



# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	SECTION NUMBER	PAGE NUMBER
		19-120D	1 of 3
		SUBJECT:	
		MAJOR EMERGENCY RESPONSE: <b>Emergency Weather Plans</b>	
<b>Approved By:</b>  Secretary of Corrections		Original Date Issued:	05-01-15
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<b>APPLICABILITY:</b>	<input type="checkbox"/> ADULT Operations Only	<input type="checkbox"/> JUVENILE Operations Only	<input checked="" type="checkbox"/> DEPARTMENT-WIDE
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## POLICY STATEMENT

In the event that inclement weather is declared, each affected office and/or facility of the Department of Corrections shall put into effect such inclement weather emergency plans as are required to ensure the continued provision of essential services.

## DEFINITIONS

**Essential Services:** Those correctional services necessary to contribute to the safety of the public through the exercise of safe and effective control and/or management of offenders within Departmental facilities and offenders under Departmental supervision within the community.

**Inclement Weather:** Weather conditions that have been officially declared by the Governor or his/her designee as creating dangerous or unsafe working conditions that necessitate the closing of all non-essential operations in one or more locations in order to provide for the safety of state employees, enhance the safety of highway travel, allow for the efficient clearing of roads, and/or facilitate law enforcement/emergency vehicle responsiveness to accidents.

**Essential Personnel:** Those persons who, by virtue of the positions they hold, or the posts that they fill, are immediately essential to the continued safety and security of agency operations and the provision of essential services.

## PROCEDURES

### I. Emergency Plans

- A. The Department of Corrections Central Office, parole services offices, and each correctional facility shall include inclement weather provisions in their emergency plans. Each plan shall include:
  1. A list of essential personnel or services required for continued safe and secure agency operations;
  2. Procedures to be followed in the event of a declaration of inclement weather;
    - a. Procedures shall include an alternative plan for delegating responsibilities of any person identified as essential personnel who is unable to report for duty; and
  3. Identification of minimum staffing levels to be utilized.

## **II. Declaring Inclement Weather**

- A. The Governor or his/her designee may issue a declaration of inclement weather for the entire state or for one or more geographic areas of the state.
- B. The Governor or the Governor's designee has the sole authority to issue a declaration of inclement weather for Shawnee County. For offices/facilities located outside of Shawnee County, the Secretary or designee may issue the declaration of inclement weather.
  - 1. An employee wishing to report the potential need for a declaration of inclement weather shall do so to his or her appointing authority or designee.
  - 2. The appointing authority or designee shall review relevant information and make a determination as to the validity of the request.
    - a. If occurring during normal business hours, the appointing authority or designee shall forward a recommendation to the deputy secretary of his or her division.
    - b. The deputy secretary shall determine the validity of the request and make a recommendation to the Secretary or designee.
    - c. If occurring outside of normal business hours, the appointing authority shall forward a recommendation directly to the Central Office duty officer.
  - 3. The Secretary, a designee, or, if outside of normal business hours, the Central Office duty officer shall make a determination as to the need to declare inclement weather and shall e-mail the Governor's Chief of Staff and the Division of Personnel Services prior to announcing any such declaration.
- C. Any declaration of inclement weather shall identify the locations affected and the duration of the declaration, including beginning and ending times.
- D. The declaration of inclement weather shall be communicated to all affected employees by the most practical means available, including the utilization of television and/or radio media.

## **III. Employee Leave During Inclement Weather**

- A. Absent an official declaration of inclement weather, employees who have determined that they cannot report for duty due to weather conditions and who have not been identified as essential personnel in their appropriate Emergency Plan shall follow IMPP 02-114 for requesting leave.
  - 1. Employees who do not report to work, report to work late, or leave early due to weather when a declaration of inclement weather has not been issued shall use vacation leave, accrued compensatory time, a discretionary day, or leave without pay.
    - a. For employees in positions determined to be exempt from provisions of the Fair Labor Standards Act (FLSA), any applicable leave deductions shall be taken in half or full-day increments.
- B. As specified in IMPP 02-114 XIV, employees who do not report to work, report to work late, or leave early subsequent to an official declaration of inclement weather, shall be granted Inclement Weather Leave for any absence that falls between the hours specified in the declaration.
  - 1. Employees designated as essential personnel shall make every reasonable and safe effort to report for duty. Essential personnel who are prevented by weather conditions from reporting for duty as required shall notify the office/facility as soon as possible. At the discretion of the appointing authority, the office/facility may attempt to arrange alternative transportation for essential personnel if necessary for the continued safe

operations of the office/facility. However, if the appointing authority determines that conditions are such that it is impossible for persons to report, those persons designated as essential personnel shall be granted Inclement Weather Leave for any absence that falls between the hours specified in the declaration.

2. The provisions of this policy or pertinent emergency plans shall not affect employees who received prior approval for authorized leave during the period covered by the declaration.
- C. Employees who work during a declaration of inclement weather will receive compensation at the same rate of pay as the employee would have received for working the same hours had there not been a Declaration.
1. Employees designated as essential personnel, employees who are called back or held over to cover essential positions and/or posts, and other employees who report to work during a declaration of inclement weather, shall receive any call-back, holiday, shift differential, and/or overtime pay/compensatory leave to which they would otherwise be entitled as specified in IMPP 02-113.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

#### **REPORTS REQUIRED**

None.

#### **REFERENCES**

IMPP 02-113, 02-114

#### **ATTACHMENTS**

None.