



ATTENDANCE DURING EMERGENCIES

Directive 4-107

Date of Issue: January, 2016 Amends/Cancel: 4-106, 4-107 July, 2013

I. PURPOSE

The purpose of this Directive is to establish written policy governing essential employees attendance during emergencies.

II. POLICY

The Maryland Capitol Police (MCP) recognizes the importance of their duties and responsibilities in protecting persons and property at all times. In the event of emergency conditions, it shall be the policy of the MCP that all Emergency Essential Employees will report for duty and/or remain on duty until officially released.

III. DEFINITIONS

- A. Delayed Starting Time - When a determination is made to delay the opening of a facility or in a specified geographic area, employees are to report at the delayed time indicated and to work until the close of business.
- B. Early Release - When a facility or a specified geographic area is closed after the start of regular work hours or shifts
- C. Emergency Conditions - When circumstances would expose State employees to harm or unsafe conditions. Examples of potential emergency conditions may include, but are not limited to:
 - 1. extreme weather conditions such as flooding, icing conditions, blizzards, hurricanes, and tornadoes;
 - 2. civil disorders, such as riots.
 - 3. fire, physical plant failure, utility outages, structural problems, temporary environmental hazards, and other unsafe conditions at State-owned or leased facilities
- D. Emergency Essential Employee - An employee whose duties are of such a nature as to require the employee to report for work or remain at the work site to continue agency operations during an emergency situation. MCP has designated the following classes of employees as Emergency Essential:
 - 1. Police Officers,
 - 2. Security Officers,

3. Police Communications Operators, and
 4. Any other employee designated by the Chief of Police.
- E. Emergency Release Time - Time with full pay that is granted to employees during an emergency condition.
 - F. Full Day Closing - When any individual facility or group of facilities in a geographic area is closed prior to the start of normal work hours or shifts.
 - G. Liberal Leave - When an emergency determination is made to allow for liberal leave for non-temporary employees of a principal unit or in a specified geographic area at the beginning of a workday, employees are allowed to be absent for a portion of a workday or the entire workday and are charged paid leave (i.e., annual, compensatory or personal) or leave without pay, as appropriate, for the period of absence.
 - H. Non-Emergency Essential Employees – Those employees not designated as Emergency Essential. Generally, Non-Emergency Essential Employees will not be required to work during declared emergency conditions.
 - I. State of Emergency - The Governor’s declared “State of Emergency” is not the same as Emergency Release Time and should not be administered as such.

IV. AUTHORITY TO DETERMINE AND DECLARE EMERGENCY CONDITIONS

- A. Executive Order 01.01.1981.10 gives the following persons the authority to declare the existence of emergency conditions:
 1. Secretary of the Maryland Department of Transportation (MDOT) – The Secretary of MDOT or designee may declare the existence of emergency conditions arising from extreme weather conditions which, in his or her judgment, result in dangerous traffic or highway conditions.
 2. Secretary of the Department of General Services (DGS) – The Secretary of DGS or designee may declare the existence of emergency conditions arising from a fire, physical plant failure, or other unsafe conditions in DGS operated facilities and grounds.
 3. Secretary of the Department of Budget and Management (DBM) – The Secretary DBM or designee may declare the existence of emergency conditions arising from circumstances other than those situations that come under the authority of the Secretary of MDOT and the Secretary of DGS.
- B. Those officials that have the authority to declare the existence of emergency conditions also have the authority to grant emergency release time to employees.
- C. When it has been appropriately determined that an emergency condition exists, the pronouncement will identify the specific nature of the emergency, the affected geographic area(s) and/or facilities, and the period of the emergency condition(s).

V. DUTIES AND RESPONSIBILITIES

- A. Emergency Essential Employees will be notified of their emergency essential status no later than December 1st of each year. The Employer retains the ability to notify new hires after December 1st, or declare additional employees as essential when necessary, to avoid or mitigate serious damage to public health, safety or welfare.
- B. All Emergency Essential Employees are exempt from Liberal Leave and Emergency Release Time and will report for their scheduled tour of duty and will remain on duty until the employee has been released by a supervisor.
- C. Emergency Essential Employees on pre-approved leave may have their leave cancelled depending on the nature of the emergency situation and available manpower. Annual leave, personnel leave, or holiday leave will not be granted to employees during an emergency situation.
- D. Efforts will be made to restrict an employee to no more than two consecutive shifts during a declared emergency condition. In the event that an employee is required to remain at work more than 2 consecutive shifts, the Employer shall, where feasible, provide the employee with a place to sleep for a minimum of 6 hours, toiletries, and meals.
- E. In the specific case of weather-related emergency conditions, when an authorized governmental jurisdiction prohibits all non-emergency vehicle travel on specified roadways, and the declared weather-related emergency condition is in the home jurisdiction, a jurisdiction along the route or the jurisdiction of the work location, as determined by official personnel records, thereby prohibiting an emergency essential employee's ability to get to work, the Employer shall provide transportation to work. If transportation is not provided, the employee shall be granted administrative leave; such paid leave shall be provided until the end of the prohibition on travel or the end of the employee's normal work shift, whichever comes first, or until transportation is provided.

VI. COMPENSATION

- A. LIBERAL LEAVE DECLARATION:
 - 1. Non-Emergency Essential Employees not needed in the workplace are permitted to be absent after notifying their supervisor. They will utilize their accrued leave to cover the absence.
 - a. Employees arriving late under a liberal leave declaration will utilize their accrued leave and not be penalized for tardiness.
 - b. There is no additional compensation for employees who continue to work during a Liberal Leave declaration.
 - 2. Emergency Essential Employees will report as scheduled with no additional compensation.

- B. EMERGENCY RELEASE TIME (Delayed Start, Full Day Closure, or Early Release):
1. Non-Emergency Essential Employees are to be released from duty for the period of closure or delayed start and shall not be charged accrued leave as a result of their absence.
 - a. Employees on pre-approved leave are not affected by these declarations and must use their accrued leave for any absence.
 - b. Modified Work Schedules - Full Day Closures cover eight-hour work days. Non-Emergency Essential Employees on modified work schedules who take off hours in excess of the eight hour closure must use accrued leave to cover their absence for any period of time beyond eight hours.
 3. Contractual Employees - Contractual employees are paid for hours actually worked regardless of the employee release declaration. Contractual employees who did not work may be given the opportunity to make up the lost hours at a later date.
 4. Emergency Essential Employees - Employees who were required to work during the declared closure will be credited with **two hours work time for each hour worked** during the period covered by the release.
 - a. Overtime hours are not included in this calculation and will be paid at the employee's regular overtime rate.
 - b. Emergency Essential Employees who were unable to report for duty must take their accrued leave to cover their absence and may be subject to disciplinary action for being absent without approval.
 - c. Commissioned officers and other straight comp time earners (FLSA Exempt) will be credited with **one hour of comp time for each hour worked** of the scheduled shift covered by the release declaration.