

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



Administrative Issuance: CFSA-08-11

TO: All-staff

FROM: Ronnie Charles, Senior Deputy Director for Administration

DATE: October 3, 2008

RE: Early Dismissal of CFSA Employees during an Emergency

The Child and Family Services Agency (CFSA) provides specific guidelines to establish procedures for early dismissal of employees during an emergency. This administrative issuance provides guidance for CFSA management and staff to respond to emergency situations and/or to the announcement of early dismissal of CFSA employees during emergency situations.

CFSA's mission continues to be the promotion of safety, permanence, and well being of children in the Agency's care.

For additional information regarding this issuance, employees may contact the CFSA Office of Human Resources at 724-7373.

General Considerations

Safety of children and employees is of paramount concern to the Agency. Emergency situations covered by this administrative issuance are those of sufficient magnitude to cause serious and hazardous conditions dangerous to the health and safety of CFSA employees. When a situation arises that dictates consideration of an early dismissal for employees, an "All Staff" message shall immediately be sent out by the Agency Director or designee indicating that a decision is pending.

Pursuant to D.C Code Ed. 2001, § 1-204.22 (as amended), the Mayor administers the personnel functions of the District covering employees of all District agencies. When directed by the Mayor or as delegated,

Pursuant to D.C Code Ed. 2001, § 1-204.22 (as amended), the Mayor administers the personnel functions of the District covering employees of all District agencies. When directed by the Mayor or as delegated, during an emergency impacting CFSA, essential employees shall be required to remain on duty.¹ Employees not immediately supporting the disaster/emergency shall be released from work at the direction of the Agency Director. Employees who are released from work may be compensated when such compensation is in accordance with the provision of the Fair Labor Standards Act (FLSA); Chapter 11 of the D.C. Personnel Regulations, Classification and Compensation; or in the case of union employees, in accordance with the provisions of the current collective bargaining agreement (CBA), as applicable and appropriate.

¹ While all employees are considered essential to the functioning of the Agency, the designated term "essential employees" applies specifically to those employees whose training and expertise are critical to the ongoing operations of the Agency during an emergency situation.

Note: Once an assessment of the emergency has been completed and it has been determined that it is safe for employees to return to work, an **“All Clear”** shall be authorized by the following persons only:

1. Emergency personnel (FEMS, MPD, PSD, Authorized Building Security Personnel); or
2. Agency Deputy Director or designee (in consultation with the Facilities or Risk Management Administrator).
3. Agency Director or designee.

Employees may return to work only after an **“All Clear”** has been authorized. Upon notification that returning to work is safe for all employees, employees not returning to their regular tour of duty shall be placed on AWOL status and may be discharged if warranted.

Responsibility of the Agency’s Director or Designee

1. The Director of CFSA shall use his or her discretion regarding the need for an early dismissal of all employees, regardless of work shift or tour of duty.
2. In the event an emergency situation is determined to warrant early dismissal and yet a decision for the Agency to stay open is made by the Director or designee, then an advisory message to that effect shall be issued by the CFSA Director or designee with specific instructions for essential employees.
3. If an emergency situation develops during off-duty hours, it may be necessary for all CFSA employees to remain at home, except those authorized and/or required to provide emergency services. Under such circumstances, the CFSA Director or designee shall issue a notification and advisory message directing employees not to report to work.
4. Each CFSA Administrator or designee shall be provided with a 24-hour telephone number that can be called to obtain emergency announcements directly from the Agency Director or designee. The message may give further details of the emergency conditions. All Agency Administrators shall then disseminate the information to their staff through emergency telephone trees, established according to individual administrations but following the current CFSA Emergency Response Plan in effect.
5. The Agency Director or designee shall provide further and detailed instruction for those employees who are authorized and/or required to provide emergency services.
6. The Agency Director or designee shall provide employees with written notice detailing procedures for an emergency dismissal or closure. The notice shall include the method(s) by which employees will be informed of the dismissal or closure, including any variety of media announcements. The notice shall also include and reinforce CFSA practice interpretations for the use and/or abuse of unscheduled leave.
7. The Agency Director or designee shall identify essential personnel on an annual basis and notify them in writing that they are designated as “essential employees.”
8. If the Agency Director or designee determines that a situation requires employees who are not designated as “essential employees” to report for or remain at work during an emergency, the Agency Director or designee shall notify the employees’ assigned Administrators who shall in turn notify their staff directly. In the event that the Director is unable to reach an Administrator, the Director or designee shall make every effort possible to directly contact the employees in question.
9. The Agency Director or designee shall encourage all CFSA Administrators to be as flexible as possible in approving annual leave or “Leave Without Pay” (LWOP) for employees who face individual emergency situations or other hardships related to the emergency situation (e.g., when schools/childcare centers open late or are closed).

10. The Agency Director or designee shall grant excused absences to CFSA employees who are on approved leave before the closure. This does not apply to employees on LWOP, military leave, suspension, family medical leave, or in a nonpaid status.

General Considerations for Employee Early Dismissal

When CFSA authorizes an early dismissal before the workday ends, non-essential employees will be granted excused absence (administrative leave) for the number of hours remaining in their workday. For example, a 3-hour early dismissal will authorize employees who normally leave their offices at 5:00 p.m. to leave at 2:00 p.m. In all cases, however, CFSA employees entering their time in PeopleSoft and Quality Assurance liaisons shall consider the following time and attendance guidelines:

1. Any employee who leaves work before an early dismissal is announced, or before his or her early dismissal time, shall be charged annual leave or leave without pay beginning at the time the employee left work up to the remainder of his or her scheduled workday.
2. The Agency may exempt individual employees from early dismissal times and grant a reasonable amount of excused absence to allow an employee to leave work early if he or she has an individual hardship or unique circumstance. Factors such as distance, availability of public transportation, or available alternatives to childcare or eldercare shall be considered.
3. A CFSA employee on pre-approved leave for an entire workday, or an employee who has requested unscheduled sick leave when an early dismissal is announced, shall be charged the appropriate annual or sick leave for the entire workday.
4. A CFSA employee scheduled to take pre-approved leave after his or her early dismissal time (e.g., for a doctor's appointment) shall not be charged leave for that period. Instead, the employee shall be granted an excused absence for the remainder of the workday following his or her early dismissal time. Such an excused absence shall be entered into the e-Time system accordingly.
5. A CFSA employee who is on official travel during normal working hours when the Agency dismisses its employees early is not entitled to additional pay or paid time off (e.g., compensatory time off or credit hours).
6. If a CFSA employee is scheduled to return from leave after an early dismissal is announced, the employee shall enter leave for the period prior to the employee's early dismissal time and the Agency shall grant excused absence for the remainder of the workday following the employee's early dismissal time.

Exceptions

If a non-essential CFSA employee is on official travel during a workday, either outside of the D.C. metropolitan area or, for example, at a conference within the area, and the Agency is closed as a result of an emergency situation, the employee is expected to continue working unless that situation extends to the geographic location of the worker and precludes otherwise. *Note: CFSA contracted-employees shall follow the emergency rules and regulations for their individual agencies in the event of an emergency situation.* If closure of CFSA makes it impossible for the employee to continue work, (e.g., the travel assignment requires frequent contact with the Agency), an excused absence may be requested through the assigned supervisor. The Agency Director is responsible for determining whether an employee is required to continue working or will be granted excused absence under the following circumstances:

1. An employee on leave without pay shall not receive an excused absence when the Agency is closed. Leave without pay may include but is not necessarily limited to military duty, workers' compensation, or suspension. Employees in the above-mentioned categories shall remain in their current status. Their time and attendance data shall reflect that status accordingly.

2. If the Agency is closed on an employee's regular day off as the result of an emergency situation, and the employee is approved for an Alternative Work Schedule (AWS), he or she is not entitled to an additional day off. Neither shall an AWS employee be granted an excused absence for the scheduled non-workday. The only additional day allowed is that which follows a holiday. Only then is the employee authorized to enter an additional day in the People Soft e-Time system.
3. CFSA employees who telecommute may be required to continue working regular work hours during an official closure of the Agency unless the telecommuting site is also subject to adverse conditions. In such cases, the employee shall be granted the same rights of early dismissal as on-site CFSA employees. If, however, the Agency is closed because of adverse weather conditions (e.g., a snow emergency) impacting travel but not communication via telephone or email, the telecommuting employee is expected to work regular hours. Transportation issues that preclude fulfilling professional obligations as a result of emergency conditions shall be considered for early dismissal only under the approval of the Agency Director who shall inform the assigned Administrator for that employee. Under any other circumstance, the employee must request annual leave, other paid time off, or leave without pay, unless the employee is otherwise instructed by the Agency's Director or designee.

Dismissal/Leave Considerations for Employees with Alternative Work Schedules

The timing of early dismissal should never prevent the Agency from ensuring the safety of all the children in its custody. The following guidelines apply in general to all CFSA employees but specifically to AWS-approved CFSA employees in the event of an early dismissal:

1. CFSA employees must inform their supervisors if they plan to take annual leave or LWOP. If an employee fails to report for work and has not informed the supervisor of his or her plans to take leave, the employee shall discuss the circumstances with his or her supervisor and under the discretion of the supervisor be offered the opportunity to take annual leave for the time in question. If the employee does not communicate with the supervisor, the employee is responsible for entering e-Time data as absent without leave (AWOL) upon their return. The employee's supervisor must review the e-Time accordingly. Failure to report accurate working hours shall lead to disciplinary actions, and possibly dismissal.
2. If an AWS-approved CFSA employee is on duty, the Agency should grant excused absence for the remainder of the workday following the employees authorized time of dismissal even if the employee is scheduled to take leave later in the day. If a CFSA employee leaves before an official announcement of "ALTERNATIVE WORK DISMISSAL" or before the time set for his or her dismissal, the employee shall enter the e-Time data as annual leave for the remainder of the workday following the time of the employee's departure.
3. If an AWS-approved CFSA employee is scheduled to return from leave after an official announcement of "ALTERNATIVE WORK DISMISSAL", but before the time set for his or her scheduled dismissal, the Agency will grant an excused absence for the remainder of the workday following the time of the official announcement through the remainder of the workday, even if the employee is scheduled to take leave again later in the workday. The employee shall enter the time accurately in the e-Time system which shall be reviewed by the supervisor accordingly.
4. If an AWS-approved CFSA employee is telecommuting at an alternative worksite, the Agency will grant an excused absence for the remainder of the workday following what would be the employee's authorized time of dismissal.
5. If an AWS-approved CFSA employee is absent on previously approved leave (e.g., annual, sick, or LWOP) for the entire workday during an early dismissal, the Agency shall continue to charge the employee leave as appropriate for the entire workday.

Considerations for CFSA Essential Employees

The Child and Family Services Agency shall designate certain employees as “essential” when their training and expertise become acutely critical to Agency operations during emergency situations, early dismissal, and/or Agency closure. Essential employees are expected to report for or remain at work during dismissal or closure unless otherwise directed by the Agency Director or designee. CFSA shall use the following criteria to determine the use of essential employees during an emergency:

1. The Agency Director shall have the authority to determine which circumstances justify excusing an essential employee from duty.
2. The Agency Director shall grant a reasonable amount of excused absence to an essential employee who is unable to report for work when he or she has an individual hardship or circumstance unique to the employee. Factors such as distance, availability of public transportation, or available alternatives to childcare or eldercare may be considered.
3. CFSA employees trained in emergency preparedness and/or emergency response may be assigned “essential employee” status on an as-needed basis and called to work during emergencies dealing with national security, extenuating circumstances of a critical nature, or other unique situations.
4. If an essential employee fails to report for duty without prior notification and/or adequate reason for his or her absence, the Agency Director shall reserve the right to determine whether the circumstances warranted the absence as well as the right to place the employee on AWOL status. Disciplinary actions shall be taken at the discretion of the Agency Director in collaboration with the employee’s supervisor.

ATTACHMENT A

Definitions

The definitions below apply to the following terms used for purposes of this administrative issuance:

Absent Without Leave (AWOL): An absence from duty that was not authorized or approved, or for which a leave request has been denied.

Alternative Work Schedule (AWS): In the case of a full time employee, a work schedule that has an eighty-hour (80-hour) biweekly basic work requirement that allows an employee to determine his or her own schedule within the designated hours (core hours) set by the employing Agency.

Early Dismissal: The work location closes early, or employees are dismissed early based on their work schedules.

Emergencies: Unforeseen events having adverse impact on operations or presenting a dangerous environment, including but not limited to, power failures, acts of terrorism, civil disobedience, riots, fire, or transportation strikes. These types of emergency situations may vary in their intensity and the area affected.

Essential Personnel: Employees who are expected to report to work, on site, in the event of a delayed or scheduled late opening or closure. These employees have been identified as Emergency or Essential.

Full day Closure: The work location closes for a period of one full work day or longer.

Leave With Out Pay (LWOP): An employee shall be charged only for those hours during which an employee would otherwise work or for which he or she would be paid, but shall not be charged for hours for which an employee would receive overtime pay.

Non-Essential Personnel/Employee: Personnel who are not designated by their Agency as critical to the essential functions and services. These employees are still expected to remain in contact with their immediate supervisor at all times during any closure situation to maintain continuity of CFSA operations.

Telecommuting: An arrangement in which an employee regularly performs officially assigned duties at home or other work sites geographically convenient to the residence of the employee.