

Human Resources Branch Memorandum

SUBJECT: Administrative Time Off - During State of Emergency in Multiple Counties Due to Fires	NUMBER: HRB 21-015
	DATE ISSUED: August 6, 2020
DISTRIBUTION: CDFW All	EXPIRES: Until Superseded

Action Required

Informational Only

Control Agency Directive

Purpose

The purpose of this memorandum is to inform California Department of Fish and Wildlife (CDFW) employees that Governor Gavin Newsom has declared a state of emergency for multiple counties impacted by the wildfires. CDFW employees who meet the provisions of California Code of Regulations (CCR) 599.785.5 outlined below are entitled up to five (5) days of Administrative Time Off (ATO). In addition to the five (5) days of ATO authorized by the rule, the CDFW has delegated authority from the California Department of Human Resources (CalHR) to approve ATO for up to a total of 30 calendar days.

Action required

Staff must work through their supervisor to be placed on ATO. Branch Chiefs and Regional Managers are **the only approvers** of ATO. Once approved, Branch Chiefs and Regional Managers must email Nicole Gustafson at Nicole.Gustafson@wildlife.ca.gov with the following information: (1) Name of Employee; (2) Total Days of ATO Approved.

Authorities

- [California Code of Regulations \(CCR\) 599.785.5](#)
- [Proclamation of State of Emergency](#)
- [PML 2007-026](#)

ATO During a State of Emergency

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

1. 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:
 - a. The employee's normal place of business is closed temporarily, during the employee's normal work shift, due to the effects of the emergency.
 - b. The emergency effectively precludes the employee's ability to find reasonable routes of transportation from the employee's normal residence to the work place.
 - c. 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.
 - d. The employee is actively involved in a formal, organized effort to protect the health and safety of the 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.
- e. 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.
2. 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 Emergency Proclamation. 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.
 3. 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 of Human Resources. The Department of Human Resources 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.
 4. State employees called into service as specified in Government Code 19844.5 are excluded from the above standards.

Please note - 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 California State of Emergency.

Contact

For questions related to this memo, please contact Nicole Gustafson at Nicole.Gustafson@wildlife.ca.gov or (916) 651-7658