

NEW CASTLE COUNTY

PERSONNEL POLICY

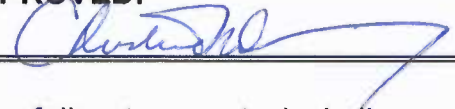
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SUBJECT: EMERGENCY CONDITIONS

APPROVED:



STATEMENT: New Castle County is vulnerable to a variety of disaster agents, including civil disorder, floods, hurricanes, tornadoes, severe winter storms, power failures, nuclear facility accidents, radiological transportation accidents, hazardous material releases, transportation accidents, dam failures, major fires, earthquakes and terrorism. When a threat has occurred or is imminent, the Chief Administrative Officer, in consultation with the Department of Public Safety, will recommend to the County Executive a course of action with consideration for the safety of the employees and public. If the County Executive concurs, an Executive Order will be issued.

EXECUTIVE ORDER: The Executive Order will set forth work conditions for all County offices. New Castle County Government will not close during working hours, except as identified in the Executive Order. The Chief Administrative Officer, after consultation with the Department of Public Safety will notify the Director of Communications and the Chief Human Resources Officer. The Chief Human Resources Officer will inform the general managers, council president and row officers of the conditions contained in the Executive Order. The general managers, council president and row officers are charged with adhering to the stated conditions and arranging work schedules and assignments accordingly. The County will cease non-essential operations when mandatory travel restrictions are issued in New Castle County in conjunction with a State of Emergency issued by the Governor.

In preparation for maintaining essential and emergency services, the general managers, council president and row officers will designate their employees as essential or non-essential and so advise the employees. As a general guide, essential employees, as well as those who are needed as support personnel, are those who directly perform emergency services, protect and maintain County property, and/or prepare county facilities and operations to resume normal functions when the Executive Order is terminated. However, determining whether an employee is essential is often dependent upon the situation at hand, conditions set forth in the Executive Order, and the emergency being addressed.

To facilitate prompt notification to employees of work condition changes, the general managers, council president and row officers shall establish internal notification procedures for employees under their authority. Upon authorization from the Chief Administrative Officer, the Director of Communications will update the County's **website** (www.nccde.org) and **General Information Message Line – 302-395-5200**. The Chief Human Resources Officer will notify the general managers and row officers of the Executive Order conditions affecting County services and activities.

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General managers and row officers will advise positions under their authority, which function as a main information area for public inquiries, of the conditions set forth in the Executive Order.

Unless otherwise informed, all employees are to report to work on time. It is the employee's responsibility to check the County's website and General Information Message Line.

THREATS TO COUNTY FACILITIES: County facilities are subject to such threats as fire, hazardous odors, and terrorism. Employees shall know the locations of emergency exits, and leave the facility immediately when notified by methods such as the fire alarm or public address system. Employees shall proceed and assist visitors to the designated assembly area(s) and remain there until informed by the County authority in charge of the evacuation to return to the facility, relocate, or leave. Under no circumstances are employees to move personal or County vehicles until the area is declared safe by the County authority in charge of the evacuation.

PAY POLICY: The following pay policy will apply, unless otherwise provided for in a collective bargaining agreement:

1. Emergency conditions which prevent non-essential County offices and facilities from opening for business will be announced on the County's website and General Information Message Line. Non-essential employees will receive straight time pay for the total number of regular hours that they would normally have worked that day in the absence of the emergency (to be recorded as LAD - administrative leave with pay). Employees will in no case be paid overtime or premium pay for hours not worked.

Non-essential employees who request leave must use paid leave (vacation, compensatory time, special events or personal leave) to cover the total number of regular hours that they would normally have worked that day in the absence of the emergency. He/she will not be eligible for administrative leave with pay for any portion of the day. If the employee does not have paid leave available, he or she will not be paid for the time missed. The Executive Order will specify which shifts and/or facilities are affected by the Order.

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2. Non-essential employees who have reported to work and are then excused due to an Executive Order, will receive straight time pay for the total number of regular hours that they normally would have worked the remainder of that day in the absence of the emergency (to be recorded as LAD - administrative leave with pay). Employees will in no case be paid overtime or premium pay for hours not worked.

Non-essential employees who have not reported to work when the Executive Order goes into effect must use paid leave (vacation, compensatory time, special events or personal leave) to cover the total number of regular hours that they would normally have worked that day in the absence of the emergency. He/she will not be eligible for administrative leave with pay for any portion of the day. If the employee does not have paid leave available, he or she will not be paid for the time missed. The Executive Order will specify which shifts and/or facilities are affected by the Order.

3. Non-essential employees who report for a delayed opening will be paid administrative leave with pay for the total number of regular hours that they normally would have worked in the absence of the emergency (to be recorded as administrative leave with pay). Employees will in no case be paid overtime or premium pay for hours not worked.

Non-essential employees who request leave must use paid leave (vacation, compensatory time, special events or personal leave) to cover the total number of hours that they would normally have worked that day in the absence of the emergency. He/she will not be eligible for administrative leave with pay for any portion of the day. If the employee does not have paid leave available, he or she will not be paid for the time missed. The Executive Order will specify which shifts and/or facilities are affected by the Order.

4. Essential employees who are required to work during the period that the Executive Order is in effect will receive their usual pay for the hours worked. In addition, essential employees will be granted administrative leave with pay (ALA) to be used within six months. When the County is closed for the entire day (during normal County business hours defined as Monday through Friday, 7:00 a.m. to 5:00 p.m., excluding holidays), essential employees working all shifts that day will receive a maximum of 7 or 8 hours ALA, depending on their normal leave accrual rate (or 8.5 hours for employees working the 2-2-4 or power shifts). This paragraph does not apply to isolated closings of offices or facilities, closings of libraries,

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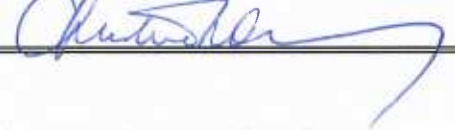
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activity centers or special facilities, or closings during the evening, weekends or holidays. This also does not include overtime or compensatory time for hours worked beyond the normally scheduled workday. Employees scheduled to work double shifts will receive ALA for each tour of duty which falls under the Executive Order. Essential employees who work during a State of Emergency declared by the Governor will be eligible to earn ALA beyond the limits of this paragraph if the Governor's Order includes mandatory travel restrictions in New Castle County.

Delayed openings and early closings will only affect day or evening shift employees. Delayed openings will be in effect from 7:00 a.m. until the time specified in the Executive Order. Early closings will be in effect from the time specified in the Executive Order until 5:00 p.m. Employees who work shifts which are not affected by the Executive Order will not be eligible for ALA.

ALA must be taken, subject to the approval of the general manager or row officer, within six (6) months of the date on which it was earned. If this time is not taken within this period, it will be forfeited.

5. On inclement weather days when an Executive Order has **not** been issued, the general manager or row officer, in consultation with the Chief Human Resources Officer, may use discretion with regard to discipline as it relates to employees who may report late to work. With approval of the department manager or row officer, the employee may, at his or her discretion elect to use paid leave (vacation, compensatory time, special events or personal leave) to cover such lateness. Sick leave may not be used for this purpose. If the employee does not have paid leave available, he or she will not be paid for the time missed. In some cases, the County may announce on the County's website and General Information Message Line that liberal use of accrued leave (except sick leave) by non-essential employees will be permitted.
6. Employees who have scheduled vacation, personal leave, leave without pay, compensatory or special events time off prior to the date when the Executive Order is implemented will be charged for the time off as though no Executive Order had been issued.
7. Employees who request vacation, personal leave, leave without pay, compensatory or special events time on the day of the emergency will be charged accordingly as though the Executive Order were not in effect. However, the general

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manager or row officer, in consultation with the Chief Human Resources Officer, may use discretion in special situations where employees must leave earlier due to family or personal obligations. Under these circumstances, such as when schools or day care facilities announce closings prior to the Executive Order, the employee may not be required to utilize paid leave time for the remainder of the day if the County closes within one (1) hour of commencement of the paid leave. The employee will still be charged for up to one hour of paid leave time from the time they left work until the time the Executive Order goes into effect.

8. Employees on sick leave will be charged sick hours as though the Executive Order were not in effect. The general manager, row officer, or his or her designee, may allow non-essential employees to leave work prior to an Executive Order being issued. However, prior to releasing employees, the general manager, row officer, or his or her designee, shall notify the Chief Administrative Officer and Chief Human Resources Officer. Employees who leave early will not be paid for the loss of time unless they elect to use paid leave such as vacation, compensatory time, special events or personal leave (sick leave may not be used for this purpose). If the Executive Order is issued after employees leave, the employees who elected to leave early and used vacation, compensatory time, special events or personal leave shall be charged accordingly as though the Executive Order were not in effect, except for exceptions noted in #5 above. Employees who are not released will not be eligible for additional compensation until such time as a formal Executive Order is issued.

Established: 12/79 (AP 28)

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Revised: 12/83 (AP 28)

Revised: 11/84 (AP 28)

Revised: 01/28/00

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Revised: 08/26/11

Revised: 11/14/11

Revised: 10/21/15