

STATE OF MARYLAND

Departments of Budget & Management, General Services, & Transportation

PROCEDURE FOR RELEASE OF STATE EMPLOYEES UNDER EMERGENCY CONDITIONS

(Revised October 8, 1999)

I. PURPOSE

To provide a procedure for the orderly and prompt release of Executive Branch employees under emergency conditions.

II. AUTHORITY

Executive Order 01.01.1981.10 - Employee Release Under Emergency Conditions.

III. SCOPE

This procedure applies to principal units and independent agencies in the Executive Branch, **EXCEPT**: Educational institutions under the jurisdiction of the University System of Maryland; Morgan State University; St. Mary's College of Maryland; Maryland School for the Deaf; and Baltimore City Community College.

IV. DEFINITIONS

As used in these procedures, the following terms have the meanings indicated:

- A. **Appointing Authority**. A person (e.g., warden, administrator, superintendent) who directs the activities of a facility or program operating under the auspices of a principal unit in the Executive Branch.
- B. **Head of a Principal Unit**. A person who is a member of the Governor's cabinet or directs the activities of one of the principal departments or other independent units in the Executive Branch.
- C. **Designee**. An official of a principal unit or independent agency who is authorized to act in the absence, or unavailability of, or at the direction of the head of the principal unit or independent agency in managing emergency release situations.
- D. **Emergency Conditions**. Circumstances that would expose State employees to harm or unsafe conditions.

- E. **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. The appointing authority or designee may excuse emergency essential employees from duty, or require their presence, as circumstances and conditions warrant, to maintain minimum staffing requirements for the affected facility(ies). Emergency Essential Employees will be notified of their essential status no later than December 1 of each year.
- F. **Emergency Information System.** A procedure established by each principal unit and independent agency for the purpose of providing emergency release information to its employees.
- G. **Emergency Release Time.** Approved release with full pay that is granted to non-temporary employees during an emergency condition.
- H. **Independent Agency.** An office, commission, board, department, or agency of State government established by statute as an independent unit of government and not part of a cabinet secretariat or other principal unit.
- I. **Non-temporary Employee.** An employee who fills a budgeted position. It does not include individuals on contract or hired as temporary appointments.

V. **EMERGENCY RELEASE SITUATIONS**

The situations covered by this emergency release procedure fall into three distinct categories:

A. **Extreme Weather/Traffic/Highway Conditions.**

In situations where actual or potential extreme weather conditions arise which may result in dangerous traffic or highway conditions leading to emergency release of employees, the procedure is as follows:

- (1) At the outset of actual or potential emergency conditions or in response to an inquiry from an appropriate official, the Secretary of Transportation or designee will assess the weather, traffic and highway conditions in the affected area(s) of the State. Following a county-by-county assessment, the Secretary or designee will provide an emergency release determination for each affected county and Baltimore City.
- (2) The Secretary of Transportation or designee will notify the Governor's Office of the emergency release determination. Following this notification, the Secretary of Transportation or designee will notify the Secretary of Budget and Management and

the Secretary of General Services and/or the designees. The Department of Transportation will update the emergency release determination information at established intervals, as appropriate.

- (3) Upon notification from the Department of Transportation, the Secretary of Budget and Management shall apprise the appropriate staff in the Office of Personnel Services and Benefits who will:
 - a. Contact and/or respond to inquiries from principal units and independent agencies affected by the emergency release determination(s) made by the Department of Transportation.
 - b. Contact the appropriate media sources and provide the emergency release determination.
- (4) When extreme weather conditions exist and it is the judgment of the Department of Transportation that there are dangerous traffic or highway conditions, the Secretary of Transportation or designee may initiate action to release non-essential employees. In such circumstances, the Secretary of Transportation or designee will inform the appropriate staff of the Office of Personnel Services and Benefits who will notify the affected principal units or independent agencies, and, if necessary, contact the appropriate media sources. The Department of Transportation will update the information on road conditions at established intervals, as appropriate.
- (5) When a governmental jurisdiction, authorized to do so, declares a weather-related emergency, which prohibits all non-emergency vehicle travel on specified roadways, and such declared emergency is in the home jurisdiction, a jurisdiction along the route, or the jurisdiction of the work location, as determined by the official personnel records of an employee, thereby proscribing the employee's ability to get to work, such employee shall be granted administrative leave because of the weather-related emergency, unless the Employer provides transportation to the work location. Employees shall notify the appropriate designated contact person as early as feasible but normally at least one hour before the start of their shift of the weather-related emergency constraint on their travel, unless the emergency has been declared at the employees' work location. Essential employees shall notify the appropriate designated contact person as early as feasible but normally at least one hour before the start of their shift of the weather-related emergency constraint on their travel.
- (6) When a non-state governmental jurisdiction declares a weather-related emergency which closes a facility where State employees work, such employees shall be granted administrative leave for such a weather-related emergency.

B. Individual Unit, Building or Facility Conditions which may lead to the release of State employees.

- (1) In the event that situations arise from a fire, physical plant failure, utility outage, structural problem, temporary environmental hazard, and other unsafe condition at State-owned or leased facilities, which in the judgment of the head of the affected facility may warrant the emergency release of employees, the head of the facility will:
 - a. Notify the appropriate principal unit head;
 - b. Notify the Secretary of General Services or designee who will make an emergency release determination; and
 - c. Notify the Office of Personnel Services and Benefits at 410-767-5846 or 410-767-4943, of the emergency release determination and the number of affected employees. Upon request, the Office of Personnel Services and Benefits will notify the media and other units.

(2) Facility Notification by the Department of General Services:

- a. Department of General Services Operated Facilities.

In situations where the building and/or facility is operated by the Department of General Services, the Secretary of General Services or designee will make a determination regarding the emergency release of employees. The Department of General Services will then notify the Governor's Office, as well as the head of the principal unit who made the original inquiry. The head of the principal unit will contact the head of the affected facility and will communicate the emergency release determination. The Department of General Services will contact any other tenant agencies occupying the affected facility to apprise them of the emergency release determination, including the conditions and period of the release.

- b. Other Facilities.

There are situations where State employees work in buildings and/or facilities not operated by the Department of General Services. This includes facilities operated by other State agencies, private third party landlords, and facilities under the jurisdiction of federal, county or municipal governments:

- (i) In situations where the building and/or facility is operated by a state agency other than the Department of General Services or by a private third party landlord, the head of the principal unit will consult with the Department of General Services and make a determination regarding the emergency release of employees at the affected facility. The Department of General Services will then notify the Governor's Office. The head of the principal unit will notify the employees of the determination.
- (ii) In situations where the building and/or facility is operated by a county or municipal government or the federal government, the local or federal government has the authority to close the facility in order to protect the public safety and the safety of the building's occupants. In these situations, the local or federal government shall advise the Department of General Services who will notify both the Governor's Office and the heads of the affected principal units. The Department of General Services will also contact the Office of Personnel Services and Benefits at 410-767-5846 or 410-767-4943 regarding the emergency release condition. In such situations, emergency release time will be granted to qualifying State employees working in the affected building and/or facility.

C. Other Emergency Situations.

In the event that situations arise from emergencies not identified above (e.g., disease or civil disturbance) at State-owned or leased facilities, which in the judgment of the Secretary of Budget and Management or designee may warrant the emergency release of employees, the Secretary of Budget and Management or designee will:

- o Consult, if appropriate, with the Secretary of Transportation and the Secretary of General Services.
- o Contact the Governor's Office and the Maryland Emergency Management Agency for an assessment of the situation.

Based on this assessment, the Secretary of Budget and Management or designee will take one of the following actions:

- a. In situations where procedures to ensure the safety of the population are determined by a higher authority (e.g., Federal Government or Governor's Office), the Secretary of Budget and Management or designee will notify the heads of principal units and the media, as appropriate, of the emergency release determinations.

- b. In situations where responsibility for management of an emergency is not taken by a higher authority, and is seen as potentially affecting a limited area or group of State employees, the Secretary of Budget and Management or designee will:
 - (i) Consult with the head of the principal unit concerning the feasibility of emergency release, and make a determination regarding the emergency release of employees at the affected facility(ies).
 - (ii) Notify the Governor's Office of the determination.
 - (iii) Notify the media, as appropriate.

VI. EMERGENCY RELEASE DETERMINATIONS

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).

The specific determinations which may be announced include the following:

- (1) 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, non-temporary employees working at the facility or in the specified geographic area, are on release time with no loss of pay or charge to leave. Employees who are on paid or unpaid leave status prior to the emergency release announcement will be charged leave for the entire workday. Exempted from the full day closing determination are designated emergency essential employees who are required to work as needed. The absence of designated emergency essential employees should be charged to the employees' accrued leave or leave without pay, as appropriate.
- (2) 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. Employees who do not report to work under a liberal leave determination will not be penalized for unapproved absence. **Employees must notify their work unit when they take liberal leave.** Employees arriving late under a liberal leave determination will not be penalized for tardiness, but will be charged paid leave or leave without pay, as appropriate, for the period between the regular starting time and their arrival. When a liberal leave determination is announced during the course of a workday, employees will be allowed to leave the work site, at their discretion after

apprising their supervisor, and will be charged paid leave or leave without pay, as appropriate, for the period between their departure and the end of the regular workday. Exceptions to the liberal leave determination are employees designated as emergency essential who are required to work as needed.

- (3) **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. When a delayed starting time determination is announced, there is no loss of pay or charge to leave for non-temporary employees. For example, if the opening of a facility is delayed two hours, non-temporary employees are charged two hours of emergency release time and six hours of work time. Adjustments must be made to part-time and compressed workweek employee schedules, as appropriate. Those employees on prior approved leave are charged leave for the entire workday (e.g., 4, 8, or 10 hours, as applicable). Exceptions to this determination are employees designated as emergency essential who are required to work as needed. The absence of designated emergency essential employees shall be charged to the employees' accrued leave or leave without pay, as appropriate.
- (4) **Early Release.** When a facility or a specified geographic area is closed after the start of regular work hours or shifts, and employees are dismissed early, non-temporary employees suffer no loss of pay or charge to leave. Employees on approved leave are charged leave for the entire workday (e.g., 4, 8, or 10 hours) as applicable. Those non-essential employees who are requested and/or who volunteer (and are approved) to remain at work after the early release announcement shall be compensated in the same manner as emergency essential employees who are required to work. ~~Those non-essential employees who request and are permitted to leave work prior to the announcement of an official early release will be charged accumulated leave for the remainder of the work day.~~ Those non-essential employees who leave work early after an announcement of an official early release but prior to the starting time of an official early release will be charged accumulated leave for the period between their departure and the beginning of the official early release time. Exceptions to this determination are employees designated as emergency essential who are required to work as needed. The absence of emergency essential employees following an early release determination is charged to leave or leave without pay, as appropriate.

VII. TIME PERIOD FOR EMERGENCY RELEASE

- A. The authority of the Secretaries of Transportation, General Services, and Budget and Management is limited to granting release time of one workday. If additional time is needed, the appropriate Secretary will contact the Governor's Office for authorization.

VIII. EMERGENCY RELEASE RESPONSIBILITIES OF PRINCIPAL UNITS AND INDEPENDENT AGENCIES.

Essential Employees will be notified of their 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.

Each head of a principal unit is responsible for appointing a designee(s) to act in the absence or unavailability of the principal unit head or under that official's direction, in managing emergency release situations. The names and telephone numbers (both home and business numbers) of these designees must be furnished to the Office of Personnel Services and Benefits, and must be kept up to date. Additional responsibilities of the principal unit heads and appointing authorities are as follows:

A. Heads of Principal Units/Independent Agencies and Designees.

- (1) Responsible for responding to inquiries and providing information regarding emergency release determinations to agency employees.
- (2) Responsible for developing and maintaining intradepartmental/agency notification systems to ensure the timely provision of emergency release information within their departments.
- (3) Responsible for maintaining records regarding emergency release situations affecting their employees. The records to be kept include, but are not limited to:
 - a. Nature of emergency situations;
 - b. Starting and ending times of emergency situations, contacts with appropriate officials, declaration of emergency release;
 - c. Units affected;
 - d. Clients affected;
 - e. Employees affected.

B. Appointing Authorities.

- (1) Appointing authorities will contact or be available for contact by their designee to obtain information regarding determinations in the areas where their facilities or programs are located.
- (2) Appointing authorities are responsible for ensuring that their employees are informed of emergency release procedures and employee responsibilities under emergency conditions. Each appointing authority is also responsible for notifying emergency essential employees of their essential status no later than December 1 of each year.
- (3) Each appointing authority is responsible for developing and maintaining an emergency information system for the purpose of providing information to and/or responding to inquiries from employees regarding emergency release conditions.

GENERAL INFORMATION FOR STATE EMPLOYEES

State employees should obtain information regarding building and facility closings through their individual agencies' emergency information systems.

When emergency closing of a State facility is authorized by the appropriate authority or a designated representative, the announcement may be made on radio and television stations in the areas affected. State employees may listen to broadcasts for information and other announcements pertaining to emergency closings and resumption of normal operations. The Department of Budget and Management's Office of Personnel Services and Benefits authorizes and coordinates media announcements using radio stations served by the Associated Press. The Office of Personnel Services and Benefits reminds employees to verify any information received through the media with their respective supervisor or agency Emergency Release Contact Designee.

Emergency essential employees working at a facility affected by an emergency closing, who are required to perform duties after an emergency condition is declared, or who are required to report to work after an emergency condition is declared, shall be compensated by compensatory time or additional pay as appropriate. Such employees are credited with two hours of work time for each hour they actually work during the designated emergency situation. 7

Non-essential employees who fail to report or report late because of dangerous traffic or highway conditions, inclement weather or civil disorder, not yet declared an emergency, may be excused at the discretion of the appropriate agency authority after the circumstances surrounding the incident are reviewed. The period of absence is to be charged to the employee's accumulated leave.

TYPES OF EMERGENCY RELEASE

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, non-temporary employees working at the facility or in the specified geographic area, are on release time with no loss of pay or charge to leave. Employees who are on paid or unpaid leave status prior to the emergency release announcement will be charged leave for the entire workday. Exempted from the full day closing determination are designated emergency essential employees who are required to work as needed. The absence of designated emergency essential employees should be charged to the employees' accrued leave or leave without pay, as appropriate.

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. Employees who do not report to work under a liberal leave determination will not be penalized for unapproved absence. **Employees must notify their work unit when they take liberal leave.** Employees arriving late under a liberal leave determination will not be penalized for tardiness, but will be charged paid leave or leave without pay, as appropriate, for the period between the regular starting time and their arrival. When a liberal leave determination is announced during the course of a workday, employees will be allowed to leave the work site, at their discretion after apprising their supervisor, and will be charged paid leave or leave without pay, as appropriate, for the period between their departure and the end of the regular workday. Exceptions to the liberal leave determination are employees designated as emergency essential who are required to work as needed.

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. When a delayed starting time determination is announced, there is no loss of pay or charge to leave for non-temporary employees. For example, if the opening of a facility is delayed two hours, non-temporary employees are charged two hours of emergency release time and six hours of work time. Adjustments must be made to part-time and compressed workweek employee schedules, as appropriate. Those employees on prior approved leave are charged leave for the entire workday (e.g., 4, 8, or 10 hours, as applicable). Exceptions to this determination are employees designated as emergency essential who are required to work as needed. The absence of designated emergency essential employees shall be charged to the employees' accrued leave or leave without pay, as appropriate.

EARLY RELEASE

When a facility or a specified geographic area is closed after the start of regular work hours or shifts, and employees are dismissed early, non-temporary employees suffer no loss of pay or charge to leave. Employees on approved leave are charged leave for the entire workday (e.g., 4, 8, or 10 hours) as applicable. Those non-essential employees who are requested and/or who volunteer (and are approved) to remain at work after the early release announcement shall be compensated in the same manner as emergency essential employees who are required to work. Those non-essential employees who request and are permitted to leave work prior to the announcement of an official early release will be charged accumulated leave for the remainder of the work day. Those non-essential employees who leave work early after an announcement of an official early release but prior to the starting time of an official early release will be charged accumulated leave for the period between their departure and the beginning of the official early release time. Exceptions to this determination are employees designated as emergency essential who are required to work as needed. The absence of emergency essential employees following an early release determination is charged to leave or leave without pay, as appropriate.

An **EMERGENCY ESSENTIAL EMPLOYEE** is 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. The appointing authority or designee may excuse emergency essential employees from duty, or require their presence, as circumstances and conditions warrant, to maintain minimum staffing requirements for the affected facility(ies). Classifications of employees providing emergency essential services are to be posted in advance at each facility.

EMERGENCY ESSENTIAL EMPLOYEES will be notified of their 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.