

Section 19. Inclement Weather and Emergency Events

The Town of Apex acknowledges that natural, technological, and weather-related events can create emergencies affecting the community, county or region. Examples include public safety events, natural disasters (winter weather, hurricanes, etc.), public health events, and incidents impacting the Town's operations. These situations may necessitate adjustments to staffing, working hours, operations, location, or potentially impact the Town's ability to deliver a full range of services to residents.

A. Employee Expectations

The Town's Emergency Notification System is the primary method for notifying employees of office closures, emergency threats, hazards, and potential impacts to operations. Notifications may be delivered via SMS text messages, phone calls, and emails. Employees are given the opportunity to opt in during the onboarding process with Human Resources and may also register through Emergency Management. Employees who choose not to participate remain responsible for staying informed through other official communication channels and will be held accountable for meeting all reporting, attendance, and life-safety requirements.

During larger regional emergencies, the Town may request or provide mutual aid to support impacted jurisdictions. With approval from the Town Manager or applicable Department Director, employees may be authorized to deploy in support of these jurisdictions. Employees may also be required to backfill positions vacated by staff deployed for disaster-related activities. In such cases, employees shall be compensated in accordance with standard FLSA requirements and applicable mutual aid agreements.

Employees should assume that Town offices are open during standard business hours (8am-5pm Monday-Friday) and that all non-standard operations (including shift-based schedules) remain in effect for all scheduled workdays unless an official closure or delayed opening/early closure is announced. All employees who are scheduled to work are expected to report to work. Employees with a remote or hybrid work arrangement, or with the capability to perform work remotely, are expected to work their regularly scheduled hours during inclement weather or emergency events.

All employees are expected to work their normally assigned hours and perform their regular duties and responsibilities unless one of the following conditions applies:

- A Department Director determines that remote work cannot be performed due to a departmental shutdown;
- The employee is scheduled to work, but the position requires onsite presence and does not allow for remote work; or
- The employee's ability to perform remote work is directly impacted by the emergency event.

For inclement weather events, only pre-identified employees may be subject to recall and assignment as essential personnel. For emergency events, all employees may be subject to recall and assignment as essential personnel.

B. Activation Authority and Essential Staffing

The Town Manager, or their designee, is authorized to activate this subsection B in response to inclement weather, emergency events, or other conditions that disrupt normal operations or pose a threat to public safety.

Upon activation, the Town Manager may modify facility hours of operation as conditions warrant, including delayed openings, early closures, or full-day closures. Non-essential services may be provided to the public only with Department Director approval and subject to staffing capacity.

Employees in positions designated as non-essential who have an approved remote or hybrid work arrangement, or who otherwise have the capability to perform their duties remotely, shall work their regularly scheduled hours during inclement weather or emergency events unless specifically authorized for leave.

The Town Manager or Department Directors may designate positions or personnel as Essential Personnel as necessary to maintain public safety; support inclement weather, disaster, or emergency response operations; or perform duties directly necessitated by the emergency event.

Employees designated as essential may be required to report to duty, remain on duty, or perform assigned responsibilities regardless of operational hour modifications or facility closures, subject to applicable federal and state law.

Compensation and work schedule adjustments shall be administered in accordance with this policy, Town personnel ordinances, and applicable federal and state wage and hour laws.

- 1. Inclement Weather.** For inclement weather events, Department Directors may pre-identify positions or employees as Essential Personnel based on operational needs. Employees designated as Essential Personnel are subject to recall and may be required to report to duty, regardless of whether they were scheduled to work at the time of the event.

Essential Designation - Inclement Weather. An employee may be designated as Essential Personnel during inclement weather if their assigned duties are:

- Reasonably necessary to maintain public safety for the event;
- Reasonably necessary to support inclement weather response operations and recovery; or
- Duties that are assigned through or in coordination with the Emergency Operations Center (EOC).

- 2. Declared Emergencies.** As prescribed in Chapter 7, Section 7-3 of the Apex, North Carolina Code of Ordinances, the Mayor is authorized and empowered by proclamation to limit the application of restrictions to specific areas or times and to exempt classes of persons deemed essential to the preservation of public order and the immediate safety, health, and welfare needs of the community.

Upon issuance of a declared State of Emergency, the Town Manager may temporarily designate employees as Essential Personnel as necessary to support emergency response operations, sustain essential services and facilitate restoration and reconstitution of Town Operations.

Essential Designation - Emergency. An employee may be designated as Essential Personnel during a declared emergency only if they are actively assigned to and performing duties in direct support of the emergency or disaster incident. Employees who are on a regular or scheduled shift, but are not assigned to incident-related duties, shall not be considered Essential Personnel under this designation.

An employee qualifies only if their work meets one or more of the following criteria:

- ***Is actively*** engaged in the disaster or emergency response operations;
- Is required to perform a function as a direct result of the emergency or disaster event;
- Is assigned duties through or in coordination with the Emergency Operations Center (EOC);
or
- Is deployed to another jurisdiction to provide mutual aid in response to an emergency.

Emergency response procedures and responsibilities are governed by the Town's Emergency Operations Plan (EOP). Notification procedures shall follow the Town's Crisis Communication Plan.

C. Employee Pay/Leave Treatment

Employees are designated as *essential* or *non-essential* based on the duties performed during inclement weather or emergency event. All pay, leave, and hours worked will comply with FLSA regulations and Town policies. All employees who are scheduled to work are expected to report to work. Employees with a remote or hybrid work arrangement, or with the capability to perform work remotely, are expected to work their regularly scheduled hours during inclement weather or emergency events.

The Town Manager may modify Town facility hours of operations, including delayed openings, early closures, or full-day closures, in response to inclement weather or emergency events. Pay and work schedule adjustments will be determined based on the nature of the event (inclement weather / emergency) and the employee's designation as essential or non-essential, in accordance with this policy.

- 1. Essential Personnel.** Employees who are required to maintain public safety; support inclement weather, disaster, or emergency response operations; perform duties directly necessitated by the emergency event; serve in roles assigned through or coordinated with the Emergency Operations Center (EOC); or deploy to another jurisdiction to provide mutual aid.

a. Essential Working. At a minimum, all compensation shall comply with Fair Labor Standards Act (FLSA) requirements. Both exempt and non-exempt employees serving in an essential personnel role for an event within the Town shall receive the following compensation:

- ***During inclement weather***, essential employees will be paid their normal rate for all hours worked, whether the work was scheduled or unscheduled (recalled). Non-exempt employees will be paid in accordance with FLSA rules for their assigned shifts. Both non-exempt and exempt shall accrue Emergency Response leave (ERL) for every hour worked up to and no more than a maximum of eight (8) hours a day.
- ***During disaster/emergency events***, when a State of Emergency has been declared, both non-exempt and exempt employees will be paid Emergency Response Pay (ERP 1.5, as defined in Subsection E) for all hours worked while actively assigned to and performing duties in direct support of the emergency or disaster incident. This includes work performed while actively engaged in response operations, performing functions as a direct result of the event, assigned through or in coordination with the EOC, or deployed to another jurisdiction for mutual aid. ERP 1.5 applies to qualifying hours worked regardless of whether the work was scheduled or the result of a recall. Non-exempt employees will be paid in accordance

with FLSA rules for their assigned shifts. Employees who are on approved leave (e.g., sick leave, vacation, PPTO, etc.) or attending pre-approved training outside the Town of Apex jurisdiction prior to the declared emergency are exempt from recall. Such employees may be recalled only if they voluntarily notify their supervisor that their leave or training has been canceled and they are available to serve in an essential capacity.

The Town Manager may authorize additional banked Emergency Response Leave (ERL) for essential personnel who work extended-duration **during disaster/emergency events**, to support employee rest and recovery. ERL for essential personnel during **disaster/emergency events** shall not be claimed for federal reimbursement.

b. Essential Unable to Work. Essential personnel shall report to work when recalled. If an essential employee is physically unable to report due to direct event-related impacts or hazardous conditions associated with the event, the Department Director may authorize Administrative Leave. If Administrative Leave is not authorized, the employee must use an appropriate personal leave balance.

An essential *non-exempt* employee who was scheduled to work on a day when the Town was officially closed, but who was unable to work due to direct event-related impacts or hazards, may receive Administrative Leave, with Department Director approval, not to exceed the greater of:

- the duration of the Town closure, or
- the employee's standard pay period hours for the week, for the purpose of making the employee whole.

An essential *exempt* employee who was scheduled to work on a day when the Town was officially closed, but who was unable to work due to direct event-related impacts or hazards, may receive Administrative Leave, with Department Director approval, equal to their normally scheduled work hours.

c. Emergency Mutual Aid Deployments. Essential personnel who are recruited and deployed to provide emergency mutual aid to another jurisdiction may do so provided the following conditions are met:

- Approval from the Town Manager, Department Director or designee
Note: Satisfactory documentation must be submitted to Emergency Management upon return from deployment.

Employees who self-deploy or volunteer with another organization without prior authorization shall not be compensated by the Town for time worked. Such employees must request time off through their supervisor and use the appropriate leave type to account for time away from work.

Authorized employees deployed to provide emergency mutual aid shall be compensated as follows:

- Compensated for all hours worked, scheduled or unscheduled (recalled) as stated above;

- Travel to and from the assigned work site shall be considered hours worked;
- In certain circumstances where an employee has been authorized for deployment and the requesting agency has either reprioritized efforts or has yet to assign the employee, the employee shall be paid a minimum of 8 hours for the day, regardless of actual hours worked. If an employee has not been assigned to a work site, they shall contact their Supervisor who shall contact Emergency Management to resolve the issue.

2. Non-Essential Personnel. Staff who are not designated as essential are considered non-essential.

a. Non-Essential Working. Non-essential personnel working during a weather, emergency or disaster event shall be compensated at their normal rate of pay for their regularly scheduled hours.

b. Non-Essential Unable to Work. Non-essential employees shall work when scheduled. Administrative Leave may be authorized by the Department Director when an employee is scheduled to work but is unable to perform duties due to one or more of the following:

- The position requires onsite presence and does not allow for remote work; or
- The employee's ability to perform remote work is directly impacted by the emergency or disaster event.

A non-essential *non-exempt* employee who was scheduled to work on a day when the Town was officially closed, but was unable to work due to disaster-related impacts within Town limits, may receive Administrative Leave, with Department Director approval, not to exceed the greater of:

- the duration of the Town closure, or
- the employee's standard pay period hours for the week, for the purpose of making the employee whole.

A non-essential *exempt* employee who was scheduled to work on a day when the Town was officially closed, but was unable to work due to disaster-related impacts within Town limits, may receive Administrative Leave, with Department Director approval, equal to their normally scheduled work hours.

c. Non-Essential Not Scheduled. Employees who are non-essential and not scheduled to work are not required to work and are not eligible for additional pay or leave.

If recalled during an *emergency*, these employees shall be temporarily designated as essential personnel and shall be compensated in accordance with the provisions for essential personnel during an emergency as outlined above.

D. Modified Work Schedules Examples

The Town Manager may modify operational hours in response to inclement weather or emergency events. Such modifications may include delayed openings, early closures, or full-day closures, as conditions warrant.

- 1. Full Day Closure.** All Town operations, including parks, are closed from Friday through Saturday due to inclement weather. No Statement of Emergency has been issued for this event.

Example 1: A non-exempt, non-essential employee with a typical work schedule of Monday–Friday, 8:00 a.m. to 5:00 p.m., has the capability to work remotely and weather conditions have not impacted their ability to do so. The employee shall work remotely and code eight (8) hours of normal work time.

Example 2: A non-exempt, non-essential employee is scheduled to work on Saturday from 6:00 a.m. to 2:00 p.m. but is physically unable to perform work because the facility that is required to conduct their work is closed. With approval from the Department Director, the employee shall receive eight (8) hours of Administrative Leave for the scheduled hours missed, for the purpose of making the employee whole.

Example 3: An essential (non-exempt or exempt) employee is either scheduled or recalled to work during the closure period:

- If no Statement of Emergency has been issued: the employee shall be compensated at the applicable Emergency Response Pay (ERP) rate and shall accrue Emergency Response Leave (ERL) for each hour worked up to a maximum of eight (8) hours a day.
- If a Statement of Emergency is issued: the employee shall be compensated at ERP 1.5 rate for each hour worked.

- 2. Partial Day Closures (Delayed Openings).** Town facility operations are scheduled to open at 10:00 a.m. on Monday due to inclement weather conditions that have increased travel hazards. A Statement of Emergency has been in effect since Saturday.

Example 1. A non-exempt, non-essential employee with a typical work schedule of Monday–Friday, 8:00 a.m. to 5:00 p.m., and *has* the capability to work from home. The employee is expected to work from home during the period of delay and report to work at 10:00 a.m. They shall complete eight (8) hours of regular work for the day.

Example 2. A non-exempt, non-essential employee normally scheduled to work from 6:00 a.m. to 6:00 p.m. and is unable to report at 6:00 a.m. during the defined closure period due to hazardous conditions and *does not* have the capability to work from home. The employee shall record four (4) hours of Administrative Leave from 6:00 a.m. to 10:00 a.m. and eight (8) hours of regular work time from 10:00 a.m. to 6:00 p.m.

Example 3. An exempt, non-essential employee elects not to report to work until 11:00 a.m. The Department Director may authorize up to two (2) hours of Administrative Leave (8:00 a.m. to 10:00 a.m.). Any additional time not worked beyond the delayed opening period is the employee's responsibility and shall be accounted for using appropriate leave or by working approved hours.

- 3. Partial-Day Closures (Early Closings).** Town facility operations close early due to inclement weather or emergency events that create hazardous travel or unsafe operating conditions. The Town Manager announces an early closure time at 2:00 p.m. on Friday.

Example 1. A non-exempt, non-essential employee with a typical work schedule of 8:00 a.m. to 5:00 p.m. is released from duty at 2:00 p.m. due to an early closure. The employee is *unable* to continue working due to direct impacts from the event affecting their ability to conduct work. With approval from the Department Director, the employee shall receive Administrative Leave from 2:00 p.m. to 5:00 p.m. for the purpose of making the employee whole.

Example 2. A non-exempt, non-essential employee *has the capability to work remotely* and weather conditions have not impacted their ability to do so. Following the early closure at 2:00 p.m., the employee continues to work remotely until the end of their scheduled shift and shall code all hours worked as normal work time.

Example 3. An employee that is designated as essential and is currently working or recalled to work during an early closure period:

- If no Statement of Emergency has been issued: the employee shall use the Emergency Response Pay (ERP) rate and shall accrue Emergency Response Leave (ERL) for all hours worked up to a maximum of eight (8) hours a day.
- If a Statement of Emergency has been issued: the employee shall use the ERP 1.5 rate and be compensated at one and one-half times their regular rate for all hours after 2:00 p.m.

E. Pay/Leave Definitions

Compensation and overtime practices will comply with FLSA requirements. The following pay and leave codes may be used during inclement weather and emergency events.

1. **Work.** This pay type is used to compensate *non-essential* personnel (exempt and non-exempt) who perform work during inclement weather or emergency events. Compensation and overtime practices shall comply with Fair Labor Standards Act (FLSA) requirements.
2. **Emergency Response Pay (ERP).** This pay type is used to compensate *essential* personnel (exempt and non-exempt) who perform work during *inclement weather events* for their standard work rate. Compensation and overtime practices shall comply with Fair Labor Standards Act (FLSA) requirements.
3. **Emergency Response Pay 1.5 (ERP 1.5).** This pay type is used to compensate *essential* personnel (exempt and non-exempt) who perform work during *emergency events* at 1.5x their standard rate per hour worked. Compensation and overtime practices shall comply with Fair Labor Standards Act (FLSA) requirements.
4. **Emergency Response Leave (ERL)** This emergency banked leave is used to accrue additional leave hours for working employees designated as *essential personnel* for every hour worked up to a maximum of eight (8) hours a day during *inclement weather events*. The Town Manager may authorize up to eight (8) hours of ERL for *essential personnel* who work during *extended emergency events*, to support employee rest and recovery.
5. **Administrative Leave.** This leave may be granted to compensate employees for scheduled work hours during which the Town is closed or operations are suspended due to inclement weather or emergency events. This includes employees whose regularly scheduled work hours fall outside normal Town business hours.

Administrative Leave may be applied to both essential and non-essential employees who are unable to work during the affected period as a direct result of the event.

Administrative Leave may only be granted to employees who were regularly scheduled to work during the affected period, or who were designated as Essential Personnel but were unable to perform assigned duties due to conditions caused by the event.

To be eligible for Administrative Leave during an event, an employee must meet the following conditions:

- The employee must be scheduled to work on the day the event impacts the Town's operations or be designated as essential personnel;
- The employee must be unable to work due to hazards and impacts associated with the inclement weather or emergency event; and
- The employee must not be scheduled for any pre-approved leave during the affected period.

Exempt employees may be authorized Administrative Leave for the same hours in which the Town is officially closed.

Non-exempt employees may be authorized Administrative Leave for hours missed during their regularly scheduled workday, not to exceed either the duration of the Town closure or the employee's standard work week hours, whichever is greater, for the purpose of making the employee whole.

- 6. Leave (Excluding Admin Leave).** Leave such as but not limited to sick leave, vacation, professional time, etc. may be used during periods of inclement weather or emergency events. If employees are essential leave must be approved in advance. Non-essential personnel may request leave normally or accept Administrative Leave if unable to work. Employees who are out on sick leave immediately before and immediately following an Administrative Leave period, are assumed to be sick, and must use sick leave to account for the absence during the period of Administrative Leave. Likewise, employees who are scheduled to be on vacation during the Administrative Leave period must use vacation leave unless they notify their supervisor that the vacation plans are canceled due to the emergency conditions and they report to work immediately following the Administrative Leave period.

Town of Apex Personnel Policy
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F. Procedure Matrix

(Feb 2025)

Incident Type	Employee Designation	Work Status	Employee Type	Pay Codes	Pay / Leave Treatment
Inclement Weather Event	Essential (Service Critical) Criteria: - Reasonably necessary to maintain public safety related to the event, - Reasonably necessary support inclement weather response or recovery operations; or - Assigned duties through or in coordination with the Emergency Operations Center (EOC).	Required to report or remain on duty Remote workers MUST work from home if able	Exempt	ERP AND ERL	Receive Emergency Response Pay (ERP) for all hours worked. Accrue Emergency Response Leave (ERL) equal to the hours worked, up to a maximum of eight (8) hours a day.
			Non-Exempt	ERP AND ERL	Receives Emergency Response Pay (ERP) for all hours worked. Overtime shall be compensated in accordance with Town policy and FLSA regulations. Accrues Emergency Response Leave (ERL) equal to the hours worked, up to a maximum of eight (8) hours a day.
		Unable to report	Exempt	Pre-Approved Leave	Must use pre-approved leave (annual, PPTO, personal or other accrued). *Administrative Leave if approved by Director for hours missed during their normally scheduled workday, not to exceed the duration of Town closure.
			Non-Exempt	Pre-Approved Leave	Must use pre-approved leave (annual, PPTO, personal or other accrued) or *Administrative Leave if approved by Director for hours missed during their normally scheduled workday, not to exceed the duration of Town closure or their standard pay period hours for the week for the purpose of making the employee whole.
	Non-Essential	Able to work / Remote workers – MUST work if able	Exempt	Work	Receive salary wage. Do not rate admin leave.
			Non-Exempt	Work	Paid for all hours worked IAW Town Policies and FLSA regulations. Do not rate admin leave.
		The employee was scheduled to work, but the position requires onsite presence and does not allow for remote work, or the employee's ability to perform remote work was directly impacted by the event.	Exempt	Pre-Approved Leave OR Admin	Receives Administrative Leave for hours missed during their normally scheduled workday, not to exceed the duration of Town closure.
			Non-Exempt	Pre-Approved Leave OR Admin	Receives Administrative Leave for hours missed during their normally scheduled workday, not to exceed the duration of Town closure or their standard pay period hours for the week whichever is more.
		Not scheduled to work	Non-Exempt	N/A	Receives no pay, no additional leave accrual.

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F. Procedure Matrix

(Feb 2025)

Incident Type	Employee Designation	Work Status	Employee Type	Pay Codes	Pay / Leave Treatment
Emergency Event	Essential (Service Critical) Criteria: - Is actively engaged in the disaster or emergency response operations; - Is required to perform a function as a result of the emergency or disaster event; - Is assigned duties through or in coordination with the Emergency Operations Center (EOC); or - Is deployed to another jurisdiction to provide mutual aid in response to an emergency	Required to report, remain on duty or deploy	Exempt	ERP 1.5	Receives Emergency Response Pay (ERP 1.5) for hours actively assigned to and/or performing duties in direct support of, the incident.
		Remote workers MUST work from home if able	Non-Exempt	ERP 1.5	Receives Emergency Response Pay (ERP 1.5) for hours actively assigned to and/or performing duties in direct support of, the incident.
		Unable to report	Exempt	Pre-Approved Leave	Must use pre-approved leave (annual, PPTO, personal or other accrued). *Administrative Leave if approved by Director for hours missed during their normally scheduled workday, not to exceed the duration of Town closure.
			Non-Exempt	Pre-Approved Leave	Must use pre-approved leave (annual, PPTO, personal or other accrued) or *Administrative Leave if approved by Director for hours missed during their normally scheduled workday, not to exceed the duration of Town closure or their standard pay period hours for the week for the purpose of making the employee whole.
	Non-Essential	Able to work / Remote workers – MUST work if able	Exempt	Work	Receive salary wage. Do not rate admin leave.
			Non-Exempt	Work	Paid for all hours worked IAW Town Policies and FLSA regulations. Do not rate admin leave.
		The employee was scheduled to work, but the position requires onsite presence and does not allow for remote work, or the employee's ability to perform remote work was directly impacted by the emergency event.	Exempt	Pre-Approved Leave OR Admin	Receives Administrative Leave for hours missed during their normally scheduled workday, not to exceed the duration of Town closure.
			Non-Exempt	Pre-Approved Leave OR Admin	Receives Administrative Leave for hours missed during their normally scheduled workday, not to exceed the duration of Town closure or their standard pay period hours for the week whichever is more.
		Not scheduled to work	Non-Exempt	N/A	Receives no pay, no additional leave accrual.