

KENT COUNTY LEVY COURT POLICY Revision P20-02

INTRODUCED BY: Commissioner Allan F. Angel

ADOPTION DATE: April 14, 2020

RETROACTIVE EFFECTIVE DATE: March 22, 2020

4-2 Closing of County government offices.

[Adopted 7-10-1990 (P-24A); amended 12-14-2010 (P10-07)]

This Policy establishes procedures for the closing of County offices.

A. Decision to close.

(1) Due to inclement weather or other emergency, the County Administrator may modify or terminate the normal schedule of operations of County government whenever circumstances dictate that it is in the best interest of the government and/or the citizens of the County to do so.

(2) Prior to making his or her decision, the County Administrator shall seek out and consider the most reliable information available regarding the nature and magnitude of the emergency, the possible threat to human life and safety and the anticipated damage to property.

(3) When circumstances dictate, the County Administrator may consult with the Kent County Director of Public Safety and/or Emergency Management Division Manager, the State Emergency Planning & Operations Center, the Governor's office and the National Weather Service or any other entity to obtain information to assist in making a decision.

(4) Whenever a non-emergency or non-weather-related special situation arises, the County Administrator, President of Levy Court, or the Vice-President, or a majority of Levy Court shall have the authority to modify or terminate the normal schedule of operations of County government by declaring a special holiday(s) and close County buildings if it is determined to be in the best interest of the government and/or citizens to do so.

B. Notification of closing/early dismissal.

(1) As soon as practical following the decision to close County government offices, County staff shall include a message on the County's website and request all local radio stations to notify the public. Employees are directed to listen to Comcast Cablevision, WBOC, WMDT, WNCL, WKEN, WDOV, WDSO, or WAFL for information regarding the closing of County offices or operations.

(2) Notification will also be given to the department managers of all affected offices and departments of County government. Employees are directed NOT to call the administrative office of the Levy Court to inquire about closing.

(3) Any special instructions will be issued by an employee's supervisor or through the local radio stations. When appropriate, department managers have the responsibility to notify local radio stations of the cancellation of any scheduled County public meetings or hearings.

(4) If any emergency develops during working hours, department managers may

allow their nonessential employee to leave work early with the approval of the County Administrator or his or her designee. No loss of pay will occur in the event of early dismissal for this reason. Under no circumstances, however, will early dismissal be reason to excuse an unauthorized absence from work.

C. Essential personnel.

(1) For the purpose of implementing this Policy, the following County personnel are determined to be essential personnel, but the appropriate department head may exclude certain or all employees depending on the circumstances:

- (a) All personnel of the Department of Public Safety.
- (b) All operational personnel of the Kent County Wastewater Treatment Facility.
- (c) Any other County personnel declared to be "essential" by the President or his or her designee, depending on the nature of the emergency.

(2) Notification to essential personnel to report to work. Essential personnel will be notified to report to work during a declared emergency by any one of the following:

Shift Supervisor

Foreman

Department Manager

County Administrator

Director of Public Safety or designee

President of Levy Court or designee

(3) Delays in reporting to work during an emergency. If any emergency causes an essential employee to be late for work, the employee shall contact his or her supervisor, inform the supervisor of the impending lateness, and state the expected time of arrival for work. Reasonable delay in arriving at work due to poor travel conditions will not be a basis for charging vacation leave or docking the employee's pay.

D. Unauthorized absences and/or office closings. If a decision to close County government offices has NOT been formalized or the President has NOT declared an emergency, the following actions will apply to unauthorized absences and/or office closing:

(1) The lost time of an employee who fails to report for work without a valid reason shall be deducted from accrued vacation leave. If the employee has no accrued vacation leave, the employee's pay will be docked.

(2) If any employee fails to report his or her absence as required by the procedures contained in the Kent County Code, the lost time will be deducted in the manner specified in Subsection D(1) above.

(3) Any elected or appointed County official who closes his or her office and/or dismisses his or her employees in contravention of this policy is advised that the time lost as a result of the absence of said employees shall be deducted from accrued vacation leave. If the employee has no accrued vacation leave, the employee's pay will be docked.

E. Compensation for time worked during an emergency/offices closing.

(1) Essential personnel who are required to report to work for their normal work shift or work schedule shall be compensated at their regular rate of pay, plus, at the employee's option, either equal time off for those hours actually worked during their normal work schedule period or half pay for those hours actually worked during their normal work schedule period.

(2) Essential employees who work additional hours in addition to their normal shift or work schedule due to the emergency are entitled to compensation for those additional hours worked at their regular hourly rate plus, at the employee's option, either equal time off for those additional hours worked beyond their normal work schedule period or half pay for those additional hours worked beyond their normal work schedule period.

(3) Unless the emergency or closing covers a day which is a legal holiday of the County, the emergency day shall not be considered a holiday for pay purposes. If any essential employee is required to work but is specifically prevented by the police or other emergency personnel from traveling to his or her work site due to a natural or man-made emergency, and after notifying such emergency personnel of his or her essential status, the essential employee shall immediately notify his or her supervisor of the obstruction and shall be excused and not charged for the absence. An employee who is required to work but who does not report to work for any other reason shall immediately notify his or her supervisor. An employee in this category may request to use annual leave, accumulated compensatory time, if any, or have his or her pay docked. Before approving pay for after-the-fact sick leave during a declared emergency/offices closing, the department manager shall require either a physician's certificate or a written statement by the employee setting forth the reason for the absence. Any employee, essential or nonessential, who already is on annual leave or sick leave during a declared emergency/offices closing, is not affected by this Policy and his or her annual or sick leave will be charged as if no emergency occurred.

(4) Compensatory time accrued during an emergency may be taken with the approval of the department manager and must be taken within three months of the date of accrual.

(5) Compensation for essential personnel/employees under this section shall not exceed a maximum of 80 [49] hours of equal time off or half pay for the duration of the emergency/closure.

F. Individual building closings. In the event that a localized emergency is declared, which does not involve all County facilities (such as the loss of power to only one building or a chemical spill which would require evacuation of only one building), the directives contained hereinabove apply only to those personnel who occupy the facility affected by the declared emergency/offices closing. All personnel occupying facilities not affected by the declared emergency/offices closing will proceed with their normal work schedules and be paid their normal compensation. However, employees who work in facilities unaffected by the emergency but who are designated as "essential" to assist during the emergency, will be compensated as provided herein.

G. Transportation for essential personnel. If essential personnel are unable to report for work because of inclement weather, they are instructed to contact the Kent County

Emergency Operations Center and requesting transportation.

H. This Policy is subject to revision [~~as a result of emergency actions of the Governor of the State of Delaware~~] **by the County Administrator, in consultation with the President of Levy Court, which affords him/her maximum flexibility to maintain County government operations.**