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HRDG 4630 - Absence and Leave - Section D - Subsection b

Last Modified:

Subchapter 4630 - Absence and Leave

Section D - Administrative Leave and Excused Absence

Subsection b - Emergencies (Weather and Other)

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NOTE: The 01/15 and 05/18 updates do not apply to bargaining unit members until bargaining obligations have been met.

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Who Are Emergency Employees?

Emergency employees occupy critical positions that may be vital to public health, safety, welfare, national defense, or the operation of essential facilities or functions. Managers/supervisors must notify employees who meet this definition that they are designated as emergency employees. The notification must:

- Be done at least once per year,
- Be in writing,
- State that emergency employees are required to report for work in emergency situations, and
- State that dismissal or closure announcements do **not** apply to emergency employees unless they are specifically instructed otherwise.

Programs may also identify a cadre of "mission-critical" emergency employees (MCEE) who may be called to work during extended emergencies, emergencies dealing with national security, or other unique situations. MCEEs must be provided with the following information:

- The emergency situations in which they will be expected to report for work;
- Where they are expected to report to work - either at their regular worksite or an alternative worksite; and
- That they are to remain in contact with their Programs at all times during any closure situation.

Programs may wish to issue communications and other equipment to MCEEs to facilitate contact in these situations.

The Administrative Leave Act of 2016 created three (3) new categories of statutorily authorized paid leave. One of those categories is “weather and safety leave” (WSL) which is addressed here. (Administrative Leave Act of 2016, enacted under Section 1138 of the National Defense Authorization Act for FY 2017 [PL 114-328, 130 Stat. 2000, Dec 23, 2016], 5 USC 6329[c].)

There is no cap on the number of hours of “weather and safety leave” that may be granted in a calendar year. Weather and safety leave may only be granted when an employee is prevented from safely traveling to or safely performing work at an approved location due to:

- An act of God;
- A terrorist attack; or
- Another condition which prevents an employee or group of employees from safely traveling to or safely performing work at an approved location.

The following must be adhered to with this category of administrative leave:

- This leave does not apply to and may not be granted due to mass transit commuting problems unrelated to safety matters.
- When a major event is reasonably anticipated, employees may not change the regularly scheduled day off or scheduled leave in order to receive weather and safety leave.
- If a significant event or condition is predicted / reasonably anticipated, teleworkers are to be prepared to telework.
 - Example 1: If a Federal facility is closed prior to the start of the workday in preparation for a severe hurricane or other pending disaster based on safety considerations, e.g., evacuation of an area, then a telework employee who is able to telework is expected to telework so.
 - Example 2: If a facility has an early dismissal due to an impending severe hurricane, the employees on site will be granted weather/safety leave. Telework participants will be granted Weather and Safety Leave (WSL) for the time needed to commute home. If at home a teleworker is expected to telework or request leave from the time of arrival at home to the end of the regularly scheduled workday of duty for that workday. Scheduled teleworkers will continue to telework or request leave. Non-telework participants will be granted WSL from the time of early dismissal to the end of the regularly scheduled workday of duty.

Weather and Safety Leave

- Teleworkers may only be granted weather and safety leave when management determines it's needed in order for the teleworker to safely

The guidelines in the chart below apply to Riverdale/Washington, D.C. metropolitan area non-emergency employees. The Office of Personnel Management (OPM) is the agency with the authority to make these announcements for the Riverdale/Washington, D.C. area. Field units are to follow their local OPM or Federal Executive Board (FEB) announcements. If there is no OPM or FEB announcement, the decision-making process is as described in the Field Emergency Dismissal and Closure Procedures section. The announcements below are to be used in all field units.

MRP Teleworkers, regardless of type of agreement, are expected to be prepared to telework. Only in rare, occasional circumstances will “weather safety leave” be granted to a teleworker who is unprepared or unable to telework. All instances where this type of leave is granted will be documented on the employee’s T&A.

During emergency situations, management will determine and advise emergency employees if they are needed at the worksite or may perform duties at an approved telework location.

When the Office of Personnel Management (OPM) makes any of the announcements found below, in the Riverdale/Washington DC area, emergency employees are still expected to report for work on time. On an annual basis, all programs must follow the procedures found in the “**Who Are Emergency Employees?**” section to notify employees of their status and responsibilities in emergency situations.

**If the
announcement Then:
says:**

Federal offices
are **OPEN**.

Employees are
expected to
report to their

Employees, including those on telework, are
expected to report as scheduled.

Note: Official announcements are rarely

**For non-
emergen
employee
this mean
that:**

Absences
be charge
appropriat
leave
category,
requested
employee
approved
the superv
(annual le
LWOP, etc.

During emergency situations, field offices:

- With local Federal Executive Boards (FEBs) or Office of Personnel Management (OPM) offices must follow the dismissal or closures procedures of the FEB or OPM office.
- Without a local FEB or OPM office, are to use the Emergency Dismissal and Closure Procedures outlined above and apply it to their particular situation. The highest ranking official at the facility is delegated the authority to make weather and/or emergency related decisions. In addition, when making dismissal or closure decisions:

**FieldEmergency
Dismissal and
Closure
Procedures**

- - MRP Programs co-located with other USDA offices must contact those offices and make a joint USDA decision. Disagreements between managers will be referred to the Deputy Administrator of MRPBS for resolution. If resolution cannot be reached, the Deputy Administrators may contact the Director, Office of Human Resource Management, USDA, for final resolution.
 - MRP Programs that are not co-located are to use official public announcements by local, State, or Federal authorities that travel restrictions be avoided.
 - The designated MRP official must arrange for an announcement on local radio stations and/or other appropriate available media, if not already arranged by another Federal authority. If a public announcement is not possible, the designated official may determine retroactively that employees who could not report for duty because of the emergency will be granted administrative leave.

When local emergency conditions develop during the work day, for example work operations are interrupted due to building systems malfunctioning causing severe heat or cold which prevents employees from working and correction of the situation is not anticipated within 4 hours of the remainder of the workday, then early dismissal and the granting of administrative leave to affected employees may be appropriate. Use the table below for such situations.

| Dismissing Employees for Local Emergencies During Normal Work Hours | Location: | Authorizing official and responsibilities: |
|--|--|---|
| | South Building or other DC location Rivderdale Complex | <ul style="list-style-type: none">• The USDA will make the determination and notify management and employees of the early dismissal;• The Director, Marketing and Regulatory Programs Human Resources Division (MRPHRD) will make the determination and notify appropriate Agency officials. |
| | Field offices | <p>Programs will designate officials who will:</p> <ul style="list-style-type: none">• Work with other co-located USDA offices to make a decision. Disagreements between local managers will be referred to the Deputy Administrator of MRPBS for resolution.• Decide on the appropriate dismissal strategy for emergencies affecting the particular location. |

| | IF AN EMPLOYEE: | THEN THE EMPLOYEE WILL BE REPORTED: | | | |
|--|--|-------------------------------------|----------------|----------------|--------------------|
| | | On Administrative Leave | On Other Leave | In Duty Status | In Non-duty Status |
| Reporting Employees' Status when the Office is Closed for Less Than 24 Hours | 1. Is notified in advance that his/her work cannot be suspended or interrupted during an emergency when other employees are excused and: | | | | |
| | a. He/she works during the excused period | | | | |
| | b. He/she does not work during the excused period Contact your servicing Leave and Compensation Specialist to determine the form of leave that must be charged based on your particular circumstance(s). | X | X | X (1) | |
| | 2. Is on other scheduled leave at the time notice is given excusing employees from reporting, or dismissing them early, and: | | | | |
| | a. He/she is expected to return to duty before the end of his/her workday | X (3) | | X (4) | |
| | b. He/she is not expected to return to duty before the end of his/her workday | | | X (2) | |
| | 3. Is on other scheduled leave the day before, during, and the day after the day on which other employees were excused | | | X | |
| | 4. Reports for duty, but goes on other leave before time official notice is received excusing employees or before the time set for his/her dismissal | | | X (2) | |
| | 5. Is on duty at the time notice of early dismissal is received, but goes | | | | |
| | | | | | |

Civil Defense Activities

Employees assigned to State or local civil defense activities in pre-emergency training programs and test exercises may be granted up to 40 hours of excused absence per calendar year for participation in such activities.

During severe weather or other emergency situations various Federal, State or other officials with jurisdiction (e.g., local government not the Red Cross) may request that MRP employees assist in emergency law enforcement, relief, or clean-up efforts. In such situations, supervisors may grant employees administrative leave (TC 66) to participate in a civilian capacity during official duty hours. Emergency situations include, but are not limited to:

- Extreme weather conditions;
- Civil disturbances; or
- Disasters such as fire, flood, or other natural phenomena.

Participation in Emergency Rescue or Protective Work

When granting an administrative leave (TC 66), supervisors are responsible for:

- determining that the absence is/was for an emergency,
- documenting on the T&A what Agency (Federal, State or other official with jurisdiction) requested the employee's assistance and
- determining that granting the employee administrative leave (TC 66) is in the interest of the public welfare.

Note: This policy does not apply to Federal employees who are members of the National Guard or Reserves who are called up to assist in disaster relief or recovery efforts, since they are entitled to military leave under 5 USC 6323.

Reference: OPM, CPM 2005-18, Handbook on Pay and Leave Benefits for Federal Employees Affected by Severe Weather Emergencies or Other Emergency Situations, dated September 6, 2005.

Programs may grant up to 40 hours of administrative leave (TC 66) to employees who:

- Are faced with personal emergencies as a result of a public emergency **and**
- Can be spared from their usual responsibilities.

Programs must contact HRD in order to obtain approval to grant additional administrative leave if unusual circumstances occur due to the scope and severity of the public emergency. Follow the chart below to obtain approval.

**Employee
Personal
Emergency
Resulting from
a Public
Emergency**

| Step | Who? | Does what? |
|-------------|------------------|---|
| 1 | Program | <ul style="list-style-type: none"> • Prepares a written justification describing: <ul style="list-style-type: none"> ◦ The number of hours of administrative leave needed. ◦ The number of affected employees. ◦ The unusual circumstance(s) warranting the additional time off. • Submits the justification to the HR Policy Branch. |
| 2 | HR Policy Branch | <ul style="list-style-type: none"> • Prepares a written request to the Director, OHRM, for approval to an additional 40 hours of administrative leave. • Notifies the Program and HRO-LCT of OHRM's response. <p>Note: Requests for more than a total of 80 hours of administrative leave are approved by the Assistant Secretary for Administration, through the Director, OHRM.</p> |

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