

### Hazardous Weather Information

**S.C. Code Section 8-11-57** allows the Governor to provide state employees up to five days of leave with pay for absences from work due to a declared state of emergency for hazardous weather.

- If the Governor does not provide leave for the hazardous weather, the State Human Resources Regulations provide three options for employees to account for the lost work time. Employees are: 1) allowed to use annual or compensatory leave, 2) allowed to take leave without pay, or 3) allowed to make up time lost from work.
- According to State Human Resources Regulations Section 19-712.01 K., employers must allow employees the option to make up the lost time at a time that is agreeable to both parties. If the employee is non-exempt, any time worked over 40.00 hours would be considered overtime. Employers are responsible for paying time and a half or awarding compensatory time for all hours worked over 40.00 hours per week even when lost work time is being made up.
- If the Governor has not made a declaration of emergency but hazardous weather or other “unsafe” conditions arise that jeopardize the safety of employee, State Human Resources Regulations Section 19.712.01 K. 1., provides an exception to allow the immediate evacuation of a facility by an individual in a supervisory capacity in the interest of personal safety. Typically, the agency head or a designee is responsible for making this decision.
- If an employee is on paid leave (ex. Annual leave) for time the Governor provided paid leave time for work lost during an emergency there are three options when deciding whether or not to allow employees to substitute the hazardous weather leave for other approved leave. Agencies can: 1) allow all employees to withdraw their approved leave and substitute the hazardous weather leave; 2) allow no employees to substitute hazardous weather leave for approved leave; or 3) consider substituting the hazardous weather leave for approved leave on a case by case basis. If an agency decides to make the decision concerning leave on a case by case basis, these decisions should be consistent and equitable.
- If an employee reports to work even though the Governor has declared an emergency condition, the agency head, or designee, should send the employee home unless the employee's personal safety would be jeopardized. If an employee ignores a directive to leave the work site, time worked must still be counted as work time, but the employee may be subject to discipline in accordance with the agency's progressive discipline policy. An agency may decide to have a hazardous weather/emergency closing policy that communicates its approach to this issue and which applies consistently to all employees.
- If the Governor has not declared a state of emergency, the employee should report to work unless reporting to work would jeopardize the employee's personal safety. If safety is jeopardized, the employee should contact a manager and request leave.

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- If the Governor declares a state of emergency and only excuses a portion of an employee's work schedule under that declaration of emergency, then only the portion of the employee's work schedule contained in the declaration is eligible for hazardous weather leave.
- It is at the discretion of the agency whether temporary grant and time limited project employees are eligible to receive paid leave for scheduled work time not worked during a state of emergency based on the authorization permitted under the grant or time limited project contract. Temporary employees are not eligible to receive paid leave for scheduled work time not worked during a state of emergency.