




Approved by: Juan Williams, Commissioner	Policy Number: 12-038 (Rev. 09/02/2022)
Signature: 	Supersedes: 11-051, 98-024
Application: Executive Branch Agencies, Appointing Authorities, Human Resources Officers, Payroll Officers, and Full Time Employees	Effective Date: October 3, 2012
Authority: T.C.A. § 4-3-1703, T.C.A. § 8-30-104, T.C.A. § 8-30-406	Rule: Chapter 1120-06

Uninhabitable Buildings

The Commissioner of the Department of Human Resources, acting on a recommendation from the requesting agency's appointing authority, shall have the authority to declare a building uninhabitable for state employees.

Employees who are not able to work in a building that is considered uninhabitable due to power outages, flooding, physical damage or any other valid reasons may be granted discretionary leave with pay for all regularly scheduled hours during the affected period. If an employee is eligible for the Alternative Workplace Solutions (AWS) arrangement during the period a building is uninhabitable, an appointing authority will have the discretion to grant discretionary leave with pay or require the employee to work remotely. See DOHR Policy 14-001. Employees who continue to work in a building or at a work site during the period the building is declared uninhabitable may receive regular compensatory time for hours actually worked during the affected period up to their scheduled hours for the workday. Only those employees directly affected by a building closing are eligible for discretionary leave with pay or compensatory time under this policy. Hours worked in excess of regularly scheduled hours may be compensated as overtime hours at the end of the work week, depending on the employee's status under the Fair Labor Standards Act.

Employees on previously approved leave during the affected period must continue to charge the appropriate leave and will not be eligible for discretionary leave for this time. Part-time employees are paid for hours worked and are not eligible for discretionary leave with pay.

The agency is responsible for maintaining written documentation, including a list of the affected employees and the date, time and location of each instance. A copy of that documentation shall be forwarded to the Agency Resource Center (ARC) prior to the payroll in which the time will be paid.

This policy applies to individual buildings or work sites and should not be confused with DOHR Policy 12-037 and DOHR Policy 12-039 pertaining to inclement weather or employee absences due to a state of emergency.

Questions regarding this policy may be directed to the Agency Resource Center (ARC).