

Policy 1113
Emergency Disaster Leave

Date of Current Version: March 2022
Primary Responsible Officer: Director of Human Resources

1. PURPOSE

This policy provides a method to grant up to 80 hours of paid leave annually to qualifying employees who are called away from their regular jobs to provide specific kinds of emergency services during defined times of state or national disaster. This policy also provides a method to grant up to 80 hours of paid leave annually to employees who are victims of disasters that meet the criteria specified in this policy.

This policy adheres to Virginia Department of Human Resource Management Policy [4.17](#) - Emergency Disaster Leave.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND /OR REGULATION

Stafford Act (P.L. 93-288 as amended), VA Code § 32.1-48.05, § 32.1-48.06, § 44-146.16, § 44-146.17

3. DEFINITIONS

Emergency Services

The preparation for and carrying out of functions, to prevent, minimize and repair injury and damage resulting from natural or man-made disasters. These include fire-fighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, emergency resource management, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection. See Code of Virginia § 44-146.16. Employees activated under military orders, whether by state or federal authorities, are not covered by this policy. See DHRM Policy Military Leave – [4.50](#).

Immediate Family Members

Immediate family includes parents, step-parents or persons who stood in place of the parent and performed parental duties and responsibilities; a spouse as defined by laws of the Commonwealth; children, including step-children, foster children, and legal wards; and, siblings, including step-siblings, residing within an affected area.

Major Disaster

An official status declared by the President of the United States when deemed that federal assistance is needed under the Stafford Act (P.L. 93-288 as amended) to supplement state, local, and other resources to deal with the effects of a variety of natural or man-made catastrophic events.

Man-made Disaster

An event caused by the action of one or more persons that imperils life and property and produces danger or the imminent threat of danger through exposure to biological, chemical or radiological hazards. Examples include large spills resulting from transportation or industrial accidents, and effects of terrorist acts. Some man-made disasters may also be called technological disasters.

Natural Disaster

An event of nature that causes extensive and/or severe threat to or destruction of life and/or property. Typically, such situations are the result of wind, earthquake, blizzard, ice storm, widespread fire or flood.

Primary Personal Residence

The home, apartment or dwelling in which the employee resides most of the time. This does not include vacation or second homes, nor property owned but not occupied by the employee. Normally, this location will bear the employee's official address as recorded by the city or county where the dwelling is located.

Specialized Skills or Training

Specific, definable skills or training that enables an individual to provide certain identified services needed during periods of state or national emergency or disaster. These skills and training may or may not be related to the qualifications used in the employee's state job.

State of Emergency

The status declared by the President of the United States, the Governor of Virginia or the governor of another state for conditions of sufficient severity and magnitude that assistance is needed to supplement the efforts of localities and other relief organizations.

4. APPLICABILITY

This policy applies to full-time university employees.

5. POLICY**5.1 Leave to Provide Emergency Services**

An employee shall continue to receive the employee's normal salary for up to 80 hours while using approved emergency disaster leave under this policy. JMU will **not** pay for expenses related to providing emergency service, such as travel, food, or lodging.

Vice presidents, deans, vice provosts, associate/assistant vice presidents, and the chief of staff

have discretion for authorizing up to 80 hours of leave annually under this policy for employees who meet all criteria shown below:

- The area is covered by an official declaration of major disaster by the President of the United States or a declaration of a State of Emergency by the Governor of Virginia or the governor of another state.
- Public officials at the site of the disaster have requested the assistance of individuals with specialized skills or training.
- The employee possesses the required specialized skills or training requested by the authorities.
- The employee presents a written request to provide emergency services and obtains approval prior to using leave under this policy.

5.2 Leave for Victims of Disaster

Leave may be available under this policy to an employee who has sustained severe or catastrophic damage to or loss of the employee's primary personal residence or has been ordered to evacuate that residence as a result of a natural or man-made emergency or disaster. JMU will **not** pay for expenses incurred by an employee in recovering from the personal effects of a disaster such as travel, food, or lodging.

Vice presidents, deans, vice provosts, associate/assistant vice presidents, and the chief of staff have discretion for authorizing up to 80 hours of leave annually under this policy for employees who meet all criteria shown below:

- The event resulted in an official declaration of major disaster by the President of the United States or a declaration of a State of Emergency by the Governor of Virginia or the governor of another state.
- The employee's primary personal residence was located in the officially declared disaster area.
- Formal documentation from recognized disaster relief organizations or insurance companies verifies severe, extreme or catastrophic damage to or loss of personal property as a result of the declared emergency in which the damage or required evacuation rendered the employee's primary personal residence temporarily or permanently uninhabitable.
- The employee presents a written request to use leave for recovery purposes and obtains approval prior to using leave under this policy.

6. PROCEDURES

An employee must request the use of Emergency Disaster Leave (Administrative Leave at JMU) through the employee's immediate supervisor prior to using AL under this policy. The request must be submitted in writing to and approved by the appropriate vice president, dean, vice provost, associate/assistant vice president, or the chief of staff. These roles possess the discretion to approve requests for paid leave in the emergency disaster situations described in this policy.

An employee asked by emergency relief service authorities to extend the employee's service beyond 80 hours for the same event may request the use of personal leave or leave without pay. The request must be submitted in writing to the employee's immediate supervisor and the appropriate vice president, dean, vice provost, associate/assistant vice president, or the chief of staff has the discretion to approve or deny.

7. RESPONSIBILITIES

It is the responsibility of the vice president, dean, vice provost, associate/assistant vice president, or the chief of staff to evaluate employee eligibility for leave under this policy. Emergency Disaster Leave shall be granted, in writing, at the discretion of the requesting employee's vice president, dean, vice provost, associate/assistant vice president, or the chief of staff. In evaluating such requests, the vice president, dean, vice provost, associate/assistant vice president, or the chief of staff should consider the need for the employee to provide the specified assistance and the expected impact of the employee's absence on JMU's ability to fulfill its mission.

Vice presidents, deans, vice provosts, associate/assistant vice presidents, or the chief of staff are responsible for ensuring that they have the required documentation prior to awarding paid leave.

For leave to provide emergency services, this includes:

- confirmation of an official declaration of major disaster by the President of the United States or a declaration of a State of Emergency by the Governor of Virginia or the governor of another state;
- verification of the request for assistance by the appropriate officials;
- corroboration that the employee possesses the relevant specialized skills or training; and
- employee's written request to provide emergency services.

For leave for victims of disaster, this includes:

- confirmation of an official declaration of major disaster by the President of the United States or a declaration of a State of Emergency by the Governor of Virginia or the governor of another state;
- documentation that the employee's primary personal residence is in the official disaster area;
- verification as cited above of catastrophic damage to or loss of the residence, or requirement to evacuate the residence; and
- employee's written request to use leave under this policy.

All departments, offices and employees that generate, receive, or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) – Records Management

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. EXCLUSIONS

Employees activated under military orders, whether by state or federal authorities, are not covered by this policy. See Policy [1319](#) - Classified Employee Leave Without Pay, Faculty Handbook section [III.J.1.e](#)- Military Duty Leave and DHRM Policy [4.50](#) - Military Leave. Employees who need to attend to the medical needs of self or immediate family members when communicable disease of public health threat conditions have been declared by the State Health Commissioner and the governor may refer to DHRM Policy [4.52](#) - Public Health Emergency Leave.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the director of human resources.

Previous version: April 2017

Approved by the president: October 2005