

Agenda for Delaware Continuity Coordinator Council

August 28, 2014
1 p.m. – 3 p.m.



Live Meeting Logon:

<https://meeting.delaware.gov/meeting/69784270>

Password: DECCCAugust

*Audio Portion: Call into (302)526-5475; Conference ID 89450#
Mute Your Line, but **DO NOT** Put Your Line on Hold*

Once logged in, please send a message through the chat box with your full name so we can more easily take attendance. Your line must be muted, but you can use the chat box to communicate

Connection can be established beginning at 8:50am.

Physical Meeting Location:

DEMA, 165 Brick Store Landing Rd, Smyrna, DE 19977

- **Attendees:** Sandra Alexander, Amy Bonner, Diane Calloway, Heather Comstock, Mark Devore, Carolyn Dunch, Kevin Eickman, Traci Evans, Maria Fry, Lori Gorman, Amy Greenly, John Healy, Carol Jones, Jackie Keel, Kevin Kille, Alex Krajewski, Brian Leahy, Tim, Li, Gayle MacAfee, John Mancus, Claudette Martin-Wus, Karita Robinson, Karen Smith, Ed Synoski, Doyle Tiller, Dallas Wingate, Kevin Wright
- **DECCC Updates**
 - DTI liaisons will be reaching out to agencies to meet with and assist them with completing the COOP Plan Review Checklist, which will now be an annual event.
 - There will be no Statewide COOP Exercise this year since the Cyber Security Exercise on October 9 has a large COOP component. Registration is now open for this exercise and can be completed at <http://dti.delaware.gov/cyberexercise/>.
 - The Association of Contingency Planners (ACP) meeting will be held on September 9 in NCC. Emails from Peggy Mitchell have been sent to DECCC members for registration.
 - A FREE!! Continuity of Government Course will be held on September 10 at DEMA. Registration information can be found at http://dema.delaware.gov/services/calendar/Trng_Cal.shtml
 - Family Preparedness Day 2014 will be held on September 20 at the Delaware Agricultural Museum. More information can be found at <http://delawarecitizencorps.blogspot.com/2014/08/family-emergency-preparedness-flyer.html>
 - The final DECCC meeting of the year will be held at the Brandywine Zoo on November 20 with discussions of recent COOP events at that location. Claudette Martin-Wus will be sending a separate email requesting a headcount of those who plan to attend the physical meeting to obtain free passes for entry to enjoy the zoo before the meeting.

➤ **LDRPS Tips & Tricks Session** (John Mancus)

This meeting's Tips & Tricks were focused on:

- sorting call lists in LDRPS so that names appear in alphabetical order
- identifying useful PHRST reports on the PHRST Extranet site when plan builders are keeping employee lists up-to-date. It has been identified that not all agency HR offices keep the location code and fields updated in PHRST. PHRST LAP reports may be of benefit to plan builders and these reports can be pulled by those within the agencies who have access to PHRST.

➤ **Driving Bans** (Kevin Kille, DEMA)

(ppt presentation attached)

Q. How does DEMA communicate to private organizations the need to keep employees off the road during a driving ban?

A. Announcements are sent through the media with explanation of the program.

Q. Where can you apply for a waiver?

A. Through the DEMA website.

Q. How long does a waiver last?

A. Two years.

Q. How can you check to see if your agency is exempt?

A. Contact DEMA. These exemption lists are provided to Law Enforcement.

➤ **Break**

➤ **COOP Events and HR Presentation** (Amy Bonner, OMB HR)

(ppt presentation attached)

Many questions were asked and time was limited on providing the full presentation. DECCC will invite Amy to present the full version of this presentation in 2015.

➤ **Q&A Session**

DECCC Steering Committee members:

Claudette Martin-Wus – Co-Chair

Kevin Kille – Co-Chair

Vacant – Vice-Chair

Monica Fisher – Education and Training Officer

Carolyn Dunch – IT Systems Officer

John Mancus – Disaster Preparedness Officer

Mark Devore – Facilities Officer

Lori Gorman – Vital Records Officer

If interested in the vacant position(s), please contact any one of the Steering Committee members

Delaware Emergency Management Agency



Delaware State of Emergency Driving Waiver Program

Presented to the Delaware Continuity Coordination
Council

28 August 2014

Background Information

Law became effective Feb 2011

Authority: Title 20, Sections 3116(b)(12) and 3121

DE Dept of Safety and Homeland Security Order #1101

Purpose of the Program

Provide specific direction to the people and first responders during a declared state of emergency by defining the 3 levels

Provide adequate notice of restriction or ban

Provide method for people to get back on roads ASAP while ensuring their safety

Purpose of the Program

Balance the needs for public safety and the needs of the people to travel

Ensure that first responders are not put at undue risk

Encourage shelter-in-place planning during the most severe conditions

There are three levels of Driving Restrictions

Level 1 – Driving Warning

Level 2 – Driving Restriction

Level 3 – Driving Ban

Level 1 – Driving Warning

Any person operating a motor vehicle shall exercise extra caution in the operation of their motor vehicle.

Nonessential employees, regardless of whether employed by a public or private entity, are encouraged not to operate a motor vehicle on the State's roadways , unless there is a significant safety, health or business reason to do so.

Level 2 – Driving Restriction

No person shall operate a motor vehicle on Delaware roadways except for persons designated as essential personnel, including operators of snow removal equipment employed or contracted by a public or private entity.

Those issued a Driving Waiver may drive.

More on the definition of “Essential Personnel” to follow...

Level 3 – Driving Ban

No person shall operate a motor vehicle on Delaware roadways except for those persons designated as first responders and essential personnel, including public utilities as defined in § 102(2) of Title 26 and operators of snow removal equipment employed or contracted by a public or private entity.

All businesses, professional offices, organizations, entities, etc. shall be encouraged to take appropriate protective actions to protect their citizens, customers, and employees by termination of operations or shelter in place.

An employer of a public or private entity shall not terminate, reprimand, discipline, or in any way commit any adverse employment action against an employee who, as a result of the activation of a Level 3 Driving Ban, fails or refuses to report to work during the driving ban

Who are “Essential Personnel?”

“Essential personnel” shall mean those employees and/or personnel who are necessary to:

- Maintain the core functions of a government body or entity,
- Maintain the health and safety of the people in Delaware by providing services provided by public utilities,
- Provide healthcare services,
- Provide food and fuel deliveries during a state of emergency

All regardless of whether they are employed by a public or private entity.

Waivers vs. Exemptions

Waivers are granted at the discretion of the Department of Safety and Homeland Security, through DEMA

Exemptions are only granted through state law

Exemptions apply to both Level 2 Restrictions and Level 3 Bans

Waivers

Only effective during a Level-2 Restriction

Not Applicable in Level-3 Bans

A waiver from a Level 2 Driving Restriction may be granted when a significant safety, health or business necessity is shown for issuing such a waiver.

Waiver Necessities Defined

Health: All health related services not already exempted. Also includes activities of commercial poultry and dairy industry.

Safety: Activities by persons or entities which seek to minimize or eliminate hazardous conditions where there is a real or significant impact on risk of injury or death

Waiver Necessities Defined

Business: The absence of essential staff may cause irreparable financial or economic harm during the restriction or ban.

Fuel Delivery: Delivery of propane, oil, natural gas or motor fuel.

Exemptions Defined

First Responders: Police, firefighters, emergency personnel, emergency management, public health and public works staff. I.E those responsible for the protection, preservation of life, property, evidence and the environment.

Operators of Snow and Debris Removal Equipment

Public Utilities Staff

Providers of Voice Over IP Service or cell phone service who are essential to maintain the integrity of networks

Exemptions Defined

Persons or entities determined as essential to supporting the first responders

Government employees at all levels designated as essential to maintaining core government functions

Constables as defined by DE Code Title 10, Chpt 27

To Apply for a Waiver

See application instructions on DEMA webpage

Data entry self-explanatory

In addition, will need info on:

- Total number of personnel at site

- Total number of essential personnel

- Identify each position staffed by, and function(s) performed by, essential personnel

- Brief narrative justifying the request (more detail, the better your case)

Questions & Comments

DEMA Points of Contact:

- Kevin Kille

- Bill Morett

Human Resources & COOP

Amy Bonner, Deputy Director
OMB, Human Resources

Applicability

- Applies to merit agencies
- Non-merit agencies should consult with agency HR office
- Merit Rules can be found at <http://www.delawarepersonnel.com/mrules/>
- Statewide General Employee Policies can be found at <http://www.delawarepersonnel.com/policies/>

Emergencies Happen

- Identify extent of incident
 - ▣ Large-scale incidents will involve Governor decisions
 - ▣ Smaller incidents may not involve Governor declaration
 - ▣ HR Office is involved in multiple ways

Governor Declared

- OMB Representatives are on Governor calls to provide recommendations and receive Governor decisions
- OMB HR communicates impact through media, website, etc.
- OMB HR records appropriate incident documentation, Governor's decision, and ensures employee benefits (pay, medical/dental, pension contribution, etc.) are reconciled during event

Agency Declared

- Provide agency with assistance (i.e. emergency hiring)
- Provide employee assistance (i.e. coordinate mass counseling services)

Furloughs

Does the appointing authority have the authority to furlough employees?

Only the Governor or his designee can approve furloughs or closure of government offices. Approval would need to be granted by the Governor's Office.

§ 5928 Layoffs; transfers; reductions.

The rules shall provide for layoffs, transfers or reduction in rank because of lack of funds or work, or abolition of a position, or material change in duties or organization and for reemployment of employees so laid off, giving consideration in each such case to performance record and seniority in service.

Furloughs

If a furlough were approved...

- No pension credit for unpaid time
- No sick or annual leave accrual for unpaid time
- Medical Coverage:

5.11 An employee who has **a break in active employment** due to authorized leave of absence, suspension, termination or unauthorized leave of absence without pay for a full calendar month, shall not be eligible for State Share for that calendar month and any subsequent calendar month that the employee is in a non-pay status for the entire calendar month. **In the case of an authorized leave of absence, an intermittent return to work or use of paid leave of less than five full days in one month, the employee shall not be entitled to State Share contributions. Full payment must be made for the month in order to retain coverage.**

What Can We Do?

- Do not address emergencies specifically
- Merit Rule 1.4: The State has the exclusive right to manage its operations and direct employees except as specifically modified by these Rules.
- Merit Rule 3.2: Employees may be required to perform any of the duties described in the class specification, any other duties of a similar kind and difficulty, and any duties of similar or lower classes. Employees may be required to serve in a higher position; however, if such service continues beyond 30 calendar days, the Rules for promotion or temporary promotion shall apply, and they shall be compensated appropriately from the first day of service in the higher position.
- Occupational Series

Working Out of Class and Temporary Promotion

HR Procedures Manual:

- ❑ Employees may perform the duties of a higher position in an emergency or in relief of another employee for up to 30 calendar days without an increase in salary. However, if such performance is required for a period in excess of 30 calendar days, the employee shall be temporarily promoted and compensated accordingly.

- ❑ Employees must meet the minimum qualifications of the position to which they are being temporarily promoted. Temporary promotions cannot exceed 6 months. It is not within the spirit of the Merit Rule to have employees serve 29 days, remove them for a short duration, and have them serve another 29 days without compensation.

Delaware Code

Title 20 Chapter 3116. Powers.

(a) In addition to any other powers conferred upon the Governor by law, the Governor may:

(3) Utilize all available resources of the state government as reasonably necessary to cope with the emergency or disaster;

(4) Transfer the personnel, functions, and/or responsibilities of state agencies or units for the purpose of performing or facilitating emergency or disaster services;

Options to Consider

- **Alternate Work Locations**
 - "**Reassignment**": Any movement within the same budgeted position within the same county.
- **Telecommuting**
- **Ask for volunteers to work in other capacities**
- **Work with your HR Office and/or OMB-HRM to determine appropriate alternatives**