

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

District Personnel Manual Issuance System

E-DPM Instruction No. 12-48

This Instruction may be accessed electronically at www.dchr.dc.gov, by clicking on the "District Personnel Manual" link; and the "Issuances" link for Chapter(s) 12

SUBJECT: Guidelines for Designation of Certain "Essential Employees" or "Emergency Employees" and Telecommuting Program – *REVISED*

Date: October 24, 2012

NOTE: This Electronic-District Personnel Manual (E-DPM) instruction supersedes E-DPM Instruction No. 12-45 (same subject), dated January 20, 2012, for the main purpose of removing "snow and debris removal" from the list of critical functions referenced in section item no. IV (1)(a) of the instruction and the DCSF No. 12-01, Individual Designation of Essential Employees form; and to make other non-substantive changes.

I. PURPOSE

The purpose of this Instruction is to supersede District Personnel Manual (DPM) Instruction No. 12-45 (same subject), dated January 20, 2012 for the purpose stated above and to make other minor changes.

THIS INSTRUCTION

- √ **PROVIDES GUIDELINES FOR DESIGNATION OF CERTAIN EMPLOYEES AS "ESSENTIAL EMPLOYEES" AND "EMERGENCY EMPLOYEES;"**
- √ **ISSUES THE REVISED TELECOMMUTING GUIDE AND TELECOMMUTING PROGRAM, INCLUDING NEW PROVISIONS RELATED TO DECLARED EMERGENCIES; AND**
- √ **REVISES DESIGNATION FORMS FOR *ESSENTIAL EMPLOYEES* AND *EMERGENCY EMPLOYEES*.**

II. AUTHORITY

1. **Statutory Provisions** - D.C. Official Code § 1-612.01
2. **Regulatory Provisions** – Chapter 12 of the D.C. personnel regulations, Hours of Work, legal Holidays and Leave

Note: E-DPM instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective authority.

Distribution: Agency Heads, HR Advisors, and DPM Subscribers
Retain Until Superseded

III. APPLICABILITY

This E-DPM Instruction, the attached Telecommuting Guide (including all four attachments), and revised Employee Designation forms apply to all employees and volunteers of subordinate agencies.

IV. POLICIES

1. Designation of Essential Employees - There are certain critical District government operations that cannot be suspended or interrupted, even in the event of declared emergencies or unexpected government closings.

- a. The following are considered critical, District government operations:
 - i. Continuity of public health and human services;
 - ii. Public safety;
 - iii. Law enforcement;
 - iv. Emergency management services;
 - v. Emergency medical services;
 - vi. Transportation;
 - vii. Shelter operation;
 - viii. Food distribution; and
 - ix. Communication.
- b. To promote continuity of operations for critical District government activities, agencies are required to identify employees whose duties and responsibilities fall into any category within section IV(1)(a)(i-ix) of this Instruction, and designate each of those employees as "*Essential Employees.*"
 - i. Within 30 days of an employee's designation, the agency must notify the employee, in writing, of the employee's designation as an *essential employee.*
 - ii. Agencies must notify an employee, in writing, within 30 days when an agency head determines that the employee's position designation as an *essential 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 essential position, or when a personnel action results in a change of duties and responsibilities to a position that does not involve duties described in Section IV(1)(a)(i-ix) of this Instruction.
- c. Agencies should avoid blanket predeterminations that all employees within either an agency or major organizational unit within the agency are considered essential employees.
- d. Essential employees must report to work, or remain at work, in order to carry out responsibilities enumerated in Section IV(1)(a)(i-ix) of this Instruction during any period of: early dismissal; government shutdown; Mayoral, declared emergency, or 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, catastrophes, etc.)

- e. *Essential employees* who report to work when the 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 the 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 the provisions of the applicable collective bargaining agreement (CBA).

2. **Designation of Emergency Employees** – Agencies are encouraged to designate *Emergency Employees* who will fulfill certain, mission-critical functions and assist the agency head in the event of certain man-made or natural emergencies.

- a. *Emergency employees* are typically certain senior or core employees who provide leadership advice, recommendations, and functional support necessary for continuity of operations during a declared emergency.
- b. *Emergency employees* should normally be designated in advance and in writing. In rare instances, agency heads may designate employees as emergency employees on a case by case basis, depending on the nature of the emergency that arises. In any such rare situation, the employee should be in a management supervisory service position, or higher.
- c. In the event of an early dismissal; government shutdown; declared emergency; or where most employees are excused from reporting to work because of an unusual situation, *emergency employees* must either report to work, remain at their duty station, or telecommute as directed by their agency head.

3. **Expiration of Designations**

- a. The individual notification of designation as either an *Essential Employee* or an *Emergency Employee* expires one year from the date the agency issued the notification.
- b. Agencies must reissue the Notification of Designation as an *Essential Employee* or *Emergency Employee* at least annually.

V. **RESPONSIBILITIES**

1. **Agencies are required to:**

- a. **NOTIFY** any agency employee, in writing, of their designation as either an *essential employee* or *emergency employee*, using the Individual Notification of Designation forms attached to this Instruction, within thirty (30) days of their appointment;

- b. **MAINTAIN** the original, completed “Individual Notification of Designation as an Essential Employee” form in the agency personnel file, and
- c. **PREPARE** and transmit to the Director, DCHR, a listing of the agency’s essential positions at least annually.

2. Essential Employees – are required to:

- a. **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; or
- b. **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. 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 designate the employee as “Absent Without Official Leave” or to allow the employee to request and be granted the appropriate leave; and
- c. **CARRY/WEAR** official District government “ID” card during the period of the declared emergency.

3. Emergency Employees - are required to:

- a. **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 head makes the announcement or the Mayor declares an emergency; or
- b. **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; or
- c. **TELECOMMUTE**, if so directed by the agency head; AND
- d. **CARRY/WEAR** official District government “ID” card during the period of the declared emergency.

4. DCHR is required to:

- a. **PUBLISH** list of positions designated as “*emergency*” and “*essential*” positions, at least annually; and

- b. **INCLUDE** a statement on the job requisition designating the position as an “*emergency*” or an “*essential position*, as applicable.

VI. FORMS

1. The attached “Individual Notification of Designation as an *Emergency Employee*” and the “Individual Notification of Designation as an *Essential Employee*” forms must be reproduced by agencies, and must be used as the official, written notification of designation.
2. The forms, once signed, must be distributed as follows:

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

VII. EMERGENCY EMPLOYEES TELECOMMUTING POLICY

1. Each agency should implement its continuity of operations plan (COOP) to ensure that mission essential functions are operational during a declared emergency. To make telework a viable option during declared emergencies, agency heads are encouraged to direct that assignments be organized to facilitate electronic communication and eliminate paper-based processes, whenever possible.
2. In the event of a declared emergency or an extraordinary condition or situation, *emergency employees* required to telework during a declared emergency, agree to the following:
 - a. To not hold business visits or meetings in his/her home;
 - b. To maintain appropriate safety practices during his or her tour of duty;
 - c. To assume primary responsibility for maintaining effective communication and work flow among other emergency employees and the general public;
 - d. To regularly check for communications by email and telephone;
 - e. The employee’s tour of duty shall be consistent with the operational needs of the employee’s department and the circumstances;
 - f. If conditions permit, the employee may be required to attend job-related meetings, training sessions, webinars, or conferences, as may be requested by the employee’s supervisor;
 - g. Maintain all agency materials and information issued or received during an emergency as confidential, safe, and secure by:

- i. Properly disposing of media (both hardcopy and electronic) using approved means of destruction;
 - ii. Receiving permission, from their supervisor to use or access sensitive data outside of their agency's facilities;
 - iii. Utilizing and storing sensitive data only on network drives;
 - iv. Physically securing laptops (as applicable) at all times; and
 - v. Immediately reporting to the agency any incident in which sensitive information has been potentially lost or compromised (for example, it should be reported without delay if an emergency employee, or designated employee, who is required to telework during a declared emergency loses a blackberry, laptop, removable or external hard drive, flash drive or hardcopy documentation, that contains agency information);
- h. Adhere to District government standards of conduct regarding ethical conduct and the use and misuse of government services, resources, and equipment;
 - i. All agency equipment shall be kept secure and used only for District government business;
 - j. Any equipment supplied by the agency must be returned to the agency upon termination of the telecommuting arrangement, whether routine or temporary;
 - k. To be responsible for all incidental costs, such as residential utility costs, including, cleaning, internet services, utilities during the period of the declared emergency;
 - l. The telecommuting employee will not be reimbursed mileage expenses without the prior written approval of the employee's supervisor; and
3. In addition to *emergency employees*, agency heads may authorize routine participation in telecommuting. For routine participation in teleworking, agencies should identify positions that are well-suited for telecommuting based on the duties and responsibilities of the positions description. Employees who occupy those identified positions are then invited to apply for consideration to participate in telecommuting.

VIII. NO CONFLICT

In the event of any conflict between any of the provisions of this Instruction and any CBA, the provisions of the CBA shall control, but be limited to the extent necessary to allow the provisions of this Instruction to be followed.

XI. EFFECTIVE DATE

This Instruction is effective immediately.


Shawn Y. Stokes
Director

Attachments:

- *D.C. Standard Form 12-01, Individual Notification of Designation as an Essential Employee (Rev. 10/12)*
- *D.C. Standard Form 12-02, Individual Notification of Designation as an Emergency Employee (Rev. 1/12)*
- *Telecommuting, General Information Guide (January 2008, Rev. 1-26-2012)*

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources**

**INDIVIDUAL NOTIFICATION OF DESIGNATION
AS ESSENTIAL EMPLOYEE**

Agency: _____

Date: _____

TO: _____
(Employee's Name)

(Organizational Unit)

FROM: _____

SUBJECT: Notification of Designation as Essential Employee

This notification is to advise you that you, have been designated, as an **Essential Employee**, required to report to work in the event of a declared emergency, because your duties are essential to the continuity of medical facilities, public safety, emergency services, or other crucial operations. You have been designated as an Essential Employee under one or more of the following categories:

- | | |
|--|---|
| <input type="checkbox"/> The duties performed are vital to public health and human services | <input type="checkbox"/> The duties performed are vital to other crucial operations such as transportation, shelter operation, food distribution, and communication |
| <input type="checkbox"/> The duties performed are vital to the public safety and law enforcement | <input type="checkbox"/> Other (specify) _____. |
| <input type="checkbox"/> The duties performed are vital to provide emergency management services and emergency medical | |

Essential Employees who report to work when the government is closed or who remain on duty when other employees are dismissed early **and** who perform "overtime work" during such periods may be compensated, when applicable, in accordance with the 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 the provisions of a collective bargaining agreement (CBA), applicable and appropriate. For union employees, please refer to the appropriate CBA.

(OVER)

As an Essential Employee you will be required to:

- Adhere to the policies set forth in DPM chapter 12, regarding Essential Employees
- Remain at your duty station when an early dismissal is authorized for other, non-essential employees.
- Report to your duty station, on time and as scheduled, when directed to do so when declared emergencies conditions develop during non-work hours that result in District offices being closed.
- Carry or wear official government ID card during the period of the emergency.
- Make every effort to report to work in such situations as scheduled and, if unable to do so, immediately notify your supervisor of your inability to report to duty, and understand that any failure to report or remain on duty as required may result in a charge of Absent Without Official Leave or leave, as appropriate.
- Contact your immediate supervisor or agency official for referral to your appropriate command location.

Acknowledgement of Receipt:

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

Employee's Signature

Date

cc: Employee
Agency Personnel Folder

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

**INDIVIDUAL NOTIFICATION OF DESIGNATION
AS EMERGENCY EMPLOYEE**

Agency: _____ **Date:** _____

TO: _____
(Employee's Name)

(Position Title)

(Organizational Unit)

FROM: _____

SUBJECT: Notification of Designation as an Emergency Employee

This notification is to advise you that you have been designated as an *Emergency Employee*, and that you will be required to either report to work, stay at work or telecommute during a declared emergency. You perform duties the agency deems vital to the continuity of operations and mission critical functions.

As an *Emergency Employee*, you will be required to:

- Adhere to the policies set forth in DPM chapter 12, regarding Emergency Employees.
- Remain at your duty station, report to your duty station or telework, as directed in the event of a declared emergency that results in a closure, delayed opening, or dismissal, and understand that your failure to report or remain on duty, as required, may result in a charge of Absent Without Official Leave, or leave, as appropriate.
- Carry or wear official government ID card during the period of any emergency.

This designation as an Emergency Employee is effective _____ (date) through _____ (date).

Information to be provided by the employee:

Emergency Contact (Name and Telephone Number): _____

Personal Mobile Telephone Number: _____

Home Telephone Number: _____

Work Mobile Telephone Number: _____

Acknowledgement of Receipt:

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

Employee's Signature

Date

cc: Employee
Agency Personnel Folder