

**Matrix for Inclement Weather Leave-Related Questions
Revised November 22, 2006**

The elements of this matrix for represented employees reflect the SEIU contract and a number of other similar contracts. For non-SEIU represented employees, please check the contract and call your Labor Relations Manager at DAS if you have questions.

This information was compiled by DAS HRSD and DOJ Labor and Employment. Use of leave due to inclement weather is governed by statute, DAS policies, and Collective Bargaining Agreements.

Agencies should review each case individually. If a specific condition is covered by policy or collective bargaining contract, the manager does not have the authority to act outside the policy/contract. For example FLSA non-exempt employees may not be paid for full day closures.

If agency managers are not sure of the FLSA status of employees, they should check with their HR Office.

Appropriate accrued leave that can be used is vacation, personal business, comp time and leave without pay, depending on the policies and contract language that apply to the employee. Sick leave is only to be used in the event of illness or other approved uses.

Scenario	FLSA Exempt Unrepresented	FLSA Exempt Represented	FLSA Non-exempt Unrepresented	FLSA Non-exempt Represented
Delayed Opening – news media notified before 5:00 a.m. that offices will be opening at 10:00 a.m. and employee comes to work at 10:00 a.m.	Record time between beginning of shift and time opened as miscellaneous paid leave (MPL). Also note on timesheet “Inclement Weather.”	Record time between beginning of shift and time opened as miscellaneous paid leave (MPL). Also note on timesheet “Inclement Weather.”	Employee shall use appropriate leave time for regular shift time before opening. (Example: 8 a.m. to 5 p.m. employee would need to record 2 hours of accrued leave if offices were not open until 10:00 a.m.)	Employee shall use appropriate leave time for regular shift time before opening. (Example: 8 a.m. to 5 p.m. employee would need to record 2 hours of accrued leave if offices were not open until 10:00 a.m.)
Delayed Opening - news media notified before 5:00 a.m. that offices will be opening at 10:00 a.m. and employee comes to work at regular work time 8:00 a.m.	Employee will be paid for time worked. (Example: record from 8 a.m. to 10 a.m. as regular work time)	Employee will be paid for time worked. (Example: record 8 a.m. to 10 a.m. as regular work time)	Employee will be paid for time worked. (Example: record from 8 a.m. to 10 a.m. as regular work time)	Employee will be paid for time worked. (Example: record 8 a.m. to 10 a.m. as regular work time)
Delayed Opening – news media notified before 5:00 a.m. that offices will be opening at 10:00 a.m. and employee calls in to say he/she will not be coming in that day.	Record time between beginning of shift and time opened as miscellaneous paid leave. Employee must use appropriate leave for remainder of shift (even if office closes early). Example: employee’s shift is from 8:00 a.m. to 5:00 p.m. Record from 8 a.m. to 10 a.m. as 2.0 hrs MPL and record 10 a.m. to 5 p.m. (5.0 hrs) as appropriate leave.	Record time between beginning of shift and time opened as miscellaneous paid leave. Employee must use appropriate leave for remainder of shift (even if office closes early). Example: employee’s shift is from 8:00 a.m. to 5:00 p.m. Record from 8 a.m. to 10 a.m. as 2.0 hrs MPL and record 10 a.m. to 5 p.m. (5.0 hrs) as appropriate leave.	Employee shall use appropriate leave for full shift.	Employee shall use appropriate leave for full shift.

Scenario	FLSA Exempt Unrepresented	FLSA Exempt Represented	FLSA Non-exempt Unrepresented	FLSA Non-exempt Represented
Offices closed early - DAS Director notifies state agencies that offices will be closing at 3:00 p.m. The assumption is that employees are already at work.	Employee will be paid for remaining time in regular shift. Record time as MPL and note on timesheet "Inclement Weather."	Employee will be paid for remaining time in regular shift. Record time as MPL and note on timesheet "Inclement Weather."	Employee will be paid for remaining time in regular shift. Record time as MPL and note on timesheet "Inclement Weather."	Employee will be paid for remaining time in regular shift. Record time as MPL and note on timesheet "Inclement Weather."
Agency office remains open and employee chooses to leave early and obtains prior approval from supervisor.	Employee shall use appropriate leave or leave without pay for remainder of shift.	Employee shall use appropriate leave or leave without pay for remainder of shift.	Employee shall use appropriate leave or leave without pay for remainder of shift.	Employee shall use appropriate leave or leave without pay for remainder of shift.
Full day closure – news media notified before 5:00 a.m. that offices will be closed for the entire day.	Employee shall be placed on miscellaneous paid leave and shall not be required to use accrued paid leave or leave without pay for absences of less than one full work week.	Employee shall be placed on miscellaneous paid leave and shall not be required to use accrued paid leave or leave without pay for absences of less than one full work week.	Employee shall use appropriate accrued paid leave or leave without pay for the entire shift.	Employee shall use appropriate accrued paid leave or leave without pay for the entire shift.
Full day closure – news media notified before 5:00 a.m. that offices will be closed for the entire day. The employee asks to work at home and it is approved by the supervisor	Record time worked as regular hours.	Record time worked as regular hours.	Record time worked as regular hours.	Record time worked as regular hours.
Full day closure – news media notified before 5:00 a.m. that offices will be closed for the entire day. The employee comes to work and leaves without working.	Employee shall be placed on miscellaneous paid leave and shall not be required to use accrued paid leave or leave without pay for absences of less than one full work week.	Employee shall be placed on miscellaneous paid leave and shall not be required to use accrued paid leave or leave without pay for absences of less than one full work week.	Employee shall use appropriate accrued paid leave or leave without pay for the entire shift.	Employee shall use appropriate accrued paid leave or leave without pay for the entire shift.
Full day closure – news media notified before 5:00 a.m. that offices will be closed for the entire day. The employee comes to work and is unable to get into the building.	Employee shall be placed on miscellaneous paid leave and shall not be required to use accrued paid leave or leave without pay for absences of less than one full work week.	Employee shall be placed on miscellaneous paid leave and shall not be required to use accrued paid leave or leave without pay for absences of less than one full work week.	Employee shall use appropriate accrued paid leave or leave without pay for the entire shift.	Employee shall use appropriate accrued paid leave or leave without pay for the entire shift.

Scenario	FLSA Exempt Unrepresented	FLSA Exempt Represented	FLSA Non-exempt Unrepresented	FLSA Non-exempt Represented
Full day closure – news media notified before 5:00 a.m. that offices will be closed for the entire day. The employee comes to work at the beginning of their shift, works for a few hours then goes home before end of shift.	Record time worked as regular hours. For the remainder of the shift, the employee shall be placed on miscellaneous paid leave for the remainder of the shift.	Record time worked as regular hours. For the remainder of the shift, the employee shall be placed on miscellaneous paid leave for the remainder of the shift.	Record time worked as regular hours. For remainder of shift, the employee shall use appropriate accrued leave (even if supervisor sent person home because the office was closed.)	Record time worked as regular hours. For remainder of shift, the employee shall use appropriate accrued leave (even if supervisor sent person home because the office was closed.)
Employee is on sick leave or previously-authorized vacation leave when an office closure occurs.	Employee shall use appropriate leave for entire shift.	Employee shall use appropriate leave for entire shift.	Employee shall use appropriate leave for entire shift.	Employee shall use appropriate leave for entire shift.

Building Closure means that employees should not be in the building without the approval of their supervisor.