

**Policy Procedure:** Emergency Closing/Inclement Weather

**Procedure Number:** 112P

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**Forms:**

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1. College Closings
  - a. The President, or designee, is the college official to close the college or declare a delayed opening for reasons of inclement weather or emergencies. This authority shall be exercised in consultation with the Office of Emergency Management and Safety, NOVA Police, and the Vice President of Finance and Administration.
  - b. The College makes its closing announcements as quickly as possible. When severe weather (e.g., snow, freezing road surfaces, heavy rain/flooding) is anticipated in the early morning, every effort will be made to make the decision to delay opening or close the college in time to advise students, faculty and staff with early class or work schedules. When severe weather conditions evolve over the course of the day, modifications to college operations should be made with consideration for the typical class schedule for the day of the week as well as for the need to release college employees and students so they may travel in relative safety.
2. Non-Weather Related Emergency Conditions
  - a. In the event of a non-weather related emergent condition, the decision to modify the College's or a campus's operating schedule will be based upon the unique circumstances of the specific situation.
3. Closings at Non-NOVA Locations
  - a. Classes or other NOVA activities, including Workforce Development classes, being conducted at non-NOVA locations (e.g., military bases, clinical healthcare facilities, other institutions' or companies' facilities, etc.) shall be governed by a college closure or delayed opening decision. In addition, if the host facility is unavailable due to closure, the NOVA class or activity shall be suspended.
4. Notification
  - a. In the event of a college or campus closure or delayed opening, the decision will be announced on the home page of the College website and on local TV and radio stations. A text alert will be sent to cell phones registered with NOVA Alert. Individuals may also call the College Call Center at 703.323.3000.
  - b. Notifications shall address the specific time the College opens, NOT "The College will open two hours late."

- c. If the College closes early due to inclement weather, students, faculty and staff may be provided with specific times they can leave. This will help to ensure a safe and orderly departure from building and campuses.
  - d. During the workday, individuals should not call to ask whether the College will be closing. Responding to telephone calls prevents staff from receiving information from police and weather services and often slows down the closing decision.
- 5. Designated Personnel
  - a. Designated personnel are those individuals who are required to work during an authorized closing. Different designated employees may be activated for different situations. For example, certain employees may be activated during inclement weather situations while other employees may be activated during heating or electrical problems. Supervisors are responsible for notifying personnel under their supervision of their status as "designated employees" at the time of hiring. The status of "designated" and a brief description of the specific duties must be included in the employee's EWP.
- 6. Attendance
  - a. Teaching faculty (full-time and adjunct) are expected to be present at all class meetings unless classes are canceled. Administrative/professional faculty and classified/wage employees are expected to be at work according to their assigned work schedules, except in exceptional circumstances, whenever the College is open.
- 7. Compensation
  - a. Compensation of classified staff shall be in accordance with Virginia Department of Human Resource Management (DHRM) Policy 1.25 (Hours of Work), Policy 1.35 (Emergency Closings), and Overtime Pay Guidance –Effective July 1, 2010. The Office of Human Resources will provide direction and interpretation of these policies to supervisors and managers. Although DHRM Policy 1.35 applies only to classified employees, NOVA extends the spirit of this policy to the entire college community. In general, the Commonwealth's policy is that persons working on site should be shown forbearance when inclement weather causes them to be late for work.
- 8. Leave and Compensation for Designated Personnel
  - a. Exempt and non-exempt employees are paid their regular rate of pay for hours worked.
  - b. Non-exempt employees may be granted compensatory leave or additional straight-time pay for hours worked during authorized closings up to the maximum number of hours of their normal work shifts whether or not the authorized closing occurs during the employee's regularly-scheduled work shift and whether or not the authorized closing is for an entire or partial work shift.
  - c. All hours worked in a workweek, including hours worked during an authorized closing, will be counted for purposes of determining if overtime pay is warranted for non-exempt employees. Non-exempt employees must be compensated at the rate of 1 ½ times their regular rates for hours actually worked over 40 in a workweek.
  - d. Exempt employees are normally granted compensatory leave for hours worked during authorized closings up to the maximum number of hours of their normal work shifts whether or not the authorized closing occurs during the employee's regularly-scheduled work shift and whether or not the authorized closing is for an entire or partial work shift. Exempt employees may be awarded straight-time overtime pay in very limited

circumstances. This does not normally apply to inclement weather closings unless such situations are extreme. Straight-time overtime pay for exempt employees must be approved by the appropriate Administrative Council member.

- e. Designated personnel on pre-approved leave during an authorized closing will have the leave charged to the authorized closing, and not to their leave balances.
  - f. Designated personnel will be considered non-designated while they are on short-term disability under the Virginia Sickness and Disability Program (VSDP).
  - g. When road conditions and transportation difficulties cause designated personnel to arrive late, the supervisor may determine that the conditions and difficulties justified the tardiness. In such cases, the lost time will not be charged to employees' leave balances or to leave without pay, and no disciplinary action will be taken.
  - h. Designated personnel who fail to report to work during authorized closings or emergencies as required must charge missed time to annual, sick, compensatory or overtime leave, or leave without pay, as appropriate, unless the employee was in a previously approved leave with pay status on the day of the closing. Employees who fail to report to work as scheduled may also be subject to disciplinary action.
9. Leave and Compensation for Non-Designated Personnel
- a. Full Shift Closing Compensation. Non-designated personnel will be paid for the hours they are scheduled to work during an authorized closing, if they worked or took paid leave the day before and the day after the authorized closing.
  - b. Pre-approved Leave with Pay. Non-designated personnel who are on pre-approved leave with pay when an authorized closing occurs will have the time charged to the authorized closing and not to personal leave balances.
  - c. Short-term Disability. Non-designated personnel who are on short-term disability under VSDP will continue to receive their percentage of compensation based on the benefits provided under VSDP.
  - d. Alternate Work Schedule. Non-designated personnel on an alternate work schedule who were scheduled to work more than eight hours on an authorized closing day will be paid for the scheduled hours. When an employee on an alternate work schedule is scheduled to work less than eight hours on an eight-hour, authorized closing day, he/she will be paid for the hours actually scheduled.
  - e. Partial Shift Closing (Delayed Opening or Early Closing) Compensation. Non-designated personnel will be paid for the scheduled hours worked during an authorized closing if they worked or took paid leave the day before and the day after the authorized closing. Any scheduled hours not worked by non-designated employees while the college was open must be charged to personal leave or leave without pay. Non-designated personnel who call in the day of a partial closing are only required to submit leave for the work hours not covered by the partial closing.
  - f. Late Arrivals. When road conditions and transportation difficulties cause non-designated personnel to arrive late, the supervisor may determine that the tardiness was justified. In such cases, the lost time will not be charged to the employee's leave balances or to leave without pay.

- g. Pre-Approved Leave with Pay. When non-designated personnel are on pre-approved leave during a partial shift closing, the hours of the authorized closing will not be charged to the individual's leave balances or to leave without pay.
- h. Unscheduled Leave. The supervisor may authorize non-designated personnel to utilize appropriate leave (e.g., annual, family/personal, etc.) during an inclement weather or emergency event. Non-designated personnel who cannot report for work may request unscheduled leave for the entire scheduled workday. Employees must notify their supervisors of their intent to take unscheduled leave. Salaried employees must account for the time period that they are away from routinely scheduled work by using annual leave or compensatory time taken.

#### 10. Wage Employees

- a. Wage employees will not be compensated if they do not work.

#### 11. Class Schedules

- a. Delayed Opening. When the College announces a delayed opening, classes that would have started prior to an opening time and continued at least 45 minutes after the opening time will go on at the opening time. For example, if the College opens at 10:00 a.m., a three-hour class that normally begins at 9:30 a.m. and continues to 12:30 p.m. would start at 10:00 a.m. and continue as usual until 12:30 p.m.
- b. College Closed. When the College is closed, no day or evening classes will be held until classes begin on the following morning. Campus closing and delays will affect all campus offices, including testing centers, tutoring centers, and libraries.
- c. NOVA Online. For NOVA Online courses, faculty will notify students by email and/or the learning management system if the closing or delay will affect the course or if due dates have been changed due to the weather. If a course has a live, virtual session scheduled, that meeting may still take place. When making such a decision, the faculty member should take into account the fact that the conditions causing the closure may prevent students from accessing the technology necessary to connect to the course activity (e.g., students who do not have Internet access at home or whose access may be disrupted by the severe weather).
- d. In the event of an extended closing, faculty are to communicate to students their back-up-plan for instruction.
- e. Continuation of Instruction. At the start of each term, faculty are expected to communicate to students and to their Dean, their alternative approach to continue teaching and learning during emergency closures lasting more than a day. Faculty must also provide their Dean with a copy of their syllabi explaining their approach for continuing instruction during emergency closure. Some examples of alternative teaching and learning approaches include: utilization of learning management system, videoconference, email, conference calls, special topics research, discussion, etc. Faculty must announce their alternative delivery approach to the class as soon as possible after the college is closed. These alternative delivery approaches specific to their course should be documented in the course syllabi.

#### 12. Intercollegiate Athletics

- a. Decisions on whether to cancel or postpone off-site athletic events will be made by the Director of College-wide Student Activities and the Athletic Director, in consultation

with administrators of the opposing college and game officials. Announcements will be made on the NOVA Athletics webpage and social media.

## **Definitions**

Designated Personnel: Exempt and non-exempt employees who are required to work because their positions have been designated as essential to college operations during emergencies or other authorized closings. (Designated employees may be required to work during times they are not regularly scheduled to work.)

Non-designated Personnel: Exempt and non-exempt employees who are not required to work because their positions have not been designated as essential to college operations during emergencies or other authorized closings.

Exempt Employees: Employees who are not subject to the provisions of the Federal Fair Labor Standards Act (FLSA). Such employees normally are in management or professional positions.

Non-exempt Employees: Employees whose work hours and wages are governed by the Federal Fair Labor Standards Act (FLSA).

Full-Shift Closing: Days when the College is closed for the full day.

Partial Shift Closing: Days when the College authorizes a delayed opening or early closing.

Compensatory Leave: Leave typically awarded to non-exempt employees who perform work on holidays, weekends, or other times outside of the normal work schedule and when total hours worked is 40 or less the same week. Such leave is awarded at a rate of one hour of leave earned for each hour worked. Under special and limited conditions, compensatory leave may be awarded to certain exempt employees at the discretion of the supervisor. An employee must have approval from the supervisor before the employee works the hours that result in compensatory leave. However, if emergency conditions exist which make it impossible to authorize compensatory leave before it is earned, written authorization must be prepared as soon as possible thereafter.

Overtime Leave: Compensation in the form of leave, awarded at a rate of one and one-half hours leave earned for hours worked in excess of 40 during any given work week. Overtime leave is applicable to non-exempt employees only. Exempt employees may not be granted overtime leave. An employee must have approval from the supervisor before the employee works the hours that result in overtime leave. However, if emergency conditions exist which make it impossible to authorize overtime leave before it is earned, written authorization must be prepared as soon as possible thereafter.

Overtime Pay: Monetary compensation at one and one-half times the employee's normal rate for hours worked in excess of 40 during any given work week. Overtime pay at one and one-half times the employee's normal rate is applicable to non-exempt employees only. Straight-time overtime pay may be granted to exempt employees in very limited circumstances. An employee must have approval from the supervisor before the employee works the hours that result in overtime pay. However, if emergency conditions exist which make it impossible to authorize overtime pay before it is earned, written authorization must be prepared as soon as possible thereafter.