

Adverse or Unsafe Working Conditions

HR-11-10



About This Policy

Effective Dates:

08-01-1981

Last Updated:

11-13-2017

Responsible University Administrator:

Vice President for Human Resources

Policy Contact:

[IU Human Resources](#)

askHR@iu.edu

Scope

This policy applies to all Staff and Temporary employees.

Policy Statement

1. There may be times when the physical conditions of a workplace make it impossible or impractical for employees to work in their usual work location. Adverse or unsafe conditions could affect a specific building, part of a building, an area of campus, or an entire campus.
2. The chancellor, provost, or appropriate vice president has the authority to close a specific building or part of a building, an area of a campus, or an entire campus.
3. In such circumstances and with the proper approvals, affected employees can be reassigned or released from work subject to the procedures described in this policy.
4. Management will use its best efforts to designate and communicate the closing and reopening times.
5. Pay and leave issues will be addressed in all cases in accordance with this policy.

Procedure

1. Reassignment or release from work:
 - a. Based on an assessment of adverse or unsafe working conditions, the chancellor, provost, or appropriate vice president may direct employees to work in another location or may close the workplace by directing employees not to report to work and/or by releasing those affected employees who are already at work.
 - b. To the extent that unsafe or adverse working conditions can be anticipated, employees will be given advance notice not to report to work.
 - c. During the period that a workplace is closed, the university will attempt to resolve the adverse or unsafe working condition or identify alternative work locations and arrangements so that employees are able to return to work as soon as possible.
 - i. The university retains the right to assign a person to a different work location at its discretion.
 - d. If the adverse or unsafe working condition is limited to a specific building, part of a building, or to a specific area of a campus, employees working in these other portions of the campus that remain open will receive their regular rate of pay.

- i. Employees assigned to rectify, repair, or otherwise perform work related to the situation will receive their regular rate of pay.
 - e. If the situation is widespread and severe such that the entire campus is closed, emergency Support and Service Staff and Temporary Staff who are required to work in the adverse working conditions will receive their regular rate of pay plus time and one-half additional time or pay, as determined by the department head. Professional Staff (i.e., PAE, PAO, PAU) will receive their regular rate of pay.
 - i. It is the responsibility of the department head to designate which jobs, if any, are subject to emergency work requirements.
 - ii. Adverse Working Conditions premium earnings are included in the calculation of the overtime (FLSA) rate.
2. Closing of a workplace for up to five working days
 - a. If a workplace is closed pursuant to this policy, the affected employees who were scheduled to work and were not at work solely because of the adverse working conditions will incur no loss of pay and will not be required to cover any absences due to the closing for up to five working days.
 - i. The absence is to be coded as Adverse Working Conditions (ADW). Employees who were not scheduled to work or were not at work because of such reasons as vacation, holiday, sick time, funeral, or leave of any type whether paid or unpaid, will continue in that status and their absence will be coded according to the particular reason for the absence.
 - ii. For Temporary Employees, such absences are without pay.
 - b. Any portion of an employee's regular workday counts as one day for the purposes of this policy.
3. Closings that extend beyond five working days
 - a. Whenever a workplace is closed pursuant to this policy for more than five working days, Staff must cover any additional time away from work using one or more of the following:
 - i. Accrued vacation, holiday, or income protection time (in full days for PAE Staff and hour-for-hour for PAO and PAU Staff).
 - ii. Accrued compensatory time
 - iii. Absence without pay and with benefit accrual (AWB)
 - iv. With department head approval, work at a different location on or off campus
 - v. With department head approval, make up the time on an hour-for-hour basis within the same workweek of the absence. Hours made up in addition to 40 hours in pay status in a workweek are subject to overtime compensation.
 - b. The use of any type of paid time off to cover time away due to adverse or unsafe working conditions does not count against the maximum amount that can be used in a calendar year.
4. When the campus is closed, all Staff working remotely will be compensated at their regular rate of pay.
5. The closure of a campus does not necessarily mean the University Adverse Working Conditions policy applies to employees working at locations outside the campus's immediate area.

Definitions

1. *Adverse or unsafe working conditions* covered by this policy are physical conditions of a workplace that make it impossible or impractical for employees to work in their usual work location. Examples of adverse or unsafe conditions are loss of heat or electricity, damaged buildings, restricted access to an area of campus due to flooding or tornado damage, or situations that implicate personal safety.
2. Adverse or unsafe conditions could affect a specific building or part of a building, an area of a campus, or an entire campus.

Sanctions

Managers, supervisors, and employees who violate this policy are subject to disciplinary action, up to and including termination.

History

November 2017

Updated to remove PAS salary plan.

September 2017

Updates to the overtime (FLSA) explanation.

December 2016

Revised to add PAS salary plan.

April 2016

Replaces the following policies:

Union or Employee Group	Policy
AFSCME (BL, IN, SB)	10.1 - Adverse or Unsafe Working Conditions
AFSCME Police	Adverse or Unsafe Working Conditions
CWA	7.4 - Adverse or Unsafe Working Conditions
Professional Staff and Support and Service Staff not Covered by a Union	8.2 - Adverse or Unsafe Working Conditions
Temporary	5.6 - Adverse or Unsafe Working Conditions