



West Virginia Department of Transportation Policy: **Emergency Situations & Inclement Weather**

Issued by the Secretary of Transportation

Policy No: DOT 3.21

Issue Date: 02/01/1992

Revised: 11/2/2021

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1.0 PURPOSE

To ensure continuity of government operations during emergency situations, including but not limited to inclement weather conditions (Emergency Situations and Inclement Weather), and to ensure employees are compensated fairly.

2.0 SCOPE

This policy applies to all Department of Transportation employees and agencies, except for Parkways Authority employees.

3.0 DEFINITIONS

- 3.1 **Agency:** Any authority, bureau, commission, or Division, or similar cabinet subpart of the Department of Transportation
- 3.2 **Agency Head:** Chief executive officer of any agency
- 3.3 **Employee:** A person who lawfully occupies a position in a DOT agency and who is paid a wage or salary and who has not severed the employee-employer relationship
- 3.4 **Essential Employee:** Employees deemed essential by an agency head to continue necessary functions of the agency

4.0 POLICY

- 4.1 All employees are required to report to work as scheduled during Emergency Situations and Inclement Weather, unless specifically directed otherwise by the Governor or the Governor's designee.
- 4.2 Employees who are unwilling or unable to report to work as scheduled during Emergency Situations and Inclement Weather shall be charged annual leave or are required to take a personal leave of absence without pay for time absent from work; *Provided*, that employees and their direct supervisors may agree upon alternate work assignments in lieu of the annual leave/leave of absence requirement. Time lost from work may be made up in the same work week at the discretion of the employee's supervisor.
 - A. Under no circumstances shall comparable time off be provided to an employee who worked as scheduled during Emergency Situations and Inclement Weather.
 - B. Employees unable or unwilling to work during Emergency Situations and Inclement Weather shall be required to follow their agency's standard procedures for reporting unscheduled absences.

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- 4.3 Essential employees who fail to report to work as scheduled during Emergency Situations and Inclement Weather may face disciplinary actions as outlined by their agency policies; Provided, that under appropriate circumstances, essential employees may be excused from work if so directed by the Governor, Cabinet Secretary, or their designee.

Essential employees, in this context, are employees designated as such by their cabinet secretary or their designee.

- 4.4 In situations where an employee's place of work is unavailable due to Emergency Situations and Inclement Weather, the cabinet secretary of that agency or their designee shall direct employees to report to an alternate work assignment or remain in restricted on-call status until such time as the place of work becomes available.

In situations where multiple agencies occupy the same workplace, the cabinet secretaries of those agencies, or their designees, shall confer and provide appropriate work directives to the affected state employees.

- 4.5 Nothing herein shall supersede the Governor's authority to provide personnel directives during Emergency Situations and Inclement Weather, by proclamation or otherwise, that may be contrary to this policy.

5.0 RELEVANT MATERIALS/DOCUMENTS

- 5.1 West Virginia Code § 15-5-6.
- 5.2 West Virginia Department of Transportation Employment Procedures Rule (217CSR 1), subsection 13.3 Annual Leave.
- 5.3 Executive Order No. 13-10 (November 10, 2010).

6.0 CHANGE LOG

February 1, 1992 –

- Policy originally adopted by the West Virginia Division of Personnel.

November 1, 2014 –

- Last WVDOP policy revision by WVDOP prior to WVDOT adoption of policy.

October 27, 2021 –

- Reformatted policy to WVDOT.
- Added definitions.