

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**D.C. Department of Human Resources**

**District Personnel Manual Issuance System**

**E-DPM Instruction No. 12-53**

This E-DPM instruction may be accessed electronically at [www.dchr.dc.gov](http://www.dchr.dc.gov), by clicking on the "Policies and Procedures" and "Electronic-District Personnel Manual (E-DPM)" links for Chapter(s): **12**

**SUBJECT:** Guidelines for Designation of Certain  
"Essential Employees" or "Emergency  
Employees" – REVISED

**Date:** September 12, 2014

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**NOTE:** This Electronic-District Personnel Manual (E-DPM) instruction supersedes E-DPM Instruction No. 12-51 (same subject), dated November 21, 2013, to revise the instruction as indicated in section I, Purpose, of this instruction.

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**1. PURPOSE**

- A. The purpose of this E-DPM instruction is to supersede District Personnel Manual (DPM) Instruction No. 12-51 (same subject), dated November 21, 2013 for the purpose of:
- (1) Adding specific functions in the Department of Public Works to the list of essential and emergency critical operations identified in section 4 of the instruction;
  - (2) Removing the requirement that agencies re-designate essential and emergency employees each year unless certain events occur; and
  - (3) Revising DCSF No.12-01, *Individual Notification of Designation (Essential OR Emergency Employees)* (Revised 7/2013).

**2. AUTHORITY**

- A. **Statutory Provisions** - D.C. Official Code § 1-612.01
- B. **Regulatory Provisions** – Chapter 12 of the D.C. personnel regulations, Hours of Work, Legal Holidays and Leave

**3. APPLICABILITY**

- A. This instruction and its attachment apply to all Essential and Emergency employees in subordinate agencies.
- B. The provisions of this instruction apply to those District government agencies which are subordinate to the Mayor's personnel authority. Other personnel authorities or independent agencies may adopt any or all of these procedures to provide guidance to employees under their respective jurisdictions.

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**Distribution:** Agency Heads, HR Advisors, and DPM Subscribers  
**Retain Until Superseded or Rescinded**

#### 4. **POLICIES**

A. **Designation of Essential or Emergency Employees** - There are certain critical District government operations that cannot be suspended or interrupted, even in the event of declared emergencies or government closings.

(1) The following are considered critical District government operations:

- (a) Continuity of public health and human services;
- (b) Public safety;
- (c) Law enforcement;
- (d) Emergency management services;
- (e) Emergency medical services;
- (f) Transportation;
- (g) Public Works;
- (h) Shelter operation;
- (i) Food distribution;
- (j) Communication; and
- (k) Other Critical Operations.

(2) Such mission critical functions shall be carried out during any period of:

- (a) Early dismissal;
- (b) Government shutdown;
- (c) Mayoral, Declared Emergency; or
- (d) Any period where other employees are not required to report to work because of an unusual situation or condition (For example, hazardous weather conditions, special events, etc.).

(3) To promote continuity of operations for critical District government activities, agencies are required to identify employees whose duties and responsibilities fall into any category within Section 4(A)(1)(a-k) of this E-DPM instruction, and designate each of those employees as either "Essential Employees" or "Emergency Employees."

- (a) Upon making a determination regarding an employee's designation, the agency must provide a 30-day notice to the employee, in writing, informing them of their designation as an "Essential Employee" or "Emergency Employee." The 30-day period begins the date in which the employee receives his or her notification.
- (b) The designation of an employee will remain in effect for the duration of time he or she occupies the Essential or Emergency position in their respective agency and operational unit. As a result, an agency is not required to re-designate an employee as Essential or Emergency on a yearly basis.

- (c) An agency will be required to execute a new designation form (DCSF No. 12-01, *Individual Notification of Designation (Essential OR Emergency Employees (Rev. 9/2014))*) for an employee occupying an essential or emergency position as provided in paragraph 5(C) of this instruction (below).
- (d) Vacant positions which have been designated as Essential or Emergency upon recruitment shall include a statement of designation as essential or emergency in the vacancy announcement at the time of posting. New hires to essential or emergency positions must be notified in writing upon appointment to a position which has been designated as essential or emergency.
- (e) Agencies must provide a 30-day written notification to an employee when an agency head determines that the employee's position designation as an "Essential" or "Emergency" employee is no longer applicable.
 

*For example, a re-determination is made by the agency head that the employee's position is no longer an emergency position, or when a personnel action results in a change of duties and responsibilities to a position that does not involve duties described in Section 4(A)(1)(a-k) of this instruction. In either scenario, a notification to the employee removing them from the category must be provided to the employee.*
- (f) The written notification referenced in paragraph 4(A)(3)(e) above can be accomplished by completing and providing to the employee the attached DCSF No. 12-01.

- (4) In general, agencies should avoid blanket predeterminations that all employees within either an agency or major organizational unit within the agency are considered essential or emergency employees.
- (5) Essential and Emergency employees who report to work when the government is closed or who remain on duty when other employees are dismissed early and who perform "overtime work" during such periods must be compensated, when applicable, in accordance with the provisions of the Fair Labor Standards Act; Chapter 11 of the D.C. personnel regulations, Classification and Compensation, or, in the case of union employees, in accordance with the provisions of the applicable collective bargaining agreement (CBA).

## 5. REQUIREMENTS FOR DESIGNATION OF ESSENTIAL EMPLOYEES AND EMERGENCY EMPLOYEES

### A. Requirements for "Essential Employees"

- (1) Essential employees must report to work, and/or remain at work, in order to carry out responsibilities enumerated in Section 4(A)(1)(a-k) of this E-DPM instruction.

- (2) Essential employees are not eligible to telework during a declared state of emergency and/or unexpected government shut-down.
- (3) Essential employees must remain at their duty station, or alternate work location (approved by the essential employee's supervisor) when a situation or condition occurs and results in the declaration or announcement of an early dismissal for all other employees, provided the *essential employee* is at their duty station at the time the agency head makes the announcement or the Mayor declares an emergency.
- (4) Essential employees must report to their duty station, on time and as required per agency/District need, when a situation or condition occurs which results in a declared emergency or unexpected closing of District government offices. If unable to report to duty as scheduled, the *essential employee* shall immediately notify their supervisor of their inability to report to work, and it shall be at the discretion of the essential employee's supervisor whether to charge the employee as "Absent Without Official Leave".
- (5) Essential employees must carry/wear their official District government "ID" card during the period of the declared emergency.
- (6) An essential employee may not be designated as an emergency employee.

B. Requirements for "Emergency Employees"

- (1) Emergency employees may be designated from all employment status categories (including but not limited to Management Supervisory Service, Career Service, Education Services, etc.).
- (2) Emergency employees are typically employees who provide advice, recommendations, and specific functional support necessary for the continuity of operations during a declared emergency.
- (3) Emergency employees should normally be designated in advance and in writing. In rare instances, agency heads may designate employees as emergency employees on a case-by-case basis, depending on the nature of the emergency that arises.
- (4) Emergency employees must remain at their duty station, or alternate work location (approved by the emergency employee's supervisor) when a situation or condition occurs and results in early dismissal for other employees; provided the emergency employee is at their duty station at the time the agency head makes the announcement or the Mayor declares an emergency.
- (5) Emergency employees must report to their duty station on time and as scheduled when a situation or condition occurs during non-work hours, and results in the closing of District government offices.

- (6) Emergency employees can telecommute if so directed by the agency head.
- (7) Emergency employees must carry/wear their official District government “ID” card during the period of the declared emergency.
- (8) An emergency employee may not be designated as an essential employee.

C. Continuation of Designation

- (1) The designation as either an “essential employee” or an “emergency employee” will remain in effect until terminated in writing by use of the attached DCSF No. 12-01. Instances that warrant that a designation be terminated or a new designation form be issued include the following:
  - (a) An employee no longer occupies a position that is designated as an essential or emergency position;
  - (b) The employee accepts a position in another agency which is neither an essential or emergency position. If the position in the new agency is designated as essential or emergency, the agency is required to execute a DCSF No. 12-01 for the employee; or
  - (c) If there are significant changes to the essential or emergency designation that warrant that an updated DCSF No. 12-01 be issued to the employee (e.g., the position is re-classified).
- (2) While an employee’s designation to an essential or emergency position in his or her respective agency or organizational unit will remain in effect as provided in section 5(C)(1)(a) through (c) (above), an emergency or essential employee will be required to complete the revised DCSF No. 12-01, *Individual Notification of Designation (Essential OR Emergency Employees* (Rev. 9/2014)(copy attached) by October 14, 2014, as any previously issued designation will have expired.

6. **RESPONSIBILITIES**

A. **Agencies are required to:**

- (1) Notify any agency employee, in writing, of their designation as either an essential or emergency employee, using the DCSF No. 12-01 (attached), as provided in paragraph 4(A)(3)(a) of this instruction.
- (2) Maintain the original, completed DCSF No. 12-01 in the agency; and transmit copies to the employee and the D.C. Department of Human Resources (DCHR) for placement in the employee’s Official Personnel Folder.
- (3) Prepare and transmit to DCHR a listing of the agency’s essential and

emergency designations (positions and employees) at least annually by November 1<sup>st</sup> of each year.

**B. DCHR is required to:**

- (1) Publish a list of positions designated as “emergency” and “essential” positions, by agency, at least annually.
- (2) Establish the specific language to be used on the job requisition designating the position as an “emergency” or an “essential position, as applicable.

**7. DESIGNATION FORM**

A. The attached D.C. Standard Form 12-01, Individual Notification of Designation (Essential or Emergency Employee) (copy attached), must be reproduced by agencies, and must be used as the official, written notification of designation.

B. The form, once signed, must be distributed as follows:

- Original – Employing Agency
- One (1) copy – Employee
- One (1) copy – Employee’s Official Personnel Folder

**8. COLLECTIVE BARGAINING AGREEMENT**

In the event of a conflict between any of the provisions of this instruction and any collective bargaining agreement (CBA), the provisions of the CBA shall control to the extent there is a difference.

**9. EFFECTIVE DATE**

This E-DPM instruction is effective immediately.



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Shawn Y. Stokes  
Director

**Attachment:**

- *D.C. Standard Form 12-01, Individual Notification of Designation( Essential OR Emergency Employees) (Revised 9/2014)*



**Acknowledgement of Receipt:**

I, \_\_\_\_\_, hereby acknowledge receipt of this Individual  
(Employee's Name – Print)

Notification of Designation as Essential / Emergency Employee.

\_\_\_\_\_  
Employee's Name (Printed Name)      Employee's Name (Signature)      Date

\_\_\_\_\_  
Supervisor's Name (Printed Name)      Supervisor's Name (Signature)      Date

\_\_\_\_\_  
Agency Head's Name (Printed Name)      Agency Head's Name (Signature)      Date  
(or designee)      (or designee)

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Return this form by way of the [dchr.policy@dc.gov](mailto:dchr.policy@dc.gov) email address or to our office which is located at:

D.C. Department of Human Resources  
Policy and Compliance Administration  
441 4<sup>th</sup> Street, N.W., Suite 330 South (Main)  
Washington, D.C. 20001  
Phone: (202) 442-9689

cc: Employee  
Official Personnel Folder