



# North Carolina Department of Public Safety

## Human Resources

Pat McCrory, Governor  
Frank L. Perry, Secretary

David A. Shehdan, Director  
Human Resources

February 3, 2014

**ADMINISTRATIVE MEMORANDUM: 01-2014**

**TO:** DPS Leadership  
**FROM:** David A. Shehdan *DAS*  
**SUBJECT:** Adverse Weather Leave Policy and Procedures

Due to the recent and impending inclement weather, management has declared Adverse Weather Leave (AWL) for employee absences. Employees on prearranged leave, vacation, sick, bonus, etc., shall charge the leave to the appropriate account with no provision for make-up time unless the event for which sick leave was requested did not occur, i.e., doctor's appointment. Additionally, if the employee transfers to another State agency before the AWL is made up, the AWL balance may be transferred as a liability if the receiving agency is willing to accept it. Otherwise, the leave must be charged to the appropriate leave or deducted from the employee's paycheck by the releasing agency.

**We recommend AWL dates as follows:**

- **Tuesday, January 28, 2014 – Beginning at noon**
- **Wednesday, January 29, 2014 – All day**
- **Thursday, January 30, 2014 – All day**

However, the times may be adjusted internally based on work location and employee's commute.

**It is the supervisor's responsibility to monitor employees' AWL use and balances and develop plans with employees for making up their AWL balances within the time frames.**

**Recording AWL Taken**

When AWL is used, it is recorded in SAP/BEACON using the A/A 9545. The hours result in a liability of hours owed to the State. This liability is stored in the Quota Overview (PT50) as quota type 61 "Adverse Weather Hours Owed."

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Only the AWL hours necessary to meet the employee's standard hours for the overtime period should be recorded. For example, a forty (40) hour employee was absent on Monday due to inclement weather and records eight (8) hours of adverse weather leave. The employee then works nine (9) hours on Tuesday, Wednesday, Thursday and Friday. The employee's hours worked for the week and adverse weather leave recorded equal 44 hours, four (4) hours more than what he/she needs to satisfy the standard for the overtime (week) period. The employee should only record four (4) hours of adverse weather leave on Monday, but if they do record eight (8) hours, the system will ignore the four (4) hours that is not needed for the employee to meet their standard for the overtime period (week).

Therefore, it is recommended that for the week in which AWL is used, that the hours of AWL recorded be reduced to an amount such that the employee meets the standard for the week. This is true, even if other leave benefits are used during that week. For example, a forty (40) hour employee is absent on Monday due to inclement weather. The employee works nine (9) hours on Tuesday and Wednesday. On Thursday, the employee works five (5) hours and uses three (3) hours of sick leave for a doctor's appointment.

The employee works nine (9) hours on Friday. The employee only needs to record five (5) hours of adverse weather leave on Monday.

Monday	5 hours adverse weather leave (instead of 8 hours)
Tuesday	9 hours of time worked
Wednesday	9 hours of time worked
Thursday	5 hours of time worked and 3 hours of sick leave
Friday	9 hours of time worked
Total for the week	40 hours

### **Making Up and Recording AWL Make up Hours**

**Employees Subject to FLSA Overtime Rules:** Since hours worked in excess of 40 during a workweek would constitute overtime under Federal regulations for FLSA non-exempt employees, it will be necessary for make-up work by non-exempt employees to be limited to the workweek in which the time is lost or in a week when the employee has not worked a full work schedule due to absences such as holidays, vacation, sick leave, civil leave, etc. Non-exempt employees must have advance approval from their supervisor before making up time. Where operational needs allow, management shall make reasonable effort to arrange schedules during such weeks whereby employees will be given an opportunity to makeup time not worked rather than charging it to leave.

**Employees Exempt to FLSA Overtime Rules:** Non-exempt employees may use compensatory time to make up for time lost if management approves the overtime in response to bona fide needs for work in excess of forty hours. Managers must use extreme care in determining when overtime work by non-exempt employees is justified and decisions to require overtime shall be based on the demands of the work unit rather than the need for the employee to make up AWL. If there is no bona fide need for overtime, then the make-up time must be limited to weeks when a non-exempt employee has not worked a full 40 hours due to scheduled or unscheduled absences.

**Recording AWL Make-up Time:** Time worked to make up adverse weather leave shall be recorded using the A/A code 9512. Additionally, adverse weather make-up hours recorded using the 9512 code will be processed before leave offsetting. If an employee's total hours in the overtime period exceed the minimum required, any hours of work recorded using Attendance/Absence code 9512 – Adverse Weather Make-up, will

be applied to the adverse weather liability before other hours of leave benefits are offset. The use of 9512 is the trigger for this exception to normal processing.

Additionally, any hours of time worked, A/A code 9500, beyond the minimum required for the overtime period, will be used to repay the adverse weather leave liability before Gap or overtime is paid or compensatory time is accrued, provided no other leave benefits subject to offsetting are used during the work week. For example, a forty (40) hour exempt to overtime employee has eight (8) hours of adverse weather leave. The employee works 45 hours in one week. The additional five (5) hours beyond the standard will first be applied to the adverse weather leave balance. The following week, the employee works 45 hours again. Three (3) hours will be applied to the adverse weather leave balance and the remaining two (2) hours are compensatory hours. However, for record keeping purposes, the A/A code 9512 should always be used when recording hours worked to make up AWL.

**Making Up AWL on a Holiday:** Employees who volunteer to make up time on a holiday shall not receive Holiday Premium Pay or equal time off with pay. Supervisors must approve working on a holiday to make up time. Hours worked on a holiday to make up AWL shall be recorded using the A/A code 9512, otherwise, the system will generate holiday premium pay.

### **Time Frames for Making Up AWL**

In general, employees have up to 365 days from the date of the occurrence to make up AWL. However, due to the manner in which BEACON processes time and leave, the actual period may be less than 365 days. BEACON will begin processing payroll corrections to the end of the month beginning during the third week. Therefore, if the employee's 365<sup>th</sup> day to make up AWL occurs during this period, and he/she has a AWL balance, it will produce a time evaluation error. Additionally, if the 365<sup>th</sup> day is in the middle of a forty (40) hour OT period (or 160), the employee must have it made up by the previous OT period because Beacon doesn't evaluate the OT period until the end of the OT period and the 365<sup>th</sup> day may have already passed.

Please note that while policy allows for employees to have up to 12 months/365 days to make-up AWL, managers may set a more stringent time frame, such as six (6) months.

### **Recovering Overdue AWL Hours**

If all AWL is not made up within the designated time frames (see above for issues), the system will generate a warning message in time evaluation. The staff employee with the Leave Administrator role will need to trigger the recovery of the overdue liability by entering the appropriate Infotype 2012 record. Per policy, it is the employee's decision to be docked for the remaining AWL hours or use leave in the approved leave hierarchy to repay the liability owed to the state.

Two subtypes for Infotype 2012 have been created to allow staff with the Leave Administrator role to recover overdue hours owed. Subtype ZAWA will recover the hours from the Approved Leave quota hierarchy. Subtype ZAWL will recover the hours by docking pay. For more details, refer to the Recovering Adverse Weather Owed Job Aid (copy attached) or accessible online at <http://www.osc.nc.gov/training/osctd/help/Time%20Management/Job%20Aids/RecoveringAdverseWeatherOwed.pdf>

Should you have any questions, please contact the work unit HR representative. Thank you.

DAS:MKS

cc: Secretary Frank L. Perry  
Deputy Secretary and General Counsel Ellis Boyle  
Commissioner W. David Guice  
Commissioner Gregory K. Baker  
Commissioner Lorrie Dollar