

**California Department of Human Resources
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Administrative Time Off – During State of Emergency Wildfires	REFERENCE NUMBER: 2015-025
DATE ISSUED: September 14, 2015	SUPERSEDES:

This memorandum should be forwarded to:

**Personnel Officers
Personnel Transactions Supervisors
Employee Relations Officers**

FROM: Department of Human Resources
Personnel Management Division

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Governor Edmund G. Brown Jr. declared a state of emergency on September 11, 2015, for Amador and Calaveras counties due to the effects of the Butte Fire, and on September 13, 2015, for Lake and Napa counties due to the effects of the Valley Fire. These fires have burned thousands of acres, destroyed homes and other structures and damaged critical infrastructure.

This memo is being released as a reminder to state agencies that California Code of Regulations (CCR) 599.785.5 allows for up to five days of Administrative Time Off (ATO) during a Governor declared state of emergency for those employees that meet the provisions of the rule. In addition to the five days of ATO authorized by the rule, the California Department of Human Resources (Department) delegated to departments the ability to approve ATO for up to a total of 30 calendar days (PML 2007-026).

For those areas that have not been declared a state of emergency, to the extent it is operationally feasible, appointing powers should grant employee's requests to use their leave credits due to the current effects of the wildfires.

The CCR § 599.785.5 allows for ATO during a state of emergency as outlined below.

- a) Employees may be granted a paid leave of absence of up to five days by their appointing power when the employee works or resides in a county where a state of emergency has been proclaimed by the Governor and the appointing power determines that at least one of the following conditions exist:

- (1) The employee's normal place of business is closed temporarily, during the employee's normal work shift, due to the effects of the emergency.
 - (2) The emergency effectively precludes the employee's ability to find reasonable routes of transportation from the employee's normal residence to the work place.
 - (3) The emergency presents an immediate and grave peril to the employee's own safety, that of an employee's immediate family member, or the employee's principal residence.
 - (4) The employee is actively involved in a formal, organized effort to protect the health and safety of the general public; such as, the employee is a member of the auxiliary fire or police department or the employee is asked by local authorities to assist with sandbagging efforts.
 - (5) The employee needs to take time off to apply for disaster assistance from the Federal Emergency Management Agency (FEMA) because the employee is unable to apply for assistance before or after the employee's normal work shift.
- (b) An employee may be granted a paid leave of absence up to five days by the employee's appointing power regardless of the location of the disaster when the employee is preregistered with, and providing volunteer service to, a state agency carrying out its responsibilities under the Governor's Executive Order D-25-83. The employees providing volunteer service are required to notify their appointing power of their affiliation with the volunteer services and to establish prior arrangements regarding the notification of the appointing power in the event the employee is asked to participate in the state disaster response. The appointing power shall release the employee to provide volunteer service when an emergency occurs unless there is a critical departmental operating reason to prevent such a release.
- (c) No paid leave of absence shall exceed five working days without the prior approval of the appointing power and the prior approval of the Department. The Department shall grant approval of a paid leave of absence in excess of five working days based on its finding that one of the criteria above continues to be met.
- (d) State employees called into service as specified in Government Code 19844.5 are excluded from the above standards.

For questions related to this PML, state department personnel office designated liaisons should contact the Personnel Services Branch by emailing questions to psb@calhr.ca.gov or calling (916) 323-3343.

/s/Bryan Baldwin

Bryan Baldwin, Chief
Personnel Management Division