

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

District Personnel Manual Issuance System

E-DPM Instruction No. 12-50

This E-DPM instruction may be accessed electronically at www.dchr.dc.gov, by clicking on the "Policies and Procedures" and "Electronic-District Personnel Manual (E-DPM)" links for Chapter(s): **12**

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

Date: July 30, 2013

NOTE: This Electronic-District Personnel Manual (E-DPM) instruction supersedes E-DPM Instruction No. 12-49 (same subject), dated December 7, 2012, for the purpose of updating D.C. Standard Form No. 12.01, Individual Notification of Designation (Essential OR Emergency Employees (Issued 12/12); and making minor revisions to the issuance.

I. PURPOSE

The purpose of this Instruction is to supersede District Personnel Manual (DPM) Instruction No. 12-49 (same subject), dated December 7, 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;" AND**
- √ **REVISES DCSF 12-01, DESIGNATIONS FORMS FOR ESSENTIAL 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Retain Until Superseded or Rescinded

III. APPLICABILITY

This E-DPM Instruction and its attachment applies to all Essential and Emergency Employees in subordinate agencies.

IV. POLICIES

1. Designation of Essential and Emergency Employees - There are certain critical District government operations that cannot be suspended or interrupted, even in the event of declared emergencies or 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;
- ix. Communication; and
- x. Other Crucial Operations.

b. Such mission critical functions shall be carried out during any period of:

- i. Early dismissal;
- ii. Government shutdown;
- iii. Mayoral, Declared Emergency, or
- iv. 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.)

c. 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-x) of this Instruction, and designate each of those employees as either "*Essential Employees*" or "*Emergency Employees*".

- i. Upon making a determination regarding an employee's designation, the agency must provide a 30-day notice to the employee, in writing, informing them of their designation as an "*Essential Employee*" or "*Emergency Employee*" and must reissue notification on an annual basis, specifically by no later than October 1st of each subsequent fiscal year.

For example, "Initial" designations would need to be provided by no later than August 31st in order to comply with this section of the instruction.

- ii. Vacant positions which have been designated as *Essential* or *Emergency*,

upon recruitment 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.

- iii. 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*" 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 essential or 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 Section IV(1)(a)(i-x) of this Instruction. In either scenario, a notification to the employee removing them from the category must be provided to the employee.

- d. Agencies should avoid blanket predeterminations that all employees within either an agency or major organizational unit within the agency is considered essential or emergency employees.
- e. *Essential and Emergency 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).

V. Requirements for Designation of Essential Employees and Emergency Employees

1. Requirements for "Essential Employees"

- a. Essential employees must report to work, and/or remain at work in order to carry out responsibilities enumerated in Section IV (1) (a) (i-x) of this instruction.
- b. Essential employees are not eligible to telework during a declared state of emergency and/or unexpected government shut-down. Telework agreements which cover an employee who has otherwise been designated as an "Essential Employee" shall be suspended by the personnel authority, agency head and/or designee for the duration of the declared emergency and/or unexpected government closing period.
- c. Essential employees must *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

- d. Essential employees must **REPORT** to their duty station, on time and as required per agency/District need, when a situation or 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 designate the employee as "Absent Without Official Leave".
- e. Essential employees must **CARRY/WEAR** official District government "ID" card during the period of the declared emergency.

2. Requirements for "Emergency Employees"

- a. Emergency employees may be designated from all employment status categories (i.e. including but not limited to Management Supervisory Service, Career Service, Education Services, etc.).
- b. Emergency employees are typically employees who provide advice, recommendations, and specific functional support necessary for the continuity of operations during a declared emergency.
- c. 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.
- d. Emergency employees must **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
- e. Emergency employees must **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
- f. Emergency employees can **TELECOMMUTE**, if so directed by the agency head;
AND
- g. Emergency employees must **CARRY/WEAR** official District government "ID" card during the period of the declared emergency.

3. Expiration of Designation

- 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 last notification (*i.e. Notification Date – September 30th, Expiration Date – September*

30th of the following year).

- b. Agencies must reissue the Notification of Designation as an *Essential Employee* or *Emergency Employee* on an annual basis, specifically no later than October 1st of each subsequent fiscal year, regardless of initial date of designation.

For example, an agency hires a new employee with and entrance onto duty (EOD) August 1st. That designation is only active for the remainder for that particular fiscal year. In a case where the agency has determined that the designation is needed for the upcoming fiscal year, that agency must follow the guidelines as outlined in this instruction.

VI. 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 form attached to this Instruction, within thirty (30) days of their appointment;
- b. **MAINTAIN** the original, completed "Individual Notification of Designation" form in the agency personnel file; and transmit copies to the employee and the D.C. Department of Human Resources (DCHR) for placement in the Official Personnel Folder, and
- c. **PREPARE** and transmit to DCHR a listing of the agency's essential and emergency designations (positions and employees) at least annually by November 1st of each year.

2. DCHR is required to:

- a. **PUBLISH** a list of positions designated as "*emergency*" and "*essential*" positions, at least annually; and
- b. **ESTABLISH** the specific language to be used on the job requisition designating the position as an "*emergency*" or an "*essential position*", as applicable.

VII. FORM

1. The attached D.C. Standard Form 12-01, Individual Notification of Designation (Essential or Emergency Employee) (copy attached), must be reproduced by agencies, and must be used as the official, written notification of designation.
2. The form, once signed, must be distributed as follows:

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

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.

IX. EFFECTIVE DATE

This Instruction is effective immediately.


Shawn Y. Stokes
Director

Attachment:

- *D.C. Standard Form 12-01, Individual Notification of Designation (Essential OR Emergency Employees) (Revised 7/2013)*