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<b>Approved by:</b> Juan Williams, Commissioner	<b>Policy Number:</b> 12-039 (Rev. 04/19)
<b>Signature:</b> 	<b>Supersedes:</b> 11-052, 10-028
<b>Application:</b> Executive Branch Agencies, Human Resource Officers, Payroll Officers, and Full Time Employees	<b>Effective Date:</b> October 16, 2014
<b>Authority:</b> T.C.A. § 4-3-1703, T.C.A. § 8-30-104, T.C.A. § 8-30-406, T.C.A. § 58-2-107	<b>Rule:</b> Chapter 1120-06

## Employee Absences Due to Declared State of Emergency

The State of Tennessee recognizes that there will be instances where the Governor declares a state of emergency resulting from an emergency beyond local control. However, it shall be the policy of the State to make every effort to maintain normal work hours by initiating departmental Continuity of Operations Plans (COOP) and/or Emergency Workforce Management Plans during these periods in order to continue providing necessary services to citizens of the State of Tennessee.

Conditions during the declared state of emergency may require each employee to make a personal decision regarding safety in traveling to and from the workplace. As with any unexpected absence, employees who do not feel that it is safe to travel should contact their supervisor using approved methods. If an employee is eligible for the Alternative Workplace Solutions (AWS) arrangement during the period of a declared state of emergency, the employee, at the manager or appointing authority's discretion may be allowed to work remotely. Employees who do not report to work during the time of a declared state of emergency may use accumulated annual or compensatory leave for their absence. If the employee has no compensatory or annual leave, then the time absent is charged as leave without pay. Employees who make the effort and report to work within a reasonable period should not be required to take leave for that absence. To be eligible, the employee must leave for work at his or her normal departure time in anticipation of regular arrival time.

In extraordinary situations, the Governor, in consultation with the Tennessee Emergency Management Agency (TEMA) and the Departments of Transportation, Safety, Health, Human Resources or other departments which may have critical information affecting employees, may determine that state government offices should be closed in a particular county or counties due to a declared state of emergency. Notice of the closing of state offices in a particular county or counties will be timely given to the local media for broadcast to the general public, forwarded to all appointing authorities, and communicated by other electronic media as appropriate. If this occurs employees, other than those who work in 24-hour facilities, those who may be required to work on an emergency basis by their appointing authority, or those participating in an AWS arrangement, shall be excused from work and granted discretionary leave with pay for any scheduled work hours.

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Employees on previously approved leave during the affected period must continue to charge the appropriate leave and will not be eligible for discretionary leave for this time. Part-time employees are paid for hours worked and are not eligible for discretionary leave with pay.

Decisions regarding declaring single office locations as uninhabitable buildings are made by the Commissioner of Human Resources under Policy 12-038.

Employees who work in offices shared with county offices which have been closed by order of local government will not be required to report to work and will be granted discretionary leave with pay. The appointing authority for those employees should notify the Department in writing, with a copy of official correspondence from the local government which authorized the closure, as soon as practicable after an occurrence of this type.

Employees who are required to work when their offices have been otherwise closed shall be granted compensatory time for hours actually worked during the period of closing up to their regularly scheduled hours for the workday. Hours worked in excess of regularly scheduled hours may be compensated as overtime, depending on each employee's status under the Fair Labor Standards Act. An appointing authority may grant discretionary leave with pay to executive and non-compensatory employees who are required to work during a time when state offices are closed. This discretionary leave shall be equal to the hours worked and must be taken within twelve (12) months from the time worked.

In the event the Governor declares a state of emergency as the result of a natural or man-made disaster, an appointing authority may grant up to ten (10) workdays of discretionary leave with pay to an employee whose primary residence becomes uninhabitable due to the disaster. The granting of this leave is subject to all of the following:

- The primary residence must be located in the area as declared in the Governor's declared state of emergency in accordance with Tenn. Code Ann. § 58-2-107.
- The employee must provide to the appointing authority formal documentation from the local government or insurance company to verify his or her primary residence received damage as a result of the declared emergency, rendering the employee's primary residence temporarily or permanently uninhabitable, or that they were forced to evacuate his or her primary residence due to instructions from emergency management, law enforcement or other designated emergency personnel.
- The employee must use this leave within thirty (30) calendar days from receipt of notice that the leave is granted. This leave may be used retroactive to the day the primary residence became uninhabitable or the governor declared the state of emergency, whichever occurred last.

Agencies must, in consultation with the Department, establish an internal process for employees to submit requests and for the agency to evaluate employee eligibility for leave under this policy.

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Agencies are responsible for ensuring that they have the required documentation before awarding paid leave. This includes:

- Confirmation of a declaration of a state of emergency,
- Verification that the damage results from the disaster as declared in the state of emergency or that evacuation was ordered, and
- Verification that the primary residence is uninhabitable.

This leave, up to ten (10) workdays, shall be granted at the discretion of the appointing authority, and may be taken intermittently.

Questions regarding this policy may be directed to the Agency Resource Center (ARC).