TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OKDHS:2-1-33.1; 2-1-35; 2-1-38; and 2-1-45.

EXPLANATION: OKDHS:2-1-33.1 is revised to reflect the Office of Personnel Management (OPM) interpretation of the applicable Merit Rule.

OKDHS:2-1-35 is revised to indicate the approval level required with respect to the length of the requested annual leave.

OKDHS:2-1-38 is revised for minor clarification of job titles.

OKDHS:2-1-45 is revised to reflect an emergency amendment to Merit Rules.

Original signed on 12-28-11

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WF # 11-BB (NAP)
INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

REMOVE

OKDHS:2-1-33.1
OKDHS:2-1-35
OKDHS:2-1-38
OKDHS:2-1-45

INSERT

OKDHS:2-1-33.1, pages 1-6, revised 1-1-12
OKDHS:2-1-35, pages 1-3, revised 1-1-12
OKDHS:2-1-38, pages 1-5, revised 1-1-12
OKDHS:2-1-45, pages 1-2, revised 1-1-12
OKDHS:2-1-33.1. Reduced services or temporary office closures

Revised 1-1-12

(a) Absences due to hazardous weather conditions. Oklahoma Department of Human Services (OKDHS) is responsible for maintaining essential functions and client services regardless of weather conditions. During periods of hazardous weather, OKDHS may reduce services provided to the public and may authorize absences for its employees who are not designated as essential staff. If non-24-hour operations face weather conditions that pose a significant threat to the safety of the work force, then approval for office closures may be requested. See Merit Rules OAC 530:10-15-70 through 530:10-15-71 and Human Resources Management Division (HRMD) website, Frequently Asked Questions – Hazardous Weather, for additional details on hazardous weather procedures.

(1) Reduction of services due to hazardous weather conditions. Decisions concerning reduction of services are based on authorization received from the Oklahoma Department of Public Safety (DPS).

(A) Reduction of services in the Oklahoma City metropolitan area. Decisions concerning reduction of services due to hazardous weather conditions in the seven-county Oklahoma City metropolitan area, Canadian, Cleveland, Lincoln, Logan, McClain, Oklahoma, and Pottawatomie counties, are made by the DPS and announced by distribution of a memorandum to all state agencies by the Office of Personnel Management (OPM).

(B) Reduction of services outside the seven-county Oklahoma City metropolitan area. For OKDHS offices outside of the seven-county Oklahoma City metropolitan area, the Field Operations Division (FOD) director or designee is authorized to make decisions to reduce OKDHS services in human services centers (HSC) after consultation with the respective area director and county director.

(i) The FOD director:

(I) notifies the OKDHS Director and HRMD in writing of reduction of services outside the seven-county Oklahoma City metropolitan area; and

(II) requests the OKDHS Office of Communications post notices of this announcement on the OKDHS website.

(ii) To ensure that all OKDHS employees in the same town or county receive
the same information from the FOD director regarding reduced services, the information is communicated by the county director to other OKDHS divisions within the same county.

(iii) When an OKDHS office is located in the county courthouse and the courthouse is closed and the HSC remains open, employees whose duty station is at the courthouse go to the HSC to report for work.

(C) **Late arrivals to work or early departures from work.** Due to hazardous weather conditions, the OPM memorandum may authorize employees’ delayed arrival to work or early departure from work.

(D) **OKDHS hot lines, institutions, shelters, and other residential care facilities.** Due to the nature of services provided by OKDHS hot lines, institutions, shelters, and other residential care facilities, their services are not reduced during hazardous weather.

(2) **Employees responsible for staffing essential OKDHS functions.** Division directors, with the approval of chief officers, make the designation of essential staff in advance of the effective date. Designation of essential staff must be in writing to all affected employees or workgroups.

(A) Employees responsible for staffing essential OKDHS functions during periods of reduced services because of hazardous weather conditions report to duty to maintain basic minimum services. Employees responsible for staffing essential OKDHS functions include:

(i) all employees of all institutions, shelters, group homes, hotlines, and other residential care facilities;

(ii) all supervisory employees for HSC and area offices, unless otherwise designated by the division director;

(iii) all OKDHS Executive Team members;

(iv) senior staff for state office locations, unless otherwise designated by the division director. Senior staff is defined as staff members reporting directly to a member of the OKDHS Executive Team; and

(v) other employees as designated in writing by the OKDHS Director, appropriate senior administrator, or division director. Senior administrator is defined in OKDHS:2-1-3. When designating other employees as essential
staff, consideration is given to the:

(I) safety of staff including the difficulty and/or danger for certain staff to travel, drive, or walk in hazardous conditions; and

(II) knowledge, skills, and abilities required to provide basic services for OKDHS clients and without regard for the Fair Labor Standards Act (FLSA) exemption status of the employee. Examples of basic services may include, but are not limited to, responding to emergency situations, answering telephones, operating switchboards, sustaining reception duties, issuing emergency benefits and services, and issuing Electronic Benefit Transfer (EBT) cards for emergency food benefits.

(B) An essential employee may be authorized by his or her supervisor to work from home during periods of reduced services because of hazardous weather conditions provided the essential functions of the position can be performed from home and the authorization is made in writing prior to the event.

(C) In addition to staff designated as essential, office management may designate or remove the designation of essential staff with proper approval. For FOD, county directors request this approval from the area director. All other divisions request this approval from the appropriate division director or designee. This approval may be communicated as an administrative directive by email or verbally if followed by written confirmation within 24 hours.

(3) Employees responsible for staffing conditionally essential OKDHS functions. Division directors with the approval of chief officers make the designation of conditionally essential staff in advance of the effective date. Designation of conditionally essential staff must be in writing to all affected employees or workgroups.

(A) Designation of conditionally essential staff includes employees who are non-essential for all purposes except for activating events, at which time their status changes to essential.

(B) Conditionally essential employees are persons that must be available telephonically, but are not on duty until an activating event occurs. Examples of such conditionally essential staff include, but are not limited to a:

(i) payroll clerk when reduced services fall on the date of payroll deadline; or

(ii) Child Welfare specialist, if notified that a child in his or her caseload
requires the immediate services of the specialist to take care of the child's needs.

(4) Employees not responsible for staffing essential OKDHS functions. Because the intent of Merit Rules OAC 530:10-15-70 and 530:10-15-71 is to protect the safety of the public and employees, all other employees not specifically identified in (a)(2) and (3) of this Section or designated to report for duty by their division director do not report for work during periods of reduced services during hazardous weather conditions.

(b) Temporary closings due to imminent peril or other unsafe working conditions. Examples of reasons for temporarily closing an office, institution or residential care facility are: leaks of toxic fumes in buildings; life threatening damage to building structures; emergency operations that would be disrupted by the presence of the usual work force; or any other condition that poses a significant threat to the safety of the work force.

(1) Offices closed due to imminent peril or unsafe working conditions. Requests to close an office are made by the office administrator to the appropriate senior administrator or division director who, in turn, requests approval from the OKDHS Director to close the office. In FOD HSC, county directors make the request to the area director who contacts the senior administrator who requests approval from the OKDHS Director to close the office.

(2) Institutions and residential care facilities closed due to imminent peril or unsafe working conditions. Requests to close all or a portion of an institution or residential care facility are made by the institutional superintendent or facility administrator to the appropriate senior administrator or division director who, in turn, requests approval from the OKDHS Director to close the office. If all or a portion of an OKDHS institution or residential care facility must be closed because of an imminent peril threatening the health or safety of residents, clients, employees, or the public, residents or clients are relocated to other institutions or facilities as appropriate.

(3) Applicable regulations upon reopening of closed location. The appropriate senior administrator or division director instructs the employees in the closed office, institution or residential care facility to return to their normal duties upon the end of the unsafe working condition or may respond to the demands of the situation as necessary. Upon the reopening of a closed office, institution, or residential care facility, normal OKDHS regulations governing leave and OKDHS procedures apply.

(c) Leave when an office is temporarily closed due to imminent peril or unsafe
working conditions; or when services are temporarily reduced due to hazardous weather. Paid administrative leave is accorded affected employees only when a state office is closed or placed on reduced services in accordance with Merit Rules OAC 530:10-15-70 and 530:10-15-71 and this regulation. Employees may be assigned to work in another location. During normal duty hours, employees on paid administrative leave due to unsafe working conditions or hazardous weather conditions are on stand-by or on-call status, and may be called to return to their normal duties or respond to the demands of the situation as necessary.

(1) Employees responsible for staffing essential OKDHS functions during reduced services. Employees who are considered responsible for staffing essential OKDHS functions and who are required to report for work when services are temporarily reduced due to hazardous weather conditions are entitled to accrue administrative leave on a straight-time basis up to eight hours per day for hours worked in their regularly scheduled work period during such reduction in accordance with Merit Rule OAC 530:10-15-71(d).

(A) Employees responsible for staffing essential OKDHS functions during reduced services who do not report for work as scheduled are not eligible to accrue administrative leave or use enforced leave and have the options, per Merit Rule OAC 530:10-15-71(e), to account for leave by:

(i) charging the absence to accumulated compensatory time, if available;

(ii) charging the absence to accumulated annual leave; or

(iii) making up the lost time in a manner consistent with FLSA, if the supervisor determines that office hours and schedules permit.

(B) Administrative leave accrued under this provision must be taken within 180 days of its accrual or the employee must be paid for the leave. Accrued administrative leave must be used before granting of any annual leave except when the employee may lose accrued annual leave.

(C) Employees who are able to fulfill their essential obligations of work from home do so, and do not accrue administrative leave.

(2) Employees not responsible for staffing essential OKDHS functions during reduced services. Employees not responsible for staffing essential OKDHS functions and who are scheduled to work are placed on paid administrative leave for their normal duty hours occurring during the period of reduced services.
(A) During reduced services, employees not responsible for staffing essential OKDHS functions do not report for work. Non-essential employees who work during reduced services are not entitled to paid administrative leave in addition to regular compensation.

(B) Paid administrative leave applies only to employees scheduled to work during the time period of the reduced services. It does not apply to employees who are absent on any previously approved leave.

(C) Administrative leave cannot be work-week adjusted.

(3) Temporary office closures. If an OKDHS office must be temporarily closed because of an imminent peril threatening the public health or safety, OKDHS employees scheduled to work in the closed area may be either placed on paid administrative leave or assigned to work in another location.
OKDHS:2-1-35. Annual leave

Revised 1-1-12

(a) **Statement of policy.** Annual leave is an employee benefit to be used for vacations, personal business, and other approved time off work not covered by other paid leave or holiday provisions. Annual leave is planned, requested in advance, and approved by the employee's supervisor or granting official prior to being taken. Approval of annual leave for unscheduled absences is not automatic. An unscheduled absence is subject to disciplinary action.

(1) A senior administrator, as defined in this Section means a chief officer, advocate general, general counsel, inspector general, or designee. A senior administrator may place an employee on annual leave, when such action is in the best interest of Oklahoma Department of Human Services (OKDHS). An employee is not required to reduce accrued annual leave below five working days, 40 hours. Leave taken under the provisions of this paragraph is neither returnable nor reimbursable.

(2) Annual leave may be utilized to supplement the receipt of temporary total disability (TTD) payments in accordance with Section 2e of Title 85 of the Oklahoma Statutes. Regardless of the type of supplemental leave option utilized, an employee receiving TTD payments must promptly report in writing to OKDHS and CompSource Oklahoma any change in:

(A) a material fact;

(B) the amount of income he or she is receiving; or

(C) his or her employment status.

(3) An employee who is ill or requires enforced leave during a scheduled period of annual leave may charge the absence to sick or enforced leave by submitting Form 10AD001E, Leave Approval Request.

(4) Per OAC 530:10-15-10(f), OKDHS may terminate an employee who is absent from work after the employee has exhausted all of his or her sick and annual leave accumulations unless the absence is covered by OKDHS:2-1-47 or OAC 530:10-15-49. Termination of a permanent classified employee under this Section is subject to the pretermination hearing requirements of Section 840-6.4 of Title 74 of the Oklahoma Statutes. This Section does not prevent the granting of leave without pay in accordance with OKDHS:2-1-38.
(b) **Employee's responsibility.** Each employee is responsible for:

1. submitting a written request in advance to his or her immediate supervisor for annual leave, using Form 10AD001E;
2. obtaining appropriate approvals prior to taking annual leave;
3. when advance planning of annual leave is not possible, notifying his or her supervisor of the reason(s) for the absence within the time frames established by local office procedure, but not later than two hours after the employee's scheduled reporting time;
4. submitting a written request for approval of annual leave on Form 10AD001E as soon as practical; and
5. submitting a written request for any cancellation or change in scheduled annual leave.

(c) **Granting official's responsibility.** Granting officials are responsible for:

1. approving or disapproving advance requests for annual leave based on needs of the office, staffing requirements, and status of employee's workload. When, due to staffing requirements, a decision must be made between two or more employees who have requested annual leave for the same time period, the decision is based on the date the completed Form 10AD001E is received by the supervisor. If the requests are received on the same date, the decision is based on seniority with OKDHS; and
2. approving or disapproving advance requests with respect to the length of requested annual leave:
   - (A) one to ten consecutive working days - immediate supervisor;
   - (B) 11 to 30 consecutive working days - local administrator; and
   - (C) 31 to 80 consecutive working days - division director.

(d) **Supervisor's responsibility.** Supervisors are responsible for:

1. approving or disapproving requests for unscheduled annual leave based on the reason(s) for the unplanned absence;
2. imposing appropriate corrective discipline for unscheduled absences; and
(3) ensuring that any leave taken is accurately reported.
OKDHS:2-1-38. Leave without pay - approved and unapproved - dereliction of duty

Revised 1-1-12

(a) Approved leave without pay (LWOP). Approved LWOP may be granted for:

(1) all Family and Medical Leave Act (FMLA) designated leave;
(2) extended absences in lieu of exhausting accrued leave balances; or
(3) when all accrued leave has been exhausted. An employee on approved LWOP remains subject to all state laws, Merit Rules, and Oklahoma Department of Human Services (OKDHS) policies applicable to his or her employment.

(A) For non-FMLA designated leave, approved LWOP is subject to rigorous review by the granting OKDHS official and is not automatically granted. The mission and needs of OKDHS, the length of time for which the leave is requested, the reasons for the request, the length and quality of the employee's service, and the employee's prior leave record is considered in determining whether to grant approved LWOP.

(B) Continuous approved LWOP is not granted for more than two years, except LWOP granted due to on-the-job injury or illness where the employee remains on total temporary disability.

(C) An employee remains subject to all state laws, Merit Rules, and OKDHS policies during periods of LWOP and sick leave. The fact that an extended absence is due to a job-related illness or injury, for which worker's compensation is or will be received, does not relieve an employee of the responsibility to comply with state laws, Merit Rules, and OKDHS policies governing LWOP and sick leave.

(D) An employee may be placed on approved LWOP due to an on-the-job injury or illness while in receipt of temporary total disability (TTD) payments in accordance with Section 2e of Title 85 of the Oklahoma Statutes. Regardless of the type of supplemental leave option utilized, an employee receiving temporary disability benefits must promptly report in writing to OKDHS and CompSource Oklahoma any change in:

(i) a material fact;
(ii) the amount of income he or she is receiving; or

(iii) his or her employment status.

(E) Approved LWOP may be cancelled at any time by the granting OKDHS official. The employee is notified of the cancellation by certified mail sent to the last address of record and is provided 14 calendar days from the date of the mailing of the letter to return to work.

(i) An employee who is absent due to illness or injury, has exhausted all annual and sick leave, and fails to return to duty by the expiration of the 14 calendar days may be separated from employment in accordance with Merit Rule OAC 530:10-15-10(f).

(ii) An employee who has maintained accrued annual or sick leave balances and who fails to return to duty by the expiration of the 14 calendar days is considered derelict in his or her duty, and discharge proceedings are started.

(F) Requests for extension of approved LWOP must be submitted in writing to the granting OKDHS official no less than 14 calendar days prior to the expiration of the current approved LWOP. The granting OKDHS official may deny the request for an extension. Denials are in writing and include the reason for the denial. The employee is notified of a denial by certified mail sent to the last address of record, and is provided 14 calendar days from the date of the mailing of the letter to return to work.

(i) An employee who is absent due to illness or injury, has exhausted all annual and sick leave, and fails to return to duty by the expiration of the 14 calendar days may be separated from employment in accordance with Merit Rule OAC 530:10-15-10(f).

(ii) An employee who has maintained accrued annual or sick leave balances and who fails to return to duty by the expiration of the 14 calendar days is considered derelict in his or her duty and discharge proceedings are started.

(G) Employee's responsibility. Any absence from the workplace can impact upon the fulfillment of the OKDHS mission, and each employee must make every effort to accrue sick and annual leave and to minimize his or her need for approved LWOP.

(i) An employee submits a written request for approved LWOP. The request is submitted in advance of taking leave, when possible, and includes a
detailed explanation for the request and why the usage of other types of leave is not possible.

(ii) A written request for approved LWOP must be submitted by the employee no less than five working days from the date that the approved LWOP begins.

(iii) In addition to the policy governing approved LWOP, an employee must comply with other relevant OKDHS policies governing leave.

(iv) An employee on approved LWOP is responsible for immediately informing the OKDHS official who granted the approved LWOP of any change in the employee's condition or situation initially warranting the leave. An employee's failure to immediately inform the granting OKDHS official of any change in the employee's condition or situation which warranted the approved LWOP may subject the employee to the cancellation of the leave and disciplinary action.

(v) An employee requesting an extension of approved LWOP beyond the current expiration date must submit the request no less than 14 calendar days prior to the expiration of the current leave. Extensions of approved LWOP may be denied by the OKDHS official who approved the initial request. Denials are in writing and include the reason for the denial.

(vi) An employee is responsible for returning to duty on the workday following the expiration of the approved LWOP period or within 14 calendar days of the date of the letter informing the employee that his or her leave has been cancelled or that his or her request for an extension has been denied. An employee who fails to return to duty is considered derelict in his or her duty or is separated from employment in accordance with Merit Rule OAC 530:10-15-10(f) depending upon the reason for which the approved LWOP was granted.

(H) Granting official's responsibility. Employee absences from the workplace impact upon the fulfillment of the OKDHS mission, and the granting of approved LWOP is carefully considered. Employees are encouraged to minimize the need for approved LWOP.

(i) For non-FMLA designated leave, approved LWOP is not automatic, and granting officials may decline requests for approved LWOP based upon the needs of OKDHS.

(ii) The granting of approved LWOP is in compliance with other relevant
OKDHS policies governing leave.

(iii) Approvals required with respect to the length of requested approved LWOP:

(I) one to five consecutive working days - local administrator;

(II) six consecutive working days through 90 consecutive calendar days - resource center administrator, county director, division administrator;

(III) 91 consecutive calendar days through one calendar year - chief officer or designee; and

(IV) over one calendar year – OKDHS Director.

(I) Rights upon return from approved LWOP. An employee granted approved LWOP and who fully complies with the policy governing such leave is accorded the right to be returned to an equivalent position at the end of the leave period; however, when LWOP was granted due to an on-the-job injury or illness, the employee is returned to his or her original position at the end of the leave period. If it is found necessary to fill the position during the interim, the new employee is notified at the time of appointment that it may be necessary to vacate the position upon the return of the employee.

(b) Unapproved LWOP. Unapproved LWOP negatively impacts upon the fulfillment of the OKDHS mission, and supervisors and granting OKDHS officials encourage employees to make every effort to avoid unapproved LWOP. An employee on unapproved LWOP remains subject to all state laws, Merit Rules, and OKDHS policies applicable to his or her employment.

(1) Any unauthorized or unapproved absence from the workplace is a serious matter and is considered unapproved LWOP.

(2) Appropriate disciplinary action is taken for incidents of unapproved LWOP.

(3) An employee who fails to return to duty after the expiration or cancellation of approved LWOP is considered on unapproved LWOP as of the expiration date or the effective date of cancellation.

(4) An employee who fails to appear for duty for three consecutive work days and fails to contact his or her immediate supervisor, or other delegated authority, during that period to request authorization to be absent from duty and to explain the
reason(s) for the request is considered on unapproved LWOP for the three days. The employee is also considered derelict in his or her duty as of the first day of the three-day absence.

(c) **Dereliction of duty.** The fulfillment of the OKDHS mission is dependent upon the regular, consistent, and predictable appearance for duty of all employees. OKDHS considers an employee’s dereliction of his or her duty a serious matter.

(1) An employee, on either approved or unapproved LWOP, who fails to return to duty by the expiration of the leave, or by the effective date of cancellation of the leave, is considered derelict in his or her duty as of the workday following the expiration date of the effective date of the cancellation, except LWOP granted for on-the-job injury or illness granted pursuant to Merit Rule OAC 530:10-15-49.

(2) An employee who fails to appear for duty for three consecutive work days and who also fails to contact his or her immediate supervisor, or other delegated authority, during that period to request authorization to be absent from duty and to explain the reason(s) for the request is considered derelict in his or her duty.

(3) An employee who is derelict in his or her duty is not considered to have resigned his or her position.

(4) Progressive discipline is unwarranted for an employee who is derelict in his or her duty, and discharge proceedings are started.
OKDHS:2-1-45. Miscellaneous time considered on duty

Revised 1-1-12

(a) **OKDHS sponsored training.** An Oklahoma Department of Oklahoma (OKDHS) employee attending OKDHS-initiated training activities is on duty. No leave is charged for attendance, and the employee is reimbursed for travel time and expenses per OKDHS policy.

(b) **Leave for Office of Personnel Management (OPM) examinations.** An employee is considered on duty when he or she is authorized to be absent from his or her work location for the purpose of taking an OPM examination. An absence is authorized when the examination is for a position within OKDHS and does not affect the employee's critical tasks. A request for authorization is made prior to the absence. If the examination is at a time the employee's presence in the work location is critical, the absence is not authorized. Per OKDHS policy, the employee requests annual leave for an absence to take an examination for a position outside of OKDHS.

(c) **OKDHS representation.** An employee who attends official functions, ceremonies, funerals for state officials or employees, or other such events, who is designated as an OKDHS representative by the Director is considered on duty and no leave is charged. An employee who attends such events of his or her own volition must request, be approved for, and charged leave.

(d) **Interviews for positions in the classified service.** An OKDHS employee who interviews for an OKDHS classified position is considered on duty as outlined in OAC 340:2-1-84.

(e) **Attendance at Oklahoma Public Employees Retirement System (OPERS) retirement seminars.** An employee who is two years or less away from his or her planned retirement is considered on duty for the purpose of attending one OPERS retirement planning seminar, when prior supervisory notification is given, and if the seminar occurs during the employee's normal work schedule. Time away to attend additional sessions is charged annual leave. Time spent traveling to the approved seminar is considered on duty. Travel expenses are the responsibility of the employee.

(f) **Physical examinations in connection with military duty.** An employee who is ordered to report for physical examination in connection with military duty is not considered absent from OKDHS duty during the time required for the examination or the time required for travel.

(g) **Volunteer firefighters.** Per Section 840-2.20 of Title 74 of the Oklahoma Statutes,
employees who are volunteer firefighters pursuant to the Oklahoma Volunteer Firefighters Act and who are called to fight fires are not required to use any accrued leave or make up any time due to the performance of their volunteer firefighter duties.

(i) Reserve municipal police officers and deputy sheriffs. Employees who are reserve municipal police officers pursuant to Section 34-401 of Title 11 of the Oklahoma Statutes and employees who are reserve deputy sheriffs pursuant to Section 547 of Title 19 of the Oklahoma Statutes and who miss work in performing their duties in case of emergency are not required to use any accrued leave or make up any time due to the performance of their reserve duties. Employees may be required to provide appropriate documentation from the applicable law enforcement authority that identifies the nature of the emergency and the timeframe of employee involvement.