DEPARTMENT OF CORRECTIONS

Policy:	**103.275**
Title:	**Eligibility for Paid Emergency Leave**
Effective Date:	**11/19/18**

PURPOSE: To designate positions eligible for paid emergency leave as provided by collective bargaining agreements and compensation plans.

APPLICABILITY: Department-wide

DEFINITIONS:

Agency-declared emergency – warden/designee, regional director in field services, or the commissioner, deputy or assistant commissioner declares a natural or manmade emergency for a facility or specific location.

Continuous operation – an operational function conducted 24 hours per day and seven days per week.

Emergency leave – authorization by the commissioner of MMB excusing certain employees from duty with full pay in the event of an emergency where continued operation would involve a threat to the health and/or safety of employees.

Extended operation – an operational function conducted seven days per week, but not 24 hours a day.

PROCEDURES:

A. Emergency declarations

1. In the event the commissioner of Minnesota Management and Budget (MMB) declares an emergency, employees who perform work in functions deemed non-essential are eligible for paid emergency leave as provided by collective bargaining agreements and compensation plans.

2. In the event the warden declares an emergency for the warden's facility, a regional director in field services declares an emergency for a specific site, or the commissioner, deputy, or assistant commissioner declares an emergency for central office, employees who perform work in functions deemed non-essential are eligible to use annual leave, compensation time, an adjusted work schedule, floating holiday, or leave without pay with their supervisor's approval.

3. Individuals with remote access may be expected to work remotely during any declared emergency.

4. If MMB subsequently declares an emergency, these absences must be paid as defined by MMB declaration.

B. In the event emergency leave is authorized, eligible non-essential employees must be compensated according to their bargaining agreement or compensation plan. Central office and community service staff are considered non-essential and may be released with pay following verification that all critical and/or time-sensitive functions have been provided. Facility employees performing the

following functions may generally be deemed non-essential and may be released with pay following verification that all critical and/or time-sensitive facility functions have been provided:

1. Administrative functions:
   a) Warden;
   b) Associate warden of administration (AWA);
   c) Administrative support staff;
   d) Corrections program director;
   e) Financial services;
   f) Warehouse/canteen/property;
   g) Special investigations;
   h) Physical plant/maintenance (except stationary engineers);
   i) Safety;
   j) Employee development;
   k) Human resources;
   l) Information technology;
   m) Office services/mailroom;
   n) Discipline; and
   o) Non-officer personnel.

2. Operations functions:
   a) Associate warden of operations (AWO);
   b) Corrections program directors;
   c) Psychological services;
   d) Treatment;
   e) Education;
   f) Case management;
   g) Religious activities;
   h) Community relations;
   i) Health services not providing direct patient care;
   j) Administrative support and records staff; and
   k) MINNCOR.

3. In order to fulfill facility needs, employees performing functions normally deemed as non-essential may be determined, on a case-by-case basis, to be essential. These employees must be notified by their supervisor/designee that they are no longer eligible for such leave and are required to report to work, or to remain at work. These functions may include such examples as:
   a) Maintenance staff required to perform snow removal functions;
   b) Finance staff required to perform payroll functions; or
   c) Records staff required to perform functions for release of offenders.

C. Essential employees must make all reasonable efforts to report to work at their normal starting times and remain until their normal ending times, unless otherwise directed or approved. Essential staff who are unable to report for regular duty must keep the facility aware of their situations throughout the course of the emergency declaration. Essential employees desiring to be excused, upon approval, must use accrued vacation or compensatory time. An employee without sufficient leave time balances receives leave without pay. The following functions are considered to be essential and the employees are expected to report to work for their entire shifts:

1. Correctional officers, lieutenants, and captains. Staff normally assigned to operational functions that are suspended due to the emergency may be reassigned within the facility based on facility needs for as long as the emergency exists; and

2. All facility staff engaged in extended and/or continuous operational functions, including:
   a) Stationary engineers;
   b) Registered nurses;
   c) Licensed practical nurses;
   d) Medical assistant, certified; and
   e) Food service workers.

D. Each facility must provide for staffing of all critical functions prior to releasing any employee as a result of an emergency.

E. If an agency-declared emergency is authorized by a warden, regional field services director, commissioner, assistant, or deputy commissioner, such authorization must be put in writing and provided to the regional human resource director (RHRD) and the regional finance director for payroll purposes. Such documentation must include the date(s), start, and end time of emergency leave and any exception to staff deemed non-essential. Documentation must be retained with the payroll records for the applicable time period(s).

F. If an agency-declared emergency includes closure of any office or building, the agency must notify MMB of the closure as soon as possible.
   1. During normal business hours, the agency must contact State Continuity of Government Planning at MMB.

   2. After business hours or on weekends, the agency must notify the Minnesota Duty Officer.

INTERNAL CONTROLS:

A. Documentation of non-MMB-declared emergencies is retained by the RHRD and regional finance director.

ACA STANDARDS: None

REFERENCES: Labor agreements/employee plans covering agency employees
MMB Administrative Procedure 5.4
Minn. Stat. §43A.05, subd. 4

REPLACES: Policy 103.275, "Eligibility for Paid Emergency Leave," 6/20/17.
All facility policies, memos, or other communications, whether verbal, written or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

APPROVED BY:
Deputy Commissioner, Facility Services
Deputy Commissioner, Community Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support