letter designating them as employees who are expected to work during the public safety emergency. Members of the Ohio National Guard should carry an agency letter designating them as employees who are expected to work during the public safety emergency and their U.S. Armed Forces Identification Card.

2.4 **Granting Leave When No Public Safety Emergency is Declared:** Snow emergencies may be declared by local sheriffs in certain counties, yet if no formal public safety emergency is declared by the Governor or the Governor's designee, state public offices remain open and employees are expected to report to work as normally scheduled. Should this situation occur, agency Directors and department heads are encouraged to exercise their judgment and discretion to permit employees to use any accrued vacation, personal leave or compensatory time if such employees choose not to come to work due to extenuating circumstances caused by the county sheriff declared snow emergency. Employees with no or inadequate accrued leave may be granted leave without pay.

2.4.1 Nothing in this policy prevents an appointing authority from using its discretion to temporarily reassign employees to indoor job duties, consistent with their job classification, so that such employees are not subjected to extreme conditions related to a snow emergency declared by a county sheriff. For example, an agency may reassign an individual to an indoor shift so that the employee avoids performing unnecessary road or travel-related duties during days or shifts of especially inclement weather.

2.5 **Compensating Exempt Employees During a Public Safety Emergency:** Employees who are exempt from collective bargaining should be compensated during a public safety emergency as follows.

2.5.1 Exempt excused employees who either do not report for work or who are sent home as a result of a declared public safety emergency shall be paid for those hours of work they were scheduled to work during the declared public safety emergency at their regular rate of pay.

- Excused exempt employees should not normally be required to remain at work during a declared public safety emergency.
- On the rare occasion when exempt excused employees are required to work due to the absence of an employee who is

expected to work during a public safety emergency or due to another extenuating circumstance, they shall be treated the same as exempt employees who are expected to work during a public safety emergency.

- Those excused exempt employees who work during a public safety emergency after being instructed not to report to work or are released from work are entitled to their regular rate of pay and should not receive the stipend as a result of the public safety emergency.

2.5.2 Exempt employees who are expected to work during a Public Safety Emergency must report to work regardless of the conditions.

Exempt employees who are expected to work during a declared public safety emergency and do work during such an emergency, shall receive an \$8/hour stipend in addition to their regular rate of pay pursuant to ORC 124.15(D) for each hour those employees work during the public safety emergency.

- Exempt employees who are expected to work during a public safety emergency and who are instructed not to report to work or are released from work during a public safety emergency shall be paid at their regular rate of pay and should not receive the stipend as a result of the public safety emergency.

2.6 **Compensating Bargaining Unit Employees:** To determine compensation for bargaining unit employees, agencies should refer to their specific collective bargaining agreements. Generally, bargaining unit employees are compensated as follows.

2.6.1 Excused bargaining unit employees who do not report for work or who are sent home as a result of a declared public safety emergency shall be paid for those hours of work that they were scheduled to work at their regular rate of pay.

- Excused bargaining unit employees should not be permitted to remain at work during a declared public safety emergency.
- On the rare occasion when excused bargaining unit employees are required to work during a declared public safety emergency, they shall be treated the same as bargaining unit employees who are expected to work during a public safety emergency and shall be paid a stipend, if any, provided under contract.

2.6.2 Bargaining unit employees who are expected to work during a public safety emergency must report to work as scheduled regardless of the conditions unless otherwise advised. These employees shall be paid their total rate of pay for each hour worked during a public safety emergency. In addition, for each hour worked during a public safety emergency, such employee shall receive the applicable hourly stipend, if any, as provided under

contract. Please refer to the appropriate collective bargaining agreement for premium rates.

- 2.7 **Managing Leave Requests during a Public Safety Emergency:** In accordance with their internal policies, each agency should determine whether the employee's leave request was "pre-scheduled." Any employee who is on pre-scheduled leave during a public safety emergency shall be charged leave regardless of the public safety emergency declaration. However, if the employee's leave request was not pre-scheduled, and if the employee does not appear on the list of employees who were expected to work during a public safety emergency, the employee should receive compensation at their regular rate of pay for the hours the employee was scheduled to work during the public safety emergency, and should be charged leave for any remaining scheduled hours of work not covered by the public safety emergency declaration.
- 2.8 **Teleworking:** Teleworkers who work from home are not eligible for any stipend, any public safety emergency leave, or any additional compensatory time or overtime compensation for the hours they were scheduled to work during the public safety emergency.
- 2.9 **Training:** Designated agency representatives and their alternates will be notified of an annual training course which will be held by the departments of Public Safety and Administrative Services.
- 2.10 **Notification and Enforcement Procedures:** Each agency is responsible for designating an agency representative and alternate(s) and for maintaining a list of employees who are expected to work during the public safety emergency in accordance with section 2.3 of this policy.
- 2.10.1 Each year, by the first day of October, agencies must enter into the Ohio Administrative Knowledge System (OAKS) Human Capital Management (HCM) Module the names, phone numbers, and classifications of the employees who are expected to work during the public safety emergency. This system is online at: www.myohio.gov.
- 2.10.2 Each agency must, by letter, notify its employees of that status, and if appropriate, issue the employees identification cards.
- 2.10.3 Agencies are responsible for properly reporting any increased payments for employees to Payroll Processing, where applicable.

3.0 Authority

ORC 124.04, 124.09, 124.15(D), 5502.21(F); OAC 123:1-46-01, 123:1-47-01(B); applicable collective bargaining agreements

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

4.0 Revision History

Date	Description of Change
10/06/2011	Original policy.
07/26/2021	Reissued for housekeeping.

5.0 Inquiries

Direct inquiries about this policy to:

Labor Relations and Human Resources Policy
Office of Collective Bargaining
Ohio Department of Administrative Services
1602 West Broad Street
Columbus, Ohio 43223

614.752.5393 | DASHRD.HRPolicy@das.ohio.gov

State of Ohio Administrative Policies may be found online at
www.das.ohio.gov/forStateAgencies/Policies.aspx

6.0 Attachments

Attachment 1 – Job Aid: Using Key Position to Designate Essential Employees

Appendix A - Definitions

- a. Emergency. 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.
- b. Employees Who Are Expected To Work During A Public Safety Emergency. Employees expected to report to work during a public safety emergency. This definition applies to exempt and bargaining unit employees.
- c. Excused Employees. Employees who do not appear on the list of employees expected to work during a public safety emergency. This definition applies to exempt and bargaining unit employees.
- d. Public Safety Emergency. 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. Such emergencies may include, but are not limited to, severe weather conditions like snowstorms.