

	DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		EFFECTIVE DATE:	April 23, 2019	Page 1 of 11
	POLICY AND PROCEDURE		SUPERSEDES:	3040.4 December 19, 2016	
			OPI:	Human Resource Management	
			REVIEW DATE:	April 23, 2020	
			Approving Authority	Quincy L. Booth Director	
	SUBJECT:	Essential and Emergency Employees			
	NUMBER:	3040.4A			
Attachments:	Attachment A – Employee Locator Sheet Attachment B – Individual Notification of Designation As An Emergency or Essential Employee				

SUMMARY OF CHANGES:

Section	Change
	<i>Minor changes throughout the policy.</i>

APPROVED:

Signature on File



Quincy L. Booth, Director

4/23/2019
Date Signed

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1. **PURPOSE AND SCOPE.** To establish procedures for emergency and essential employees during emergencies or other official purposes.
2. **POLICY.** It is the policy of the D.C. Department of Corrections (DOC) to identify emergency and essential employees and to require employees to provide current contact information.
3. **APPLICABILITY.** This policy is applicable to all DOC employees.
4. **NOTICE OF NON-DISCRIMINATION**
 - a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-140.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
5. **PROGRAM OBJECTIVES.** The expected results of this program are:
 - a. Maintain current contact information for emergency and essential employees for emergencies and/or official business.
 - b. Timely notification of emergency employees in the event of a recall or emergency during non-duty hours.
 - c. Timely notification of essential employees to report during an emergency on their normal tour of duty.
6. **DIRECTIVES AFFECTED**
 - a. **Directives Rescinded**
 - 1) PP 3040.4 Emergency and Essential Employees (12/19/2016)
 - b. **Directives Referenced**
 - 1) SOP 3040.1D-17 Employee Locator and Emergency Contacts

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- 2) Collective Bargaining Agreement between the District of Columbia Department of Corrections and the Fraternal Order of Police Department of Corrections Labor Committee.

7. AUTHORITY

- a. D.C. Code § 24-211.02, Powers; Promulgation of Rules
- b. D.C. Code § 1-612.03. Leave
- c. District Personnel Manual (DPM), Chapter 11B. "Compensation",
- d. District Personnel Manual (DPM), Chapter 11,
- e. Section 6-B1138, Overtime
- f. Section 6-B1135, Premium Pay - Administrative Closing Pay/Leave,
- g. Section 6-B1139, Exempt Time Off, 6-B1199, Definitions
- h. District Personnel Manual (DPM), Chapter 12,
- i. Section 1211, Telework
- j. Section 1270, Declared Emergencies – in General
- k. Section 1271, Declared Emergencies – Emergency and Essential Employee; Section 1272, Declared Emergencies – Early Dismissals
- l. Section 1273, Declared Emergencies – Late Arrival, Unscheduled Leave, or Unscheduled Telework
- m. Section 1274, Declared Emergencies – Shut down, "Section 1266, Administrative Leave
- n. Section 1299, Definitions
- o. District Personnel Manual (DPM), Chapter 16, "General Discipline and Grievances".

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- p. District Personnel Manual Issuance System, E-DPM Instruction No. 12-53, Guidelines for Designation of Certain “Essential Employees” or Emergency Employees”
- q. The Fair Labor Standards Act of 1938, 29 U.S. Code § 207 - Maximum hours
- r. Collective Bargaining Agreement Between District of Columbia Department of Corrections and Fraternal Order of Police DOC Labor Committee (FY 2016-FY 2019)

8. STANDARDS REFERENCED

- a. American Correctional Association 4th Edition Standards for Adult Local Detention Facilities: 4-ALDF-2A-08, 4-ALDF-2A-14 and 4-ALDF-2A-15.

9. DEFINITIONS

- a. **Essential Employees** – Critical District government operations that cannot be suspended or interrupted during emergency situations. Agencies shall identify each agency position with duties that are vital to the continuity of medical facilities, public safety, emergency services, or other crucial operations, and shall designate employees occupying such positions as "essential employees." Employees designated as "essential" shall be required to be at work regardless of the emergency situation declared even though it may be necessary to excuse other employees for all or part of the day.
- b. **Emergency Employees** –An emergency employee is an employee whose services are necessary for the continuity of operations during a declared emergency. An emergency employee typically provides advice, recommendations, or specific functional support. An emergency employee may be designated from any employment status category (including, but not limited to: Management Supervisory Service, Excepted Service, Legal Service, Career Service, Education Services, etc.). An emergency employee may not be designated as an essential employee. Emergency employees are required to be at work when an emergency is declared, regardless of the emergency situation declared. An agency head may activate an employee designated as an "emergency employee" based on the nature and circumstances of a particular declared emergency. An emergency employee who has been designated and

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activated will be called in to work, required to stay at work, or required to telework, if approved to do so, during the particular emergency situation.

- c. **Critical District Government Operations** – There are critical operations that cannot be suspended or interrupted, even in the event of declared emergencies or government closings.

1) The following are considered critical District government operations:

- a) Continuity of public health and human services,
- b) Public safety,
- c) Law enforcement,
- d) Emergency management services,
- e) Emergency medical services,
- f) Transportation,
- g) Public Works,
- h) Shelter operation,
- i) Food distribution,
- j) Communication; and
- k) Other Critical Operations.

2) Such mission critical functions shall be carried out during any period of:

- a) Early dismissal,
- b) Government shutdown,
- c) Mayoral, Declared Emergency; or
- d) Any period where other employees are not required to report to work because of an unusual situation or condition (for example, hazardous weather conditions, special events, etc.).

- d. **Employee Locator Information** – A current address and phone number where an employee may be contacted in the event of an emergency or to recall the employee after normal duty hours.

- e. **Telework** - For the purposes of this policy, telework is an arrangement in which an Emergency Employee, during a declared emergency, is directed to perform officially assigned duties at his or her home address of record. An emergency employee may be authorized to telework by DOC during an emergency based on the needs of the organization, and to the extent possible without diminishing

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employee performance. Emergency Employees should have job tasks that are quantifiable, primarily project-oriented, telephone intensive, computer-oriented, that can be accommodated working away from the current work location with equal efficiency as if being performed at the official work site.

10. EMPLOYEE LOCATOR INFORMATION

- a. All employees shall submit a completed Employee Locator Sheet (Attachment A) to his/her immediate supervisor in accordance with SOP 3040.1D-16, Employee Locator and Emergency Contacts.
- b. Wardens, Administrators, and Office Chiefs shall require each employee under his/her supervision to complete an Employee Locator Sheet (Attachment A) immediately upon assignment or detail to his/her area of responsibility.
- c. The Employee Locator Sheet (Attachment A) shall be maintained in a secure desk or file cabinet in the Warden's, Administrator's, or Office Chief's office as appropriate.
- d. **Confidentiality**
 - 1) The information on the Employee Locator Sheet (Attachment A) and in the database is confidential and shall only be used for its intended purpose.
 - 2) Any employee who misuses this information or uses the information for purposes other than its intended purpose shall be subject to corrective or adverse action consistent with DPM Chapter 16.

11. ESSENTIAL EMPLOYEES

- a. **Predetermination.** The Director or designees shall predetermine which employees are to be considered essential employees.
 - 1) The Director or designee shall identify Essential Employees by position title or other appropriate means, e.g., a Corrections Officer; Series,

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Information Technology, Maintenance, Fleet Management, and Inmate Records Office Staff positions are considered essential.

- 2) The Director or designee shall notify employees in writing of their designation as Essential Employees. The Individual Notification of Designation Form (Attachment B) shall be used for this purpose.
- 3) When a personnel action, i.e., promotion or reassignment results in new duties and responsibilities that meet the criteria of an essential position, the employee shall be notified in writing of his/her designation as an Essential Employee within thirty (30) days of the effective date.
- 4) DOC shall notify an employee, in writing within thirty (30) days of the effective date, when his or her designation as an Essential Employee is no longer applicable for the following reasons:
 - a) A re-determination is made by the Director or designee that the employee's position is not an essential position; or
 - b) A personnel action (i.e., promotion, reassignment, etc.) results in new duties and responsibilities that **do not** meet the criteria specified in section 9a of this directive.
- 5) The D.C. Department of Human Resources is required to include a statement on the vacancy announcement, designating the position as "essential" where applicable.
- 6) Agencies should avoid blanket predeterminations that all employees within an agency or major organizational unit within the agency are considered essential or emergency employees.
- 7) Essential employees are not eligible to telework during a declared state of emergency and/or unexpected government shut-down.
- 8) An essential employee may not be designated as an emergency employee.

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b. **Requirements.** Essential Employees are required to:

- 1) Remain at their duty station, or alternate work location (approved by the essential employee's supervisor) when a situation or condition occurs and results in the declaration or announcement of an early dismissal for all other employees, provided the essential employee is at their duty station at the time the agency head makes the announcement or the Mayor declares an emergency.
- 2) Report to their duty station on time and as required per agency/District need, when a condition occurs which results in a declared emergency or unexpected closing of District government offices. If unable to report to duty as scheduled, the essential employee shall immediately notify their supervisor of their inability to report to work, and it shall be at the discretion of the essential employee's supervisor whether to charge the employee as "Absent Without Official Leave"
- 3) Make every effort to report to duty as scheduled and, if unable to do so, immediately notify their supervisor of their inability to report to work. It is at the discretion of the immediate supervisor whether to place the essential employee on AWOL or to allow the employee to request and be granted appropriate leave; and
- 4) Carry or wear an official government ID card at all times.
- 5) If the essential employee is unable to reach his/her immediate supervisor, the employee shall call the D.C. Department of Corrections Command Center at 202-523-7000.

c. **Compensation.** Essential Employees who report to work when the government is closed or who remain on duty when most employees are dismissed early and who perform "overtime work" during such periods are to be compensated, when applicable, in accordance with the provisions 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 applicable collective bargaining agreement (CBA).

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d. **Call Back and Call In**

- 1) Staff designated as Essential Employees in accordance with DPM Chapter 12 shall be available for duty on a 24-hour basis and ready for assignment if called upon in case of emergency or for other official purposes.
- 2) It may also be necessary to deploy non-essential employees whose services are required in an emergency or for other official purposes.
- 3) In case of an emergency or for other official purposes, employees may be:
 - a) Called back to duty after they have completed their regular tour of duty and have left their work site, or
 - b) Called in to duty on their day(s) off.

12. EMERGENCY EMPLOYEES

- a. **Predetermination.** The Director or designees shall predetermine which employees are to be considered Emergency Employees.
 - 1) The Director or designee shall identify Emergency Employees by position title or other appropriate means. Therefore, any employee holding that job title shall be considered an emergency employee.
 - 2) The Director or designee shall notify employees in writing of their designation as Emergency Employees. The Individual Notification of Designation Form (Attachment B) shall be issued for this purpose.
 - 3) When a personnel action, i.e., promotion or reassignment results in new duties and responsibilities that meet the criteria of an emergency position, the employee shall be notified in writing of his/her designation as an Emergency Employees within thirty (30) days of the effective date.
 - 4) DOC shall notify an employee, in writing within thirty (30) days of the effective date, when his or her designation as an Emergency Employee is no longer applicable for the following reasons:
 - a) A re-determination is made by the Director or designee that the

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employee's position is not an emergency position; or

- b) A personnel action (i.e., promotion, reassignment, etc.) results in new duties and responsibilities that **do not** meet the criteria specified in section 9b of this directive.
- 5) In some unusual circumstances, established predeterminations of Emergency Employees may not be appropriate. In these instances, therefore, it may be necessary to resort to the emergency contact database and/or employees who have not been designated as Emergency Employees to report to duty if their services are required.
 - 6) The D.C. Department of Human Resources is required to include a statement on the vacancy announcement, designating the position as Emergency where applicable.
- b. **Requirements.** Emergency Employees are required to:
- 1) Be at work during his/her normal tour of duty when an emergency is declared, regardless of the emergency.
 - 2) Make every effort to report to duty as scheduled. If unable to do so, the employee shall immediately notify their supervisor of their inability to report to work. It is at the discretion of the immediate supervisor whether to place the employee on AWOL or to allow the employee to request and be granted appropriate leave.
 - 3) Remain at their duty station, or alternate work location (approved by the emergency employee's supervisor) when a situation or condition occurs and results in early dismissal for other employees; provided the emergency employee is at their duty station at the time the agency hear makes the announcement or the Mayor declares an emergency.
 - 4) Report to their duty station on time and as scheduled when a situation or condition occurs during non-work hours, and results in the closing of District government offices.
 - 5) Can telework if so directed by the agency head.

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- 6) Carry their official District government ID card at all times.
 - 7) If the employee is unable to reach his/her immediate supervisor, the employee shall call the D.C. Department of Corrections Command Center 202-523-7000.
- c. **Compensation.** Emergency Employees who report to work when the government is closed or who remain on duty when most employees are dismissed early and who perform “overtime work” during such periods are to be compensated, when applicable, in accordance with the provisions 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 applicable collective bargaining agreement (CBA).

Attachment

Attachment A – Employee Locator Sheet

Attachment B – Individual Notification of Designation As An Emergency or Essential Employee

DOC/PP3040.4A/4/23/19



DEPARTMENT OF CORRECTIONS
EMPLOYEE LOCATOR SHEET

Employee's Name: _____
(Last/First, Middle)
Title/Grade/Step/Series: _____
Immediate Supervisor: _____
Place of Duty: _____
(Institution, Building and Office)
Duty Phone Number: _____
Duty Cell Phone _____

PERSONAL INFORMATION

Current Home Address: _____
(Street/Apt. No.)

(City/State/Zip Code)
Home Telephone Number: _____
Cell Phone Number: _____ Other: _____

EMERGENCY CONTACT INFORMATION

P R I M A R Y C O N T A C T

1. Name: _____ Relationship: _____
Address: _____
(Street/Apt. No.) (City/State/Zip Code)
Home Phone: _____ Work/Other Phone: _____

S E C O N D A R Y C O N T A C T

2. Name: _____ Relationship: _____
Address: _____
(Street/Apt. No.) (City/State/Zip Code)
Home Phone: _____ Work/Other Phone: _____

Employee's Signature _____

Date Form Completed _____



GOVERNMENT OF THE DISTRICT OF COLUMBIA



**INDIVIDUAL NOTIFICATION OF DESIGNATION
(ESSENTIAL OR EMERGENCY EMPLOYEES)**

Agency: _____ **Date:** _____

To: _____
(Employee's Name) _____
(Organization Unit)

(Position Title)

From: _____ **Position Title:** _____

Designation (please check one): Essential Employee☐ Emergency Employee

Type of Designation (please check one):

 New Designation

Termination of Designation

Pursuant to sections 1272 and 1273 of Chapter 12 of the regulations, Hours of Work, Legal Holidays and Leave, this notification is to advise you that you have been designated as *an Essential or Emergency Employee*, as indicated above. If an *Essential* employee, you will be required to report to work or stay at work during a declared emergency. If an *Emergency* employee, you will be required to either report to work, stay at work or telecommute (if so directed) during a declared emergency or during a period of non-emergency where your duties have been deemed as critical District government functions/operations. ~~An employee may not be designated as both essential and emergency.~~

As an *Essential or Emergency Employee*, you will be required to adhere to the policies set forth in sections 1272 and 1273 of DPM Chapter 12, regarding Essential or Emergency employees.

This designation is effective _____ (Month / Day / Year)

Note: Your designation as an essential or emergency employee in the agency and organizational unit shown above will remain in effect until such time as the designation is terminated, in writing, by use of this form.

Information to be provided by the employee:

Employee's Personal Cell #: _____

Employee's Work Cell #: _____

Employee's Home Telephone #: _____

Emergency Contact (Name and Telephone #):

Acknowledgement of Receipt:

I, _____, hereby acknowledge receipt of this Individual
(Employee's Name – Print)

Notification of Designation as Essential / Emergency Employee.

Employee's Name (Printed Name)

Employee's Name (Signature)

Date

Supervisor's Name (Printed Name)

Supervisor's Name (Signature)

Date

Agency Head's Name (Printed Name)
(or designee)

Agency Head's Name (Signature)
(or designee)

Date

Return this form by way of the dchr.policy@dc.gov email address or to our office which is located at:

D.C. Department of Human Resources
Policy and Compliance Administration
441 4th Street, N.W., Suite 330 South (Main)
Washington, D.C. 20001
Phone: (202) 442-9689

cc: Employee
Official Personnel Folder