

## EMPLOYEE INCLEMENT WEATHER

### I. PURPOSE

To ensure that the essential functions of Shelby County Schools remain operational during inclement weather while maintaining the safety of District employees.

### II. SCOPE

This policy applies to all employees unless otherwise governed by a Memorandum of Understanding (MOU).

### III. DEFINITIONS

**Exempt Employee** - An employee who is not covered by the minimum wage and timecard provisions of the Fair Labor Standards Act (Wage-Hour Law). Exempt employees are paid on a fixed salary basis with the expectation that they work a minimum forty (40) hours per week.

**Nonexempt Employee** - An employee who is covered by the minimum wage, overtime, and timecard provisions of the Fair Labor Standards Act (Wage-Hour Law). Non-exempt employees are paid on an hourly basis and are eligible for overtime.

**Essential employees** – An employee who holds a position that is deemed as necessary to maintain the basic services of the District in operation (e.g., security).

**Certified employee** - An employee whose position requires a valid certificate issued by the Tennessee Department of Education.

### IV. POLICY STATEMENT

The District recognizes that inclement weather may cause concerns; however, every effort shall be made to maintain normal working hours during such

periods to ensure that district-wide essential functions remain operational while ensuring the safety of employees. When inclement weather conditions exist, the Superintendent is authorized to alter District schedules of operation (i.e., delay opening and/or close) as deemed necessary. Appropriate notification of altered operational schedules shall be provided to staff by the District.

**V. RESPONSIBILITY**

- A. Employees are responsible for adhering to this policy.
- B. The Superintendent is responsible for determining if this policy is followed.

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Legal References:

- 1. TCA 49-5-716
- 2. Fair Labor Standard Act (FLSA)

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Cross References:

- 1. 4025 Vacation/Personal Leave
- 2. 4059 Overtime

## **EMPLOYEE INCLEMENT WEATHER**

When District locations and business operations are open during inclement weather, employees are expected to remain at and/or report to work. Best judgment to determine safety in traveling to and from work should be practiced by each employee.

### **A. Delayed Opening**

The Superintendent may authorize a delayed District opening time as a result of inclement weather. Employees shall be advised of the designated time District locations and business operations will open. Essential employees may be expected to report to work earlier than the designated time. Any employee who is unable to report to work shall be required to notify the appropriate supervisor.

### **B. Closure of District Locations and Business Operations**

#### **1. Early Closure**

In the event of inclement weather, District locations and non-essential business operations may close prior to the completion of the normal work day (e.g., 8:00 a.m. - 4:45 p.m.) as authorized by the Superintendent. Notification of early closures shall be publically announced and employees appropriately notified. Essential employees may be expected to work beyond the designated early closure time.

#### **2. Full-Day Closure**

In the event of inclement weather, the Superintendent may authorize the closure of District locations and business operations for an entire day. Notification of closures shall be publically announced and employees appropriately notified. Essential employees may be expected to report to work on days in which District locations and business operations are closed.

### **C. Compensation**

#### **1. Exempt Employees**

Unless otherwise governed by an MOU, compensation and requirements for make-up days resulting from inclement weather for exempt employees shall be in accordance with the following:

- a. Voluntary Time Off from Work (decision made by the employee)  
Exempt employees who choose not to report to work on inclement weather days when the District is open for business shall be required to use available vacation/personal leave (see policy [4025 Vacation/Personal Leave](#)).

Reductions in salary in full-day increments in accordance with the Fair Labor Standard Act (FLSA) may be taken from employees who do not report for work and choose not to use or do not have available vacation/personal leave.

- b. Involuntary Time Off from Work (decision made by the District)  
When the District delays opening and/or closes (early/full day) for inclement weather, exempt employees shall be paid for such days (up to one workweek) without penalty and/or loss of available vacation/personal leave in accordance with FLSA.

*Exception*

Certified and other exempt school-based employees may be required to make-up missed days for involuntary absences due to inclement weather. A revised school calendar for make-up days shall be provided by the District.

2. Non-Exempt Employees

Notwithstanding an MOU, Board policy and/or administrative regulations, non-exempt employees shall be compensated for actual hours worked in accordance with FLSA.

- a. Voluntary Time Off from Work  
Non-exempt employees who choose not to report to work on inclement weather days when the District is open for business shall be required to use available vacation/personal leave (see policy [4025 Vacation/Personal Leave](#)). Employees without available vacation/personal leave shall not be compensated for the day(s) voluntarily missed from work due to inclement weather.
- b. Involuntary Time Off from Work
  - 1) Delayed opening and/or early closure

In the event of inclement weather and the District delays opening and/or closes early, non-exempt employees shall be paid for actual hours worked. When a non-exempt employee reports to work and the District closes prior to the completion of his/her scheduled workday, such employee shall be paid for no less than four (4) hours of work at the employee's regular rate of pay.

2) Full day closure

Employees shall receive regular compensation for all days the District is closed up to a maximum of three (3) days. Such compensation shall only be for those days in which the District is fully closed and for hours in which the employee is scheduled to work. Days missed from work due to inclement weather beyond the three (3) District-provided days shall be unpaid. The employee; however, may use available vacation/personal leave for unpaid inclement weather days.

Exception

Non- exempt school-based employees may be required to make-up missed days for involuntary absences due to inclement weather. A revised school calendar for make-up days shall be provided by the District.

c. Overtime

As a result of inclement weather any compensation for overtime worked shall be in accordance with federal/state regulations governing the payment of overtime and Board policy (see policy 4059 Overtime). District compensation, up to a maximum of three (3) days, for closures due to inclement weather shall not be considered in calculations for overtime (see policy 4059 Overtime).

D. Compensation While on Scheduled Paid/Unpaid Leave

Inclement weather days in which the District is closed that occur while an employee is out in an:

1. Approved paid leave status (e.g., vacation/personal or sick) – the day shall not be charged against the employee's leave accumulation and regular compensation for the day(s) shall be provided in accordance with FLSA guidance.
2. Approved unpaid leave status - the day shall not be charged against the employee's leave, but compensation for day(s) shall not be provided.