

# Emergency Closing Policy

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**Purpose** This policy provides guidance on human resource issues related to the closing of one or more Judicial Branch offices in an emergency. Emergencies that may warrant office closure include severe weather events (e.g., wind storms, winter storms), fire, flood, civil disturbances and other natural or human-caused events.

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**Applicability** Applies to all Judicial Branch offices.

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**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: Fair Labor Standards Act.

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**Definitions** **Adverse weather.** Weather events that, in the judgment of the hiring authority, do not necessarily call for cancelling court sessions or closing an office, but 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.

**Catastrophic conditions.** From G.S. 7A-39(a) Cancellation of Court Sessions, Closing Court Offices: “catastrophic conditions” means any set of circumstances that makes it impossible or extremely hazardous for judicial officials, employees, parties, witnesses, or other persons with business before the courts to reach a courthouse, or that creates a significant risk of physical harm to persons in a courthouse, or that would otherwise convince a reasonable person to avoid traveling to or being in a courthouse.”

**Continuity of Operations Plan (COOP).** Plan established by a hiring authority to help ensure essential functions the organization can be continued, or quickly re-established, in the event of a natural or human-caused disruption of normal function.

**Essential employee.** An employee who, because of the duties he or she performs, is expected to report to their workstation even during emergency closures, as long as it is safe to do so. 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 for emergency conditions and ensuring that the essential employees are provided adequate housing, meals, and transportation during such events.

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## Emergency Closing Policy, Continued

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### Definitions *Continued*

**Hiring Authority.** An individual who acts as an independent manager over an office within the Judicial Department 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. Subject employees must be awarded compensatory time at the rate of 1.5 hours for every hour worked in excess of 40 in a workweek.

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### Guidelines for Hiring Authorities

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#### Independent Authority for Decisions about Emergency Closing

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 emergency conditions. However, coordination and cooperation with municipal, county, and state government offices as well as with other local Judicial Branch hiring authorities is often appropriate.

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.

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#### Adverse Weather

Adverse weather events typically do not result in an emergency closing of a Judicial Branch office. In response to a weather event, how an employee records time in BEACON, and whether the employee is required to make up time not worked, depends on whether the hiring authority determines that emergency closing is warranted.

- If the office remains open to employees and the employees have the option of reporting to work, or not reporting to work, see the Adverse Weather Policy for information about entries in BEACON
  - If the hiring authority determines that emergency closing is warranted, see the paragraph: Emergency Closing-Related Entries in BEACON, in this policy.
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## Emergency Closing Policy, Continued

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### **Actions Associated With Closing a Judicial Department Office**

When a decision is made to close an office, or curtail office hours, a hiring authority, or his or her designee, should:

- Consider activating any COOP plan that may be in place for the organization
  - Contact other Judicial Branch offices in the district/county which may be impacted by the closure.
  - 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 that court support functions are aware of the closure and can respond appropriately.
  - Notify the same offices when the normal schedule is resumed.
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### **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).

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### **Emergency Closing-Related Entries in BEACON**

**Non-essential employees** should not report to their workstation, and need not make up missed time or take available leave. Code the absence as Other Management Approved Leave (Absence Code 9540 in BEACON). To be fair to employees who reported to work anyway, hiring authorities may consider allowing those employees to use Other Management Approved Leave (equal to the hours they worked) on another day-

**Essential Employees:** Subject essential employees who report to their workstation will receive paid time off on an hour for hour basis for all hours worked. Report time as time worked then take it as other management approved leave on hour for hour basis. They will receive overtime compensation, either compensatory time or pay, for all hours worked over 40 in a workweek according to the Hours of Work and Overtime Compensation Policy.

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## Emergency Closing Policy, Continued

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**Emergency Closing-Related Entries in BEACON,**  
*continued*

Not-subject essential employees who report to their workstation may receive time off on an hour for hour basis for all hours worked during an emergency closure at the discretion of their hiring authority.

If other employees, not designated as essential, are needed for situations such as cleanup and recovery during the time the office is closed, they will be compensated in the same manner as essential employees.

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### Emergency Closing Policy for NCAOC Employees

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**NCAOC under Emergency Closing**

Whenever it is determined that emergency closure of the NCAOC is warranted, the administrative officer of the courts will make every effort to give notice to employees and other affected parties. The notice will be made part of the outgoing voice mail message for the NCAOC main information number (919-890-1000) for the North Carolina Judicial Center while those conditions prevail. Notification also will be made by group email to NCAOC employees.

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**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 North Carolina Judicial Center (NCJC). The alerts are only for events that affect the NCJC. For more information, or to subscribe, see the [Text Alert Subscription Form](#).

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**NCAOC Employees Outside Wake County**

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