



DEPARTMENT OF ADMINISTRATION

Enterprise Policy

DIRECTOR'S OFFICE-BUILDING CLOSURES-2019

DIRECTOR'S OFFICE

Building Closure Policy

Date of Last Revision 03/12/2019

Director's Office
(401) 222-2280

1. Purpose

- a. In the event that a building or worksite (hence referred to as 'work location') that is not functioning within normal parameters and there is a health and safety concern of employees and/or the public, consideration may be made regarding the operation of the work location, including the relocation of personnel. The purpose of this policy is to establish for all agencies and employees regarding the parameters, expectations and accountability surrounding a compromised work location.

2. Definitions

- a. **Essential Employees:** state employees who are determined by their respective department or agency head (or his/her designee) to be necessary and are required to work in order to carry out the critical business of that department.
- b. **Non-essential Employees:** state employees normally considered necessary to the business of the State but whose department or agency head (or his/her designee) determines that, for the period of adverse weather conditions and/or other unusual circumstances, such employees are not essential during this period to carry out the critical business of the department. Therefore, they are excused from duty during the defined period.

3. Special Note on Collective Bargaining Agreements

- a. All provisions of a collective bargaining agreement which modify or supplement this policy shall take precedent over any portion of this policy that may be in conflict with such agreement. In case of such modification or supplementation by a collective bargaining agreement, those portions of this policy not affected thereby remain in full force and effect.

4. Applicability

- a. In the event that a work location is not operating within normal parameters, such as heating or air conditioning issues or other situations where health and safety of the staff is a concern, the Agency Director must contact the Office of the DOA Director or alternatively the Director of Human Resources following an initial assessment of the situation. Identification of additional information required in order to fully assess the situation may be requested. If it is decided that a work location must be closed or operations curtailed based on all available information, the Director of Administration or Director of Human Resources will provide approval to the Agency Director. This

includes early closing and late openings as it applies to complete or partial shutdown of a work location.

- b.** If it is decided that a work location must be closed for a period of time, consideration may be made as to an alternative worksite for employees of the affected work location in consultation and with the approval of the Office of the DOA Director and the Director of Human Resources. In consideration of an alternative worksite, compliance with the following rules and regulations must follow. To ensure safe and adequate access to public buildings (i.e. those owned/occupied by the State of Rhode Island) for all individuals, including those with disabilities, it is the policy of this state to comply with the rules of the Occupational Safety and Health Act of 1970 (OSHA) (29 USC 651 et seq.), the Americans with Disabilities Act (ADA) (29 USC 12101 et seq.), the Rhode Island Handicap Discrimination Law (42-87 et seq.) and any other law(s) pertaining to this matter.

Because no "qualified individual with a disability" shall by reason of such disability, be precluded from reporting for duty, it shall be the responsibility of each Agency Director to ensure compliance.

Therefore, every attempt will be made, as expeditiously as possible, to keep all paths of travel (i.e. facilities, buildings, grounds) free from hazardous conditions of any kind. Particularly, this effort will include ensuring that the "exterior path of travel" leading into each facility is clear of obstruction including prompt treatment/removal of excessive ice and snow.

If, however, conditions exist that have been deemed to be hazardous that may prevent an individual employee with a severe impairment from being able to report to work, he/she may telephone/contact his/her supervisor to request an alternative work site for that day. (Alternative work sites do not include working at home for that day.)

It is the responsibility of each agency to:

- (i.)** Identify alternative work site(s) for an individual employee(s) with a severe impairment that would prevent reporting to the regular work site in these circumstances; and
 - (ii.)** Inform the employee(s) of specific procedures to follow upon reporting to such work sites (i.e. reporting/telephoning/emailing the supervisor; requesting further information/ guidance from the supervisor at pre-determined times throughout the day).
- c.** If a suitable alternative worksite cannot be identified for all or some of the employees of the work location, those employees deemed essential by the Agency Director may be provided with an alternative work situation, to include temporary teleworking. As defined in the Teleworking Policy, emergencies such as a work location closure may create the need for temporary teleworking. During this type of arrangement, a formal teleworking agreement is not required. An employee must contact their supervisor to request a temporary teleworking arrangement or a supervisor may require an employee who is essential to telework. In either case, Agency Director approval is required.
 - d.** In those cases where an essential or non-essential employee has an authorized teleworking agreement as defined by the Teleworking Policy but the work location

closure is on a day and/or time that is not part of the employee's agreement, the employee should contact their supervisor to request that they telework for the day.

- e. Those employees deemed to be non-essential employees will be released from work. All non-essential nonunion employees and all non-essential bargaining unit employees excused from duty for their regular scheduled work shift (during the closure) shall be compensated at the straight time rate of compensation (administrative leave) for those hours regularly scheduled but not worked. This option shall not set a precedent of any kind and shall not be used or referred to for any purpose in any case for any future like incidents/closures.
- f. All employees of the compromised work location will be provided with regular and timely updates by the Agency Director or designee regarding the status of the work location, to include estimates on when the work location may reopen and a final communication as to the definitive work location reopening.
- g. All hours worked prior to the period of work location closure shall be compensated at the normal, standard straight time rate of compensation for those hours worked during the employee's regular scheduled work shift.
- h. Employees who have pre-requested/pre-planned/management pre-approved leave hours scheduled within the regular standard work shift during the hours of closure remain as scheduled. Administrative Leave is not credited.
- i. In those situations where there is an immediate health or safety concern for the staff of a work location, the Agency Director or designated authority may authorize the closure/curtailment of the affected work location and provide the staff with a safe shelter location. Once the safety of the staff has been secured, the Agency Director must follow the process found herein, beginning with contacting the Office of the DOA Director or alternatively the Director of Human Resources to assess the situation and decide on the best course of action as outlined above.

5. Signatures



Director of Administration



Date