

## LEAVE AND WORK PROVISIONS RELATED TO HURRICANE HELENE

(REV. 10-10-2024)

This guidance updates information provided on September 30, 2024. OSHR has approved additional flexibilities to assist with relief efforts. Information added October 1, 2024 is included in blue. Information added October 10, 2024 is included in red.

### TEMPORARY EMPLOYEES

#### 1. COMPENSATION FOR TEMPORARY EMPLOYEES

Paid leave has been provided for permanent employees. H149 (8.1) provides that employees and contractors of the public school system shall be compensated in the same manner they would have if they had worked on the days missed. We are directing institutions to take a similar approach for the University and compensate temporary employees for the time missed during institutional closure due to Hurricane Helene.

#### 2. EXCEPTIONS TO TEMPORARY EMPLOYMENT TIME LIMITS AND REEMPLOYMENT OF RETIREES

- a. H149 (12.2) provides that temporary employees working to support disaster recovery response efforts are exempt from the mandatory separation requirement for the duration of the state of emergency related to Hurricane Helene or associated recovery efforts. These employees may comply with the mandatory separation requirement within six months after the end of the state of emergency for this event (currently, March 1, 2025).
- b. H149 (12.1) allows individuals who retired under TSERS on or after April 1, 2024 but before October 1, 2024 to reduce the break in service requirement to one-month if the individual returns to state employment due to the state of emergency related to Hurricane Helene or associated recovery efforts. Any such work performed by these individuals between September 25, 2024 and the end of the state of emergency shall not be considered work for the purposes of the normal six-month separation requirement, and any earnings received in that timeframe shall not be treated as earned by the beneficiary for the purposes of determining the individual's annual earnings limit.

### PERMANENT EMPLOYEES

#### 3. DEFINITIONS: Our UNC System Adverse Weather and Emergency Event Policy defines the three Condition Levels used for communicating the status of operations.

- a. *Condition 1 (Reduced Operations)*. The university remains open, but non-mandatory operations may be reduced due to limited staffing. Mandatory employees must report to or remain at work. All other employees have the option to report late, leave early, or not work on-site at all; however, employees are responsible for informing their supervisory chain in a timely manner of all such decisions. Employees who telework should continue to work off-site if able to do so. Employees may use Adverse Weather Make-Up Leave to cover absences or use other available paid leave.
- b. *Condition 2 (Suspended Operations)*. The university remains open on a limited basis but has formally suspended all but mandatory operations. Employees designated or temporarily assigned as mandatory employees must report to work as directed; all other employees must not report to work or must leave the workplace when this status takes effect. Employees may use Adverse Weather Make-Up Leave to cover absences or use other available paid leave. Those who can work remotely may do so in lieu of using personal leave.
- c. *Condition 3 (Closure)*. University facilities are closed; this can apply to the entirety of the university or to one or more specific buildings based on the type of incident involved. All or only a limited number of mandatory employees may be directed to remain at or report to work under this condition. All other employees, including those who are otherwise designated as mandatory but not needed for the event, are not permitted to report to or remain at work. Non-working employees receive paid administrative leave for their absences.

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### 4. APPROVAL OF ADVERSE WEATHER CONDITION 3 STATUS

Under policy, the Chancellor can declare Condition 1 (reduced operations) or Condition 2 (suspended operations), and the President or designee can authorize Condition 3 (closure with paid leave). Given the severity of this event, we recognize that your institutions may be operating under Condition 3 for a week or longer. We will continue to work with you over the coming weeks to extend the coverage as needed based on campus conditions and key infrastructure functionality in the local community.

### 5. EXTENDED PARTIAL CONDITION 3

Once you get further along in recovery, there may still be pockets of your campus with more severe damage that will require longer to repair. We can continue to authorize Condition 3 for portions of your campus as needed (this would provide continued paid leave to employees who cannot work because adequate campus facilities are not available to them).

### 6. GENERAL RULES FOR ADVERSE WEATHER MAKE-UP LEAVE

- a. When **permanent** employees are unable to work during Condition 1 or 2 Adverse Weather, they may use available vacation or bonus leave, go on leave without pay, or use adverse weather make-up leave, in which the employee receives paid leave currently and must either make up for the leave with additional work hours or otherwise later charge the time to available vacation or bonus leave.
- b. Although normally **permanent** employees have up to 90 calendar days to make up the time from the point of use, OSHR has extended the makeup provisions for an additional 90 days to allow employees up to 180 days (March 26, 2025) to make up work time missed due to the hurricane **during the period between September 27, 2024 and October 31, 2024.**

### 7. OTHER MANAGEMENT APPROVED LEAVE (OMAL) FOR DIFFICULT LIVING SITUATIONS

- a. If a **permanent** employee's living situation is still evolving either 1) due to ongoing safety risks from damage to their primary residence, or 2) due to other serious hurricane-related impacts, the employee may be eligible for Other Management-Approved Leave (OMAL).
- b. As a short-term step, for the period of Friday, September 27 through Thursday, October 03, up to 40 hours of OMAL will be made available to the employee. The employee will be responsible for providing documentation of their hardship to their manager. Institutions will ensure that the application of this benefit is applied in a fair and consistent basis.
- c. **Based on available institutional funds, institutions may provide up to 80 hours of OMAL to permanent employees who are unable to work remotely either because 1) road conditions due to hurricane-related impacts prevent them from getting to work or because 2) the employee had to evacuate their residence due to hurricane-related impacts, and the area to which they evacuated is not within a "reasonable driving distance." This uses the same 80-hour pool of leave as the OMAL identified in item 6 below.**
  - i. **If an employee is able to work remotely (regardless of whether they typically work remotely) the employee shall not be entitled to this type of OMAL.**
  - ii. **If an employee who typically works remotely is unable to work remotely but is able to work from an onsite location within a "reasonable driving distance" where they can reasonably perform their job duties, the employee shall not be entitled to this type of OMAL.**
  - iii. **A "reasonable driving distance," for the purpose of this exception, is defined as being either beyond 90 minutes travel time or beyond 50 miles traveled (miles on the road, not straight line).**



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### 8. OMAL FOR LOSS OF OR SUBSTANTIAL DAMAGE TO PRIMARY RESIDENCE

Based on available funds, institutions may pay up to 80 hours of OMAL to **permanent** employees who need time off to address loss of or substantial damage to their primary residence that was sustained between September 27 and October 4. This will be available to affected employees in the first 90 calendar days after damage occurs. It will be up to the institution to determine how to document this, but best practices would include meetings with contractors, job estimates, or receipts for purchased supplies.

### 9. REMOTE WORKERS FROM AFFECTED INSTITUTIONS

You may have **permanent** employees who work primarily offsite and live in areas that may not have regained power, cellular, water, and/or road clearance by the time the campus reopens. To the extent those employees can come to campus to work while their home areas are under repair, that should be encouraged until their local capacity is reestablished. If they cannot come to campus, they could continue to use available leave, use the Adverse Weather Make-Up Leave, or use Other Management Approved Leave as described above to cover the absence.

### 10. IMPACTED WORKERS FROM OTHER UNC INSTITUTIONS

- a. Other UNC System institutions may have remote working arrangements for employees who reside in one of the [affected designated disaster area counties](#). For those employees, the University will operate under Adverse Weather Condition 1 throughout the period of the disaster area designation, and affected employees may use adverse weather make-up leave as applicable to their situation. **Other leave options**, such as the OMAL described above, may also be applicable in individual circumstances.
- b. For **permanent** employees who work at unaffected institutions but who have a designated work site within the affected area, Condition 3 paid leave would be provided while those facilities are not available.

### 11. MANDATORY EMPLOYEES

- a. You may in the short term need to designate more employees as mandatory to address storm damage on the campus. Although the type of work needed may be different from the employee's regular duties, it should fall within the general scope of their type of position. While under Condition 2 or 3, **permanent** SHRA non-exempt employees will receive adverse weather equal time off for all hours worked. This is in addition to any overtime compensation that may be required. We recognize that some employee populations may have difficulty coming to work given their personal situations, so we ask for reasonable flexibility in balancing the needs of the employee and the institution, especially for those employees who are not usually designated as mandatory employees.
- b. **Under existing state policy, institutional management has the discretion to provide permanent SHRA exempt employees (who normally do not receive overtime compensation) hour-for-hour compensatory leave for hours worked over 40 in a work week. Institutions may apply this option for SHRA exempt employees who are required to work during a closing.**
- c. **OSHR has allowed an exception to above policy so that institutions may provide straight-time overtime pay in lieu of compensatory leave to permanent SHRA exempt employees. This exception requires prior approval from OSHR and OSBM. OSHR encourages institutions to consider this option and will turn around requests quickly. [Contact Chris Chiron in the UNC System Office to assist with facilitating the request.]** With these approvals, institutions may pay straight-time pay for law enforcement or response/recovery activities to FLSA exempt employees that are required by management to work overtime during the emergency/disaster. Per the Hours of Work and Overtime Compensation Policy, such pay is subject to available institutional funds or federal disaster funds as applicable.
- d. **EHRA employees who are required to work during a Condition 2 or Condition 3 event do not receive additional compensation or paid time off. (For the purposes of this policy, EHRA law enforcement positions are eligible for the same compensation options as provided for SHRA employees.)**

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### 12. PAID LEAVE FOR EMERGENCY SERVICES AND RELATED SUPPORT ACTIVITIES

Employees who are members of an emergency volunteer response organization or the American Red Cross may receive paid time off under [the Other Management Approved Leave Policy](#) to provide support services to affected areas. Other UNC Institutions may also help affected institutions through temporary work reassignments for employees to assist with restoring campus operations.

### 13. COMMUNITY SERVICE LEAVE

- a. Many agencies and universities have asked about the opportunity to expand Community Service Leave in order to assist Communities in their recovery. While many state agencies are engaged in these activities on a regular basis, OSHR will offer a temporary expansion of the Community Service Leave Policy. This expansion will allow state employees to volunteer for organized storm-related efforts coordinated by a local government entity (county or municipality) in addition to established nonprofits.
- b. Accordingly, each employee will have available an additional 16 hours (two days) of paid CSL leave *specific to storm-related activities* to expire on December 31, 2024. This increases the maximum amount of paid CSL leave from 24 hours to 40 hours for the remainder of 2024. Employees should obtain prior approval from their supervisor and will be responsible for providing documentation that additional hours used are storm-related, according to institutional HR office guidelines.

### 14. USE OF SICK LEAVE FOR CHILD AND ELDER CARE

If an employee who is a parent (or guardian) is required to stay home with a child (as defined in the FMLA policy) because of the closure of a day care facility or public/private school, the employee may use sick leave. This also applies for eldercare facility closings. This exception will expire on December 31, 2024.

### 15. USE OF SICK LEAVE FOR OTHER ABSENCES CAUSED BY HURRICANE HELENE

If an employee is unable to work, either onsite or remotely (from their home or other alternate work location), due to Hurricane Helene and the employee has exhausted the OMAL options in this memo, compensatory time, vacation leave, and bonus leave, then the employee may utilize their sick leave for absences due to direct impacts of Hurricane Helene. This exception will expire on December 31, 2024.

### 16. VOLUNTARY SHARED LEAVE BANK

- a. Institutions are authorized to create leave banks of voluntary shared leave (VSL) for use by employees impacted by Hurricane Helene. Institutions may set up a bank of voluntary shared leave, to which employees may donate leave, if the employee is qualified to donate leave according to the **Voluntary Shared Leave Policy**.
  - i. This leave will not be donated to one specific employee; rather, to a pool of leave to be shared among impacted employees.
  - ii. The pool of VSL shall be distributed in a manner determined by the institution to employees who have utilized all available leave but are still unable to return to work or work remotely due to direct impacts of Hurricane Helene.
  - iii. At the receiving institution's discretion, employees working at other institutions may donate to the VSL pool at the receiving institution.
  - iv. Institutions are asked to report to OSHR on VSL bank usage by January 31, 2025. More details will be provided in the VSL Leave Bank guidelines, which are forthcoming.
- b. This exception will expire on December 31, 2024.

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### 17. POSTING REQUIREMENTS NOT APPLICABLE

The Recruitment and Posting of Vacancies Policy provides the institution head flexibility in certain circumstances to determine it will not openly recruit to fill a position. Vacancies to be filled immediately to prevent work stoppages in constant demand situations, or to protect public health, safety, or security may be filled without posting the vacancy. The decision shall be based upon a bona fide business need and is the responsibility of the institution head. Employees filling these positions are required to meet the minimum education and experience requirements of the position.

### 18. REASSIGNMENT OF EMPLOYEES

- a. Institution heads may authorize temporary reassignment or redeployment of an employee. This exception allows reassignment regardless of mutual agreement between the institution and employee and including potential reassignment of supervisors to non-supervisory positions that provide disaster relief related efforts. This temporary reassignment will not be considered a demotion and will not require just cause.
- b. In no circumstances shall the employee's pay be lowered due to the temporary reassignment.
- c. A reassigned or redeployed employee may be eligible for additional compensation. Refer to the Pay Administration Policy and/or Hours of Work and Overtime Compensation Policy.
- d. The institution must document the reassignment in a letter to the employee and provide, at minimum, the anticipated length of the reassignment and temporary job duties. This exception allowing temporary reassignment expires December 31, 2024.

### 19. REPORTING FORM

Per policy, any use of the three Condition Levels must be reported to the UNC System Office using this [form](#). Given the current situation, we will not need the form completed in advance by those institutions who have already been approved for Condition 3 in the short term. The System Office will work directly with Chief HR Officers at a later date to complete the documentation to submit to OSHR.