

Adverse Weather Policy

Purpose For Judicial Branch hiring authorities, this policy provides guidelines on issues to consider in making decisions about office staffing and operation in times of adverse weather.

For all Judicial Branch employees, it provides information about recording time in BEACON for adverse weather.

For employees of the North Carolina Administrative Office of the Courts (NCAOC), it provides policy and information about how the NCAOC will operate in adverse weather events and expectations for employees.

NOTE: See the policy Emergency Closings for procedures in circumstances that warrant complete closure of the office to all functions and staff including catastrophic conditions as defined in G.S. 7A-39(a).

Applicability This policy applies to all employees of the Judicial Branch. The section that describes policy for NCAOC employees is specifically applicable to those employees.

Authority Statutory authority: G.S. 7A-39, Cancellation of court sessions and closing court offices; G.S. 7A-100, Election; term of office; oath; vacancy; office and office hours; appointment of acting clerk; G.S. 7A-180, Functions of clerk of superior court in district court matters; G.S. 7A-343, Duties of Director. Other reference cited: Federal Fair Labor Standards Act including 29 C.F.R. §541.710, referred to as the public policy exception to the no-docking rule.

Definitions **Adverse weather.** For the purpose of this policy, these are weather events that, in the judgment of the hiring authority, do not necessarily call for cancelling court sessions or closing an office, but they may call for allowing employees to remain home, using leave time or making up the time later. If an employee has the option of reporting to work or not reporting to work, the event is considered to be adverse weather, even if court is cancelled and/or the office is closed to the public.

Essential employee. An employee who is expected to report to their workstation even during adverse weather. Examples are some who serve as computer operator at the NCAOC Data Center or help desk specialist where continuous coverage is required. These employees should be notified of their essential status and work requirements during the hiring process. Managers of essential employees are responsible for preparing in advance for adverse weather and catastrophic conditions and ensuring that the essential employees are provided adequate housing, meals and transportation during such events.

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Adverse Weather Policy, Continued

Definitions (continued)

Hiring Authority. An individual who acts as an independent manager over an office within the Judicial Branch with complete responsibility for non-elected employees in that office including the ability to hire, discipline, promote, demote and terminate. For example, within a district or county, hiring authorities include: The senior resident superior court judge, chief district court judge, district attorney, clerk of superior court and public defender.

Not-subject (Exempt) employee. An employee who is not subject to the minimum wage and overtime rules of the Fair Labor Standards Act.

Subject (Non-exempt) employee. An employee who is subject to the minimum wage and overtime rules of the Fair Labor Standards Act. Non-exempt employees must be awarded comp time at the rate of 1.5 hours for every hour worked in excess of 40 in a workweek.

Guidelines for Hiring Authorities

Independent Authority to Determine Adverse Weather Response

The Judicial Branch is separate and independent from the Executive Branch. Local Judicial Branch hiring authorities are separate and independent from county and municipal government. Judicial Branch hiring authorities have independent authority to make all relevant decisions in response to adverse weather. However, coordination and cooperation with local county and municipal government and other local Judicial Branch hiring authorities is often appropriate.

In a given county, court sessions may be cancelled or altered; yet one or more offices may remain open to the public. Conversely, one or more offices may be closed to the public, yet court sessions may be held, so long as the clerk, district attorney, public defender and sheriff are willing and able to provide the minimum support personnel necessary to conduct the court's business. Similarly, an office may remain open to the public, yet employees may be given the option of not reporting for work. Even if an office is closed to the public, some or all employees may be expected to report for work. In Wake County, local court officials' decisions about whether court sessions will be cancelled, offices closed or employees required to report for work are independent of NCAOC's decisions for its offices and employees in Wake County.

Hiring authorities are encouraged to:

- Adopt policies and procedures for responding to adverse weather events.
 - Identify when and by whom a determination regarding adverse weather is made, if they choose to delegate decision authority.
 - Consult with other Judicial Branch offices in the district/county and local officials including emergency management personnel and other county and municipal government officials before making a decision regarding adverse weather.
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Adverse Weather Policy, Continued

Clerk's Filing Responsibilities

Whenever the clerk's office is closed to the public during normal business hours, for any reason, the clerk must arrange a place where filings may be made and payments received, for as long as it is safe to do so. A notice must be posted where any person reaching the courthouse may easily see it, advising where documents may be filed or whom to contact to accept a filing.

The duty to accept filings ceases when catastrophic conditions prevail. When catastrophic conditions cease and it is again possible to effect filings, the clerk must immediately notify the chief justice of the dates on which catastrophic conditions began and ended. The chief justice may then enter an order extending the time within which pleadings, motions, notices, and other documents may be filed, and other actions timely done, to a date not less than 10 days after the catastrophic conditions ceased to exist.

References: G.S. 7A-100(b), G.S. 7A-180(3), G.S. 7A-343(3).

Canceling or Altering Court Sessions

The Supreme Court, the Court of Appeals, the senior resident superior court judge and the chief district court judge – or their designees - are solely responsible for determining whether or not to alter or cancel the sessions of their respective courts.

In deciding whether or not to alter or cancel court schedules in a county, the senior resident superior court judge and the chief district court judge are encouraged to:

- Consult with the clerk of superior court, the district attorney, the public defender, if any, and other local judicial officials.
- Consider any actions recommended by local emergency management personnel and determinations made by county officials for the operation of county government.
- Make every effort to make decisions that are consistent and will not result in public confusion and risks to litigants, witnesses, jurors, judges and court employees.

When a decision is made to alter or cancel court sessions:

- Contact other Judicial Branch offices in the district/county which may be impacted by the closures.
 - Contact county and local offices that may need to know of the closure.
 - Provide for the maximum practical notice to the public and to employees, using all available media.
 - Call the NCAOC Help Desk, (919) 890-2407, so that court support functions are aware of the closure and can respond appropriately.
 - Inform the assistant director of the NCAOC, (919) 831-5971, who serves as administrative assistant to the chief justice and performs functions relating to the assignment of judges and scheduling court sessions, among other functions.
 - Notify the same offices when the normal schedule is resumed.
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Adverse Weather Policy, Continued

Training Cancellations

Adverse weather may cause cancellation or delay of scheduled training. To learn about the status of training sponsored by the Judicial Branch and scheduled at any of the Judicial Branch training centers call the Help Desk (919) 890-2407.

Entries in BEACON -- Adverse Weather Events

In conditions considered adverse weather, where the employee has the option of reporting to work, or not reporting to work, the following instructions regarding recording time in BEACON apply.

Employees on pre-arranged vacation leave or sick leave will charge leave to the appropriate account with no provision for make-up time.

Exempt Employees (negative time employees - employees who enter only exceptions to their work schedule - leave taken or additional time worked) have the following choices:

1) Code the absence as time off during an Adverse Weather Event (Absence Code 9545 in BEACON). Using this code will result in a liability being generated for the hours the employee missed work. Employees must make up the missed time in the next 90 days or they will forfeit leave. Make up time should be coded as Adverse Weather Make-up (Attendance Code 9512 in BEACON). Exempt employees can work extra hours at any time, with the permission of the hiring authority, to make up the missed hours.

NOTE: Absence Code 9545 cannot be used if the employee has accrued compensatory time. Compensatory time must be used before the employee has the option of using Absence Code 9545.

2) Code the absence as Approved Leave (Absence Code 9000 in BEACON). Leave will be deducted according to the hierarchy for deducting leave balances, see Hierarchy for Deducting Leave in Section 5A: "Vacation Leave" of the HR Management Manual.

3) Code the absence as Leave Without Pay (Absence Code 9400 in BEACON). This will result in the employee's pay being docked for the time reported as Leave Without Pay.

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Adverse Weather Policy, Continued

Entries in BEACON -- Adverse Weather Events (continued)

Non-Exempt Employees and Part Time, Leave Earning Employees (positive time employees - employees who enter all time worked and leave taken) have the following choices:

1) Code the absence as time off during an Adverse Weather Event (Absence Code 9545 in BEACON). Using this code will result in a liability being generated for the hours the employee missed work. Employees must make up the missed time in the next 90 days or they will forfeit leave or have their pay docked.

NOTE: Absence Code 9545 cannot be use if the employee has accrued compensatory time. Compensatory time must be used before the employee has the option of using Absence Code 9545.

An employee may work extra hours within the same workweek to make up the hours missed and should code the hours as Adverse Weather Make-Up (Attendance Code 9512 in BEACON). Or, they may work extra hours in a subsequent workweek (within 90 days) and code the hours as Adverse Weather Make-Up (Code 9512). Non-exempt employees must limit their actual work hours to not more than 40 hours per week unless authorized to work overtime by the supervisor.

2) Code the absence as approved leave (Absence Code 9000 in BEACON). Leave will be deducted according to the hierarchy for deducting leave balances, see Hierarchy for Deducting Leave in Section 5A: “General Leave Policies” of the HR Management Manual.

3) Code the absence as Leave Without Pay (Absence Code 9400 in BEACON). This will result in the employee’s pay being docked for the time reported as Leave Without Pay.

Holidays

Employees who volunteer to make up time missed due to adverse weather on a holiday will not receive Holiday Premium Pay or equal time off with pay. Supervisors must approve working on a holiday to make up time. Inform the Human Resources Division [salary administration specialist](#) when an employee is authorized to make up time on a holiday, so the appropriate adjustments can be made to prevent the employee from receiving holiday premium pay.

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Adverse Weather Policy, Continued

Transfer and Separation

If the employee has adverse weather time to be made up, it must be charged to Approved Leave or, in the case of non-exempt employees, deducted from the employee's paycheck prior to the employee:

- transferring to a non-leave earning position in the Judicial Branch, another Judicial Branch hiring authority, or another State agency; or
 - separating from State government, or
 - taking a leave of absence.
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Adverse Weather Policy for NCAOC Employees

This portion of the Adverse Weather Policy applies to all NCAOC offices in Wake County and to all NCAOC employees whose primary work location is in one of those offices.

Determination of Adverse Weather Events

Adverse weather events will be assessed event by event, and hours of operation adjusted accordingly, if needed. Any change to hours of operation will be made by the NCAOC director and will be communicated by the Communications Office. Information will be disseminated via email, the Judicial Branch's public website, the main information number for the North Carolina Judicial Center (919-890-1000), and by text message for those who subscribe to the NCAOC Text Alert System.

Text Alert System

An alternate means of receiving notification is the NCAOC Text Alert System. This text messaging system informs subscribers of major emergency events related to adverse weather, health, safety, and system outages that would affect the NCJC. The alerts are only for events that affect the NCJC. For more information, or to subscribe, see the [Text Alert Subscription Form](#).

NCAOC Offices Always Open in Adverse Weather

During events that constitute adverse weather all NCAOC offices remain open.

- Non-Essential Employees: Employees who have not been deemed by NCAOC as essential are encouraged to report to their workstation if they believe it is safe to do so. Any employee who believes that it is unsafe to attempt to report to his or her workstation is not required to do so. Employees who chose not to report to their workstation must either make up missed time or take available leave in accordance with this policy or may work from home if approved in advance by their hiring authority.
 - Essential Employees: See the definition of essential employee on page one of this policy. Essential employees are expected to report to their workstation. Managers of essential employees should plan in advance to ensure the availability of essential employees.
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Adverse Weather Policy, Continued

**Entries in
BEACON --
NCAOC
Adverse
Weather Events**

Exempt Employees. NCAOC exempt employees should follow the options described in the paragraph titled: Entries in BEACON -- Adverse Weather Events on page four of this policy at the heading Exempt Employees.

Non-Exempt Employees. NCAOC non-exempt employees should follow the options described in the paragraph titled: Entries in BEACON -- Adverse Weather Events on page five of this policy at the heading Non-Exempt Employees.

Holidays

NCAOC employees follow the instructions in the paragraph titled: Holidays on page five of this policy.

**NCAOC
Employees
Outside Wake
County**

NCAOC employees whose primary workstations are outside Wake County should follow the declarations of adverse weather in effect at that location. NCAOC employees visiting field locations at the time an adverse weather event occurs should follow the declarations made for the office they are visiting and consult with their supervisor.

