



STATE OF NEW YORK
GOVERNOR'S OFFICE OF EMPLOYEE RELATIONS
Agency Building 2
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MEMORANDUM

November 19, 1996

TO: State Departments and Agencies

FROM: Linda Angello *LA*

SUBJECT: State Policy - Closing of State Offices/Directing Early Departures

As we approach the winter season, it seems appropriate to restate and clarify State policy with respect to closure of State offices. We recommend you make the widest possible distribution of this policy to employees and supervisors. We also recommend that you develop and/or update your internal agency communication system in order to convey important messages to employees in an emergency situation and to ensure appropriate coverage under extraordinary circumstances.

If you have any questions or concerns, please communicate with this office as soon as possible.



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State Policy on Closing of State Offices/ Directing Early Departures

It is State policy *not* to close State facilities, offices, or operations as a result of extraordinary weather conditions. In all such circumstances, offices are considered open for business.

Notwithstanding the above stated policy, it is understandable that in certain extraordinary situations it may not be possible for employees to get to work. This could be due to impassable roads, declaration of a State of emergency by a governmental official, etc. (NOTE: A declaration of emergency, even by the Governor, does not automatically mean closure of State offices. If there is to be closure of State offices in such a situation, that determination would result from a separate action by the Governor.) Certainly, employees as citizens are expected to abide by civil authority. Nevertheless, even in such situations, absence is the employee's responsibility and employees will be expected to charge their absence to accumulated vacation, personal, or overtime compensatory leave accruals.

There may be rare instances where a State office, facility, or operations must be closed. It is possible that this might occur prior to the commencement of the business day or during the business day, requiring *Directed Early Departure*. While agency management and/or appropriate emergency personnel may direct an "emergency evacuation" of a State facility due to building safety conditions, ***individual appointing authorities do not have the authority to close an office or facility or send employees home without charge to leave accruals. Offices or facilities may only be closed by order of the Governor.***

In an instance when a facility is to be closed, agencies must obtain authorization to close from GOER, after GOER has consulted with the Office of General Services and/or the Director of State Operations. If questions arise as a result of a radio broadcast, telecast or other announcement involving a State-owned facility, a telephone call to your GOER liaison is recommended to obtain clarification prior to taking action. It should be noted that even when closures occur, employees performing essential services are expected to report to work in emergencies as part of their job responsibilities related to the emergency itself, and/or for the care and custody of clients in hospitals and facilities.

As noted, only the *Governor* has the authority to close State facilities and offices. Although pursuant to Executive Law, Article 2-B, a Chief Executive of a County, City or Village may declare a State of emergency, such declaration has no authority over the closure of State offices or facilities. In the event of such declaration, the closure or non-closure of State offices is determined only by the Governor.

Directed Early Departures

In situations where a building system breakdown occurs effecting the work environment, the building manager should be contacted to determine the diagnosis and prognosis of the condition in order that a judgment by a competent authority as to building safety can be made. In a case involving leased space, a telephone call to the OGS Director of Real Property is recommended to obtain clarification. The details should also be phoned in to the GOER liaison. This information is necessary in order for GOER to make a judgment as to the appropriateness of taking action to "direct" an early departure, pursuant to the Extraordinary Circumstance Absence Articles of the various Agreements. ***Employees may not be dismissed pursuant to contract provisions without prior approval from GOER.*** (NOTE: The GOER Liaison should be notified of any evacuation even where employee departure is not an issue.) Prior to seeking such approval, relocation of employees to other offices/facilities or other options need to be explored. GOER will authorize a *Directed Early Departure* only as a last resort after all other options have been considered. *Directed Early Departures* authorized by GOER are not charged to employee leave credits. Alternatively, in situations like those described above, you may allow employees to leave early, provided they charge absences to appropriate leave credits; we encourage you to be as considerate of employee needs here as the situation warrants, considering the best interest of State operations as well as employee concerns.

Attendance Rules

In very unusual circumstances, agencies may, after the fact, petition the Civil Service Commission to suspend the Attendance Rules to excuse full day absences without charge to leave credits. The Commission will consider such requests when buildings must be closed because they are unsafe, resulting in full day absences, or when extraordinary weather conditions affect the ability of large numbers of employees over a wide geographic area to report to work for periods in excess of one full day. ***Agencies are reminded that offices should not be closed solely due to weather conditions; offices should remain open for those employees who are able to report to work.*** More detailed information concerning procedures in emergency situations and Civil Service Commission policies on suspension of the Attendance Rules is contained in the State Attendance and Leave Manual, Section 25.1, pages 4-9.

The Attendance and Leave Manual also contains information relating to the conditions for excusing tardiness (Section 20.3). Appointing authorities have the ability to excuse reasonable amounts of tardiness without charge to employees' accruals under certain conditions; however, employees who do not report for work must either charge their credits or be placed on Leave Without Pay, as appropriate.