

# Essential and Emergency Employees



## District Personnel Instruction No. 12-59

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<b>Effective Date</b>	<b>Expiration Date</b>	<b>Related DPM Chapters</b>
January 4, 2017	Retain Until Superseded	12

**i** **NOTE:** This DPM instruction supersedes DPM Instruction No. 12-53 (same subject), dated September 12, 2014, to reiterate the procedural guidance concerning employees occupying essential and emergency positions, and to revise the DCSF No. 12-01.

### Overview

The District government’s ability to continue operating, even during a declared emergency, is vital to both residents and visitors to the city. The occupation of designated essential or emergency positions by District government employees is critical to ensuring that emergency preparedness strategies that are in place at government and agency levels are effectively implemented. This DPM instruction provides information concerning the designation of essential and emergency personnel, outlines the criteria that should be considered when making these designations, informs agencies of their responsibilities, and updates and disseminates the revised designation form.

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## Distinction between Essential and Emergency Designations

1. While there is some differentiation between essential and emergency positions, much of the criteria considered when making such a determination is similar. For instance, a position may be designated as essential or emergency if the duties and responsibilities of the position meet certain criteria, including those listed below:
  - 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 (this includes all DPW employees);*
  - h. *Shelter operation;*
  - i. *Food distribution;*
  - j. *Communication; and*
  - k. *Other Critical Operations.*

Distinctions Continued	
Essential Employees	Emergency Employees
Are essential to the continuity of medical facilities, public safety, emergency services, or other crucial operations	Perform duties an agency head deems vital to the continuity of operations and mission critical functions of an agency. These include, but are not limited to, subject matter experts and members of the agency head's leadership team.
Are always required to report to work or remain at work during a declared emergency.	Must report to work or remain at work if activated, during a declared emergency
The essential designation shall be contained in the position description	May telework, if directed to do so
The essential designation is referenced in the vacancy announcement	The emergency designation is referenced in the vacancy announcement
An employee in a position designated as "essential" may <u>not</u> telework during periods of non-emergency or emergency	An employee in a position designated as "emergency" may be required to perform other duties outside of his or her official position description during a period of a declared emergency (such as manual labor, shelter services, etc.).
An employee occupying a position that is essential cannot be designated as emergency	An employee occupying a position designated as emergency cannot be designated as essential

# Critical Operations - Essential and Emergency Designations

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Periodically, events occur that interrupt government operations, such as a government closing or early dismissal of certain employees. Despite these occurrences, D.C. government workers performing specific duties and responsibilities are considered critical to government operations, and are ultimately designated as essential or emergency. The following list identifies certain positions that **may** be considered as crucial District government operations and, as a result, may be designated as essential or emergency:

Critical Operations	Examples of Positions (though not all inclusive)
Continuity of public health and human services	Public Health Analyst
Public safety	Firefighter, Emergency Medical Technician
Law enforcement	Police Officer, Correctional Officer
Emergency management services	Various HSEMA positions
Emergency medical services	Physician, Nurse
Transportation	Highway Engineer, Fleet Management Specialist
Public Works	DPW employees
Shelter operation	Supervisor (Homeless Shelter), Social Worker
Communication	OUC 911 Operator, Public Information Officer
Other Critical Operations	General Counsel, Bridge Repairer

## Requirements for Essential/Emergency Personnel Designees

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### Essential

Essential Employees are required to:

1. Report to work, and/or remain at work, in order to carry out responsibilities outlined in the “Critical Operations - Essential and Emergency Designations” section shown above.
2. Remain at their duty station, or alternate work location (approved by their supervisor) when a situation or condition arises and results in the declaration or announcement of an early dismissal for non-essential/non-emergency employees.
3. Report to their duty station on time and as required when a situation or condition occurs which results in a declared emergency resulting in a late arrival or unexpected closing of District government offices for non-essential/non-emergency employees.
4. Immediately notify their supervisor of their inability to report to work during a declared emergency. It is at the discretion of the essential employee’s supervisor to determine whether or not to charge the employee as “Absent Without Official Leave.”
5. Carry or wear their official District government ID card during the period of the declared emergency.



**NOTE:** An essential employee may not be designated as an emergency employee and vice versa.

## Emergency

Emergency Employees are required to:

1. Provide advice, recommendations, and/or specific functional support necessary for the continuity of operations during a declared emergency.
2. Remain at their duty station, or alternate work location (approved by their supervisor), if activated, when a situation or condition occurs and results in early dismissal for non-essential/non-emergency employees.
3. Report to their duty station, when activated, on time and as scheduled when a situation or condition occurs during non-work hours, and results in the late arrival or closing of District government offices for non-essential/non-emergency employees.
4. Telework during a declared emergency, instead of remaining or reporting to his or her duty station, if directed by the agency head (or designee), supervisor or manager.
5. Carry or wear their official District government ID card during the period of the declared emergency, if not teleworking.



**NOTE:** An Emergency Employee can be designated from all employment status categories (i.e. including but not limited to Management Supervisory Service, Career Service, etc.).

## Length of Designation

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1. A designation as an “Essential Employee” or an “Emergency Employee” remains in effect until it is terminated in writing. Examples of when a designation may be terminated or a new designation form may be issued include the following:
  - a. An employee no longer occupies a position that is designated as an essential or emergency position;
  - b. The employee accepts a position in another agency which is neither an essential or emergency position. If the position in the new agency is designated as essential or emergency, the agency is required to execute a new form; or
  - c. If there are significant changes to the essential or emergency designation that warrant that the designation form be updated (e.g., the position is re-classified).
2. In any of the above instances, the DCSF No. 12-01, Individual Notification of Designation (Essential OR Emergency Employees (Rev. 1/2017), is the form to be utilized.

## Responsibilities

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### Agency Role

1. To promote continuity of operations for critical District government activities, agencies must identify employees whose duties and responsibilities fall into any category within

the “Critical Operations - Essential and Emergency Designations” section of this E-DPM instruction, and designate each of those employees as either “Essential Employees” or “Emergency Employees” as provided below:

- a. The agency must provide a 30-day written notice to the employee informing them of their designation as an “Essential Employee” or “Emergency Employee” (even though the “essential” designation should be referenced in the PD). The 30-day period begins the date in which the employee receives his or her notification.
  - b. As the designation of an employee will remain in effect for the duration of time he or she occupies the Essential or Emergency position in their respective agency and operational unit, an agency, as indicated above, is not required to re-designate an employee as Essential or Emergency on a yearly basis.
  - c. An agency must execute a new designation form (DCSF No. 12-01) for an employee occupying an essential or emergency position as provided above in this instruction.
  - d. In the case of a vacant position which has been designated as Essential or Emergency, upon recruitment, an agency shall include a statement of designation as essential or emergency on the vacancy announcement at the time of posting. New hires to essential or emergency positions must be notified in writing upon appointment to a position which has been designated as essential or emergency.
  - e. In the case of new hires into Essential positions, the employee shall be informed of the designation either in the vacancy announcement, offer of employment letter, in a stand-alone notice (DCSF No. 12-01), or a combination of the three.
  - f. Agencies must provide a 30-day written notification to an employee when an agency head determines that the employee’s position designation as an “Essential” or “Emergency” employee is no longer applicable. For example, a re-determination is made by the agency head that the employee’s position is no longer an emergency position, or when a personnel action results in a change of duties and responsibilities to a position that does not involve duties described in the “Distinction between Essential and Emergency Designations” section of this instruction. In either scenario, a notification to the employee removing them from the category must be provided to the employee.
  - g. The written notification referenced in paragraph (a) and (f) (above) can be accomplished by completing and providing to the employee the attached DCSF No. 12-01.
  - h. In general, agencies should avoid blanket predeterminations that all employees within either an agency or major organizational unit within the agency are considered essential or emergency employees.
2. While Essential and Emergency employees should normally be designated in advance and in writing, in rare instances, the required thirty (30)-day written notification period may be suspended during a period of a declared emergency or during the period of time preceding an expected declaration of an emergency.
  3. Agencies must maintain the original, completed DCSF No. 12-01 in the agency; and transmit copies to the employee and the D.C. Department of Human Resources (DCHR) for placement in the employee’s Official Personnel Folder.

4. Agencies must prepare and transmit to DCHR's Policy and Compliance Administration, a listing of the agency's essential and emergency designations (positions and employees) at least annually by November 1st of each year.

### **DCHR Role**

1. Publish in the DPM issuance system a list of positions designated as "emergency" and "essential" positions, by agency, at least annually.
2. Establish the specific language to be used on the vacancy announcement designating the position as an "emergency" or an "essential" position, as applicable.
3. Work with agencies, as appropriate, to ensure that language is contained in a position description denoting a position as an Essential position.

### **Employee's Role**

Upon receipt of the DCSF No. 12-01 either designating the employee's position as an Essential or Emergency position (or terminating such designation), the employee must sign, date and return the original form to his or her supervisor for appropriate action.

### **Supervisor's Role**

Once a determination has been made that an employee's position has been designated as an Essential or Emergency position (or such designation has been terminated), and the signed DCSF 12-01 is received from the employee occupying such position, the employee's immediate supervisor must review, sign and date the form, and transmit to the agency head.

### **Agency Human Resource Advisor's Role**

Once the employee, the employee's immediate supervisor and the agency head have reviewed and signed the DCSF No. 12-01, the form must be sent to the agency HRA for dissemination as provided in the "Designation Form" section of this instruction (below).

## **Emergency Employees and Telework**

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An employee designated as an Emergency Employee may take advantage of telework (routine and situational telework) during periods of a non-emergency. However, in the event of a declared emergency, an emergency employee on routine or situational telework may be ordered to report to work.

## **Compensation during Emergency**

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Essential and Emergency employees who report to work when the District government is closed or who remain on duty when other employees are dismissed early and who perform "overtime work" during such periods must be compensated, when applicable, in accordance with provisions of the Fair Labor Standards Act; Chapter 11 of the D.C. personnel regulations, Classification and Compensation, or in the case of union employees, in accordance with provisions of an applicable collective bargaining agreement (CBA).

## Designation Form

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The attached DCSF 12-01 (copy attached), which is accessible on DCHR's intranet site ([www.dcop.in.dc.gov](http://www.dcop.in.dc.gov)) must be reproduced by agencies, and used as the official, written notification of designation. The form, once signed, must be distributed as follows:

- Original – Employing Agency
- One (1) copy – Employee
- One (1) copy – Employee's Official Personnel Folder

## Reference Material

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Employees and managers may obtain additional guidance from the following reference materials:

- Section 1211 of Chapter 12, Hours of Work, Legal Holidays and Leave
- DPM Instruction No. 12-58, Compressed, Flexible and Telework Schedules

## Legal Authorities

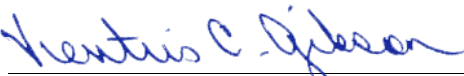
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- D.C. Code § 1-612.01 *et seq.*
- Subtitle B of Title 6, Chapter 12 of the District of Columbia Municipal Regulations

## Additional Information

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Employees, managers, and supervisors can obtain additional guidance relating to the provisions of this instruction by contacting DCHR's Policy and Compliance Administration or the Employee Relations Unit. Any classification-related inquiries can be directed to DCHR's HR Solutions Administration (formerly Administration for Recruitment and Classification). DCHR offices can be reached by calling (202) 442-9700.

  
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Ventris C. Gibson, Director

Attachment

DCSF No. 12-01, Individual Notification of Designation (Essential or Emergency Employee)  
(Rev. 1/2017)

Attachment 1 -  
Individual Notification of Designation (Essential or  
Emergency Employees)

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**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 1271 and 1274 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 telework (if directed to do so) 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 1271 and 1274 of DPM Chapter 12, regarding Essential or Emergency employees.

An Essential or Emergency employee may be required to perform other duties outside of his or her official position description during a period of a declared emergency (such as manual labor, shelter services, etc.).

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 Notification of  
(Employee's Name – Print)

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

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Return this form by way of the [dchr.policy@dc.gov](mailto: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 4<sup>th</sup> Street, N.W., Suite 340 North  
Washington, D.C. 20001  
Phone: (202) 442-9700 (Main)

cc: Employee  
Official Personnel Folder