

Manager Fact Sheet: Frequently Asked Questions about Disaster and Emergency Leave

August 2011

Introduction

This fact sheet provides information on how to apply the MOM Disaster and Emergency Leave Policy to employees' requests for paid disaster and emergency leave.

We encourage department directors or agency heads to work with their HR staff in responding to their employees. Below are answers to some of the frequently-asked questions.

Question 1: Who decides if employees will be paid disaster and emergency leave during an emergency?

Department directors and agency heads decide, provided the governor has issued an executive order or declared a temporary worksite closure. The policy states:

Following a declaration of a disaster or emergency by the governor, each department director or agency head shall decide on a case-by-case basis whether employees are affected and the period of time for which employees should receive paid time off, consistent with the terms of the executive order. Employees requesting emergency leave under this policy must state the reasons why they are "affected by" the emergency.

Question 2: Who decides if a worksite will be closed during an emergency?

Department directors and agency heads need the approval of the governor to close a state-controlled facility. However, non-state-controlled facilities may be closed without the governor's approval. The policy provides the following guidance:

Closure of state-controlled facilities. *A department director may declare an affected worksite closed when the site is under his or her authority and with the approval of the governor or his or her designee.*

Closure of non-state-controlled facilities. *In some cases, employees may be temporarily or permanently assigned to a worksite that is not a state-controlled facility. These facilities may be ordered closed by the appropriate authorities without seeking the governor's approval.*

Question 3: Who determines if an employee is affected by an emergency?

Department directors and agency heads determine if an employee is affected. The policy states:

Typically, employees are affected by a disaster or emergency when their life, the lives of immediate household members or their personal property is endangered during a declared disaster or emergency.

Following a declaration of a disaster or emergency by the governor, each department director or agency head shall decide on a case-by-case basis whether employees are affected and the period of time for which employees should receive paid time off, consistent with the terms of the executive order. Employees requesting emergency leave under this policy must state the reasons why they are “affected by” the emergency.

Supervisors should be diligent in responding to employee requests to use paid leave related to emergency situations. Paid disaster and emergency leave can only be approved to respond to situations that pose an immediate threat to life or personal property. Otherwise, employees must use other paid or unpaid leave to address the situation as approved by their supervisor.

Question 4. Is an employee who is absent from work to address personal issues after the governor has declared an emergency required to use vacation time?

Employees who are affected may receive paid disaster and emergency leave. Employees who are not affected must use other types of available leave. The policy states:

When the governor declares a disaster or emergency pursuant to 10-3-302 and -303, MCA, and authorizes temporary paid time off to employees, those affected shall receive paid time off. The time off shall not be deducted from employees’ accrued leave bank(s) or compensatory time.

Question 5. Can an employee receive disaster and emergency leave to help with community efforts during an emergency?

No. ONLY employees who are certified Red Cross volunteers can receive disaster and emergency leave to assist with community efforts. The policy guidance is summarized as follows:

Employees who wish to provide volunteer service during a disaster or emergency and who are NOT certified American Red Cross disaster volunteers may request to take annual vacation leave, accrued compensatory time, or leave of absence without pay, and not sick leave.

Employees who are certified Red Cross disaster volunteers may request up to 15 days of paid time off annually for volunteer service.

Employees who take leave to provide volunteer services to the Red Cross should code their absence as “Red Cross Volunteer Leave” in the payroll system.

Question 6: Can a department director or agency head assign employees to participate in emergency efforts around a state building?

Agency management should use caution here. Employees should not be assigned emergency duties that are not related to their normal job responsibilities, but employees may volunteer.

If employees volunteer, agency management must use discretion when allowing employees to do this work. Managers should make sure the employee is physically capable of performing the emergency duties. The Healthcare and Benefits Division, Workers’ Compensation Management Bureau is available to provide assistance and answer questions. Employee safety should always be a top priority.

Question 7: If a state building is closed due to an emergency, what steps need to be taken to allow for telework?

This situation would not be considered telework because it is not an on-going situation. It would be considered remote work or working from home.

Employees may take work home with them on occasion. This is remote work, and not considered telework within the scope of the telework policy. It could be considered an alternate work location if the work facilities are closed.

Question 8. Does a statewide emergency declaration by the governor apply to employees in every county?

Yes.

Question 9. What code should be used in the payroll system for Disaster and Emergency Leave?

Qualifying absences should be coded as “Disaster and Emergency Leave” in the payroll system.

Question 10: Should affected employees be allowed to go back and change their timesheets to code absences as Disaster and Emergency Leave?

Yes, but the department director or agency head must approve the use of leave. This should only be allowed back to the date of the declaration. Any leave before that date should be coded as annual or compensatory time. The code used in the payroll system is “Disaster and Emergency Leave”.

Question 11: Can an employee use disaster and emergency leave when assisting a family member in defending their home during an emergency?

No, defending another family member’s property would not qualify for the use of disaster and emergency leave. The policy states:

Typically, employees are affected by a disaster or emergency when their life, the lives of immediate household members or their personal property is endangered during a declared disaster or emergency.

Employees may use annual leave or compensatory time to assist family members.

Closing:

Should you have additional questions regarding Disaster and Emergency Leave, please contact your agency’s Human Resource Department.

Alternative accessible formats of this Fact Sheet will be provided on request. Persons who need an alternative format should contact the State Human Resources Division, Department of Administration, 125 N. Roberts St., PO Box 200127, Helena, MT 59620-0127. Telephone 406-444-3871. Those using a TTY may call through the Montana Relay Service at 711.