



## Board of City Commissioners

January 12, 2023

A Subcommittee of the Board of City Commissioners is scheduled to meet in a special session on Wednesday, January 18, 2023, at 4:30 PM in the Mayor's Conference Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

Call to Order

### SPECIAL MEETING OF THE BOARD OF CITY COMMISSION

1. Commission subcommittee meeting to discuss revisions to the Inclement Weather policy.

Documents:

[HR - Inclement Weather Policy.pdf](#)

Adjourn

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## Human Resources Department

**DATE:** January 12, 2023  
**FROM:** Leanne Schmidt, Human Resources Director  
**ITEM:** Inclement Weather Policy

**REQUEST:**

Commission subcommittee provide direction on how to revise the Inclement Weather policy.

Please place this item on the January 18, 2023, City Commission meeting agenda.

**BACKGROUND INFORMATION:**

Current city inclement weather policy is attached. While it may have made sense when adopted in 1997, our current operations and the conflicts within the policy make this unworkable at present. We have been working since I have started to get this policy revised. My department has tried to get input and consensus built on how to revise the policy first with the 24/7 departments that will require employees on-site. While some like the intent of this policy to give additional time off to those who work, there is a substantial number of departments that feel it would be most fair if regular office workers would be required to work remotely or take leave if the city offices are closed. This seems to be the policy of the majority of North Dakota government agencies, from what we were able to gather. Attached are the policies we could find. The firefighters' union also provided the policy from Georgia that is attached.

How does the city commission want the Inclement Weather policy revised for future interpretation across city departments? Options to consider:

1. Employees are not reporting to the worksite during the emergency/office closure (i.e., regular offices are closed)
  - a. Provide time off to these individuals (as we do now), or
    - i. 8 hours like a holiday leave
    - ii. Number of hours of their shift (i.e., 8, 10, 10.6, 12 or 24)
  - b. Do remote work (with supervisor approval if there is work to do), and/or
  - c. If not able to do any pre-approved work from home.
    - i. Use annual leave or compensatory leave or

- ii. Could they take leave without pay?
- 2. Employees that are scheduled and their director requires those employees on the worksite when regular offices are closed.
  - a. If employee does not come to work
    - i. Provide time off to these individuals like those whose offices are closed are provided, or
    - ii. Allow use of annual leave or compensatory leave or
    - iii. Allow the use of “trades” in fire or the employee to find another employee to cover their shift (does it matter if that requires overtime pay for the City to do so?) or
    - iv. Require that they have leave without pay or
    - v. Those who fail to report for work as assigned may be disciplined, up to and including termination if the director believes that the job is one that is needed in order to protect life or property.

**RECOMMENDED CITY COMMISSION ACTION:**

Provide direction on how to revise the Inclement Weather policy.

**STAFF CONTACT INFORMATION:**

Leanne Schmidt | Human Resources Director | 701-355-1332 | [lschmidt@bismarcknd.gov](mailto:lschmidt@bismarcknd.gov)

## INCLEMENT WEATHER

### 1. PURPOSE

To identify the City's official policy for closing City offices in response to inclement weather.

### 2. PROCEDURE

At various times throughout the year, primarily during the winter months, adverse weather conditions suggest that for the safety and well-being of employees, City offices be closed. The decision to close shall be made by the Mayor. In the Mayor's absence, the Vice-President of the Board of City Commissioners or, in his/her absence, the City Administrator may declare the closure.

Every attempt will be made to make the closure decision at least one (1) hour before work is scheduled to begin. The decision to close City offices will be communicated to KFYR Radio and as many other media representatives as feasible.

Any employee, who fails to report for work at the scheduled time when City offices are declared open, regardless of weather conditions, shall be charged with annual leave. Department heads may send non-essential employees home if they report for work after offices are closed.

Those Departments, which must provide continuing or essential services during the period of emergency conditions, will require certain employees to work. All employees who are required to work will be given time off at another time equal to the time of the declared emergency. No inclement weather closing shall be effective later than 5:00 p.m.

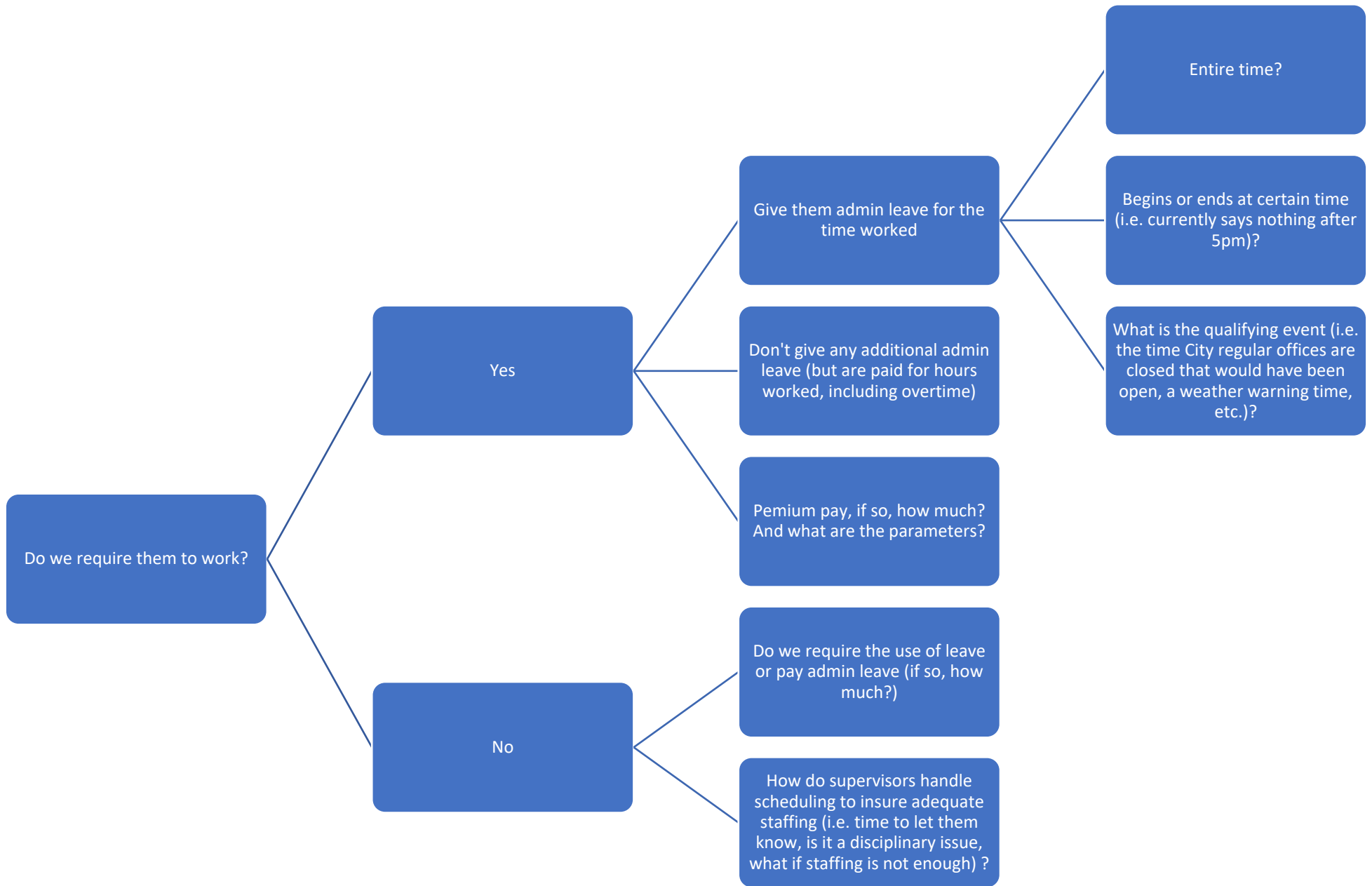
Approval Date: 01/28/97  
Revision Date:

Organization	Contact	Policy	Departments Providing Services that Protect life and/or property (unable to suspend services)	Departments Providing Services that can be to suspended	Comments
Burleigh County	Pam Binder	Inclement Weather and Emergency Closing - Emergency services will be continued regardless of an authorized closing.	Employees who work and perform essential duties when offices are closed will receive number hours offices are closed as annual leave hour credit		4/2022 event exempt employees receive annual leave hours for office closure
City of Dickinson	Shelly Nameniuk	No written policy	Those in employees that worked outside their normal schedule received 1.5 time hourly rate for all hours worked.	if employee does not work during emergency, are not able to do any pre-approved work from home must use use vacation leave, personal leave, or birthday pay	11/2022 Event practice - allowed employees to use vacation, personal, birthday first; if they didn't have any of those leave times available they were allowed to use sick leave and/or they were able to use LWOP rather than leave time if they chose to.
City of Fargo	Jill Minette	Inclement & Severe Weather Conditions/Emergency Closings	Employees who do not report for work may request use of annual leave, compensatory time, leave without pay. Employees are paid their regular rate of pay (or OT if applicable based on their hours worked in the workweek	Employees who do not report for work may request use of annual leave, compensatory time, leave without pay	EMERGENCY DEPARTMENTS/PERSONNEL do have minimum staffing requirements REGARDLESS of weather conditions and NON- EMERGENCY DEPARTMENTS/PERSONNEL do not
City of Grand Forks	James Thorson	Directive on Emergency and/or Storm Policy & Procedures	Employees are paid regular pay plus OT if applicable. Employess who do not report for work must take vacation, comp time or leave without pay.	Employees who do not report for work on the days determined as city closure by the Mayor will be on paid administrative Leave.	Employee on scheduled vacation, scheduled comp time or sick leave on the storm day or emergency day, must use vacation, comp time, sick leave or leave without pay. Employees will not be allowed to change their status to administrative leave.

Organization	Contact	Policy	Departments Providing Services that Protect life and/or property (unable to suspend services)	Departments Providing Services that can be to suspended	Comments
City of Mandan	Brittany Cullen	Inclement Weather Policy	Benefit-eligible employees will receive leave time, up to eight (8) hours, for any scheduled work time that is missed due to the declared event. This will be designated as "facility closure leave."	Non-exempt, benefit-eligible employees whose services are essential for the safety of the public as determined by management shall receive premium pay (1/2 regular rate of pay) for time worked during a declared inclement weather event, in addition to their regular rate of pay. This will be designated as "inclement weather pay."	Employee on approved leave (vacation leave, sick leave, compensatory leave, funeral leave, or other approved leave) at the time of a declared inclement weather event, the applicable time will be treated as facility closure leave due to the declared inclement weather event and will not be deducted as vacation or sick leave.
City of Minot	Lisa Jundt				
City of West Fargo	Jenna Wilm	Inclement Weather/Emergency Closing	Essential, nonexempt employees who do not report for work as assigned may request the use of vacation, compensatory time off, or leave without pay. Essential, exempt employees may request vacation or personal leave. Essential employees who fail to report for work as assigned may be disciplined, up to and including termination.	Nonessential, nonexempt employees who do not report for work as assigned may request the use of vacation, compensatory time off, or leave without pay. Nonessential, exempt employees may request vacation or personal leave.	Only scheduled employees present & working, or scheduled employees notified by their department head not to report to work due to the City location closure, will receive pay for time not worked.

Organization	Contact	Policy	Departments Providing Services that Protect life and/or property (unable to suspend services)	Departments Providing Services that can be to suspended	Comments
City of Williston	Josilyn Bean	Inclement Weather - Emergency Closing	Essential personnel must report to work, even when other city departments are officially closed due to weather or other extraordinary circumstances, as designated by the department head and/or City Administrator. Essential personnel who fail to report to work, unless excused by the department head/designee, may be subject to disciplinary action, up to and including termination. Essential personnel are designated by their individual departments.	Employees who were scheduled to work during the time of closure, will be granted regular pay for the time office/department is closed.	
State of ND	Sara Leno	Announcement by Agency		If you are NOT telework enabled, you will NOT be required to take annual leave for this time.	Please note that telework enabled team members will be expected to continue to work. If you need to take time off, please work with your manager and take annual leave.

- Those employees that **do need** to be on-site to protect life/property





- Those employees that **do not need** to be on-site to protect life/property

