




United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

Memorandum

To: Bureau Human Resources Officers

From: Raymond A. Limon 
Director, Office of Human Resources

Subject: Personnel Bulletin 18-04, Weather and Safety Leave

The attached Personnel Bulletin (PB) establishes the Department of the Interior (DOI) weather and safety leave policy. This policy is consistent with the final U.S. Office of Personnel Management (OPM) regulations (5 CFR Part 630 Subpart P) published in April 2018, which are effective on May 10, 2018.

Prior to May 10, 2018, Federal agencies often granted general administrative leave for situations in which employees were prevented from safely commuting to or working at an approved location due to an act of God or other emergency. Beginning May 10, 2018, general administrative leave is no longer appropriate for this purpose, and weather and safety leave may be granted instead, in accordance with this policy.

Weather and safety leave may be granted to DOI employees only if they are prevented from safely commuting to or working at the regular worksite or other approved location due to an act of God, a terrorist attack, or another condition that prevents an employee or group of employees from safely traveling to or safely performing work at an approved location. Consistent with OPM regulations, employees with an approved telework agreement who are able to safely work at an approved telework site cannot be granted weather and safety leave. These employees will be expected to telework or use other appropriate paid leave except for those limited circumstances outlined in the PB.

The Office of Human Resources is developing a list of frequently asked questions to provide additional guidance regarding the PB, which will be available on the Human Capital Crossroads website at <https://sites.google.com/a/ios.doi.gov/human-resources-community-of-practice/>. Questions concerning this PB may be directed to Joy Buhler at Joy_Buhler@ios.doi.gov.

Attachment: PB 18-04, Weather and Safety Leave



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 10 2018

PERSONNEL BULLETIN NO: 18-04

SUBJECT: Weather and Safety Leave

1. Purpose. This Personnel Bulletin (PB) establishes the Department of the Interior (DOI) Weather and Safety Leave policy. This PB supersedes the existing guidance regarding weather-related administrative leave found in the “DOI Absence and Leave Handbook,” and the “DOI Telework Handbook,” until the handbooks are updated. This policy also supersedes PB 12-07, “Excused Absence during Inclement Weather or Other Emergency Condition.”

2. Effective Date. This policy is effective on May 10, 2018.

3. Authorities.

- A. Title 5 of the United States Code, Chapter 61, Hours of Work
- B. Title 5 of the United States Code, Chapter 63, Leave
- C. Title 5 of the United States Code, Chapter 65, Telework
- D. Part 610 of Title 5, Code of Federal Regulations
- E. Part 630 of Title 5, Code of Federal Regulations
- F. U.S. Office of Personnel Management, Washington, DC, Area Dismissal and Closure Procedures
- G. Interagency Standards for Fire and Fire Aviation Operations “Red Book”
- H. Interagency Incident Business Management Handbook “Yellow Book”
- I. DOI All-Hazards Supplement to the Interagency Incident Business Management Handbook

4. Background. The Administrative Leave Act of 2016 created the new leave category of weather and safety leave in December 2016, codified in 5 U.S.C. § 6329c. The U.S. Office of Personnel Management (OPM) issued implementing regulations (5 CFR Part 630 Subpart P) in April 2018, which are effective on May 10, 2018. Prior to this effective date, Federal agencies often granted general administrative leave for situations in which employees were prevented from safely commuting to or working at an approved location due to an act of God or other emergency. Beginning on the effective date of this policy, general administrative leave is no longer appropriate for this purpose and weather and safety leave may be used instead, in accordance with this policy.

5. Coverage. This policy applies to all DOI employees, except for intermittent employees who, by definition, do not have an established regular tour of duty during the administrative workweek, and employees exempt from 5 U.S.C. Chapter 63 by another statute.

6. Definitions.

A. Act of God. An act of nature, including hurricanes, tornadoes, floods, wildfires, earthquakes, landslides, snowstorms, and avalanches.

B. Telework. A work flexibility arrangement under which an employee performs the duties and responsibilities of his or her position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. The work arrangement must first be formalized by a document, called a Telework Agreement, which is signed by both the employee and first line supervisor. Once the Telework Agreement is finalized and fully executed, employees are considered telework-ready.

C. Telework Site. A location where an employee is authorized to perform telework, as described in 5 U.S.C. Chapter 65, such as the employee's home.

D. Weather and Safety Leave. Paid leave provided under the authority of 5 U.S.C. § 6329c.

7. Policy. DOI employees may be granted weather and safety leave **only** if they are prevented from safely traveling to or safely performing work at a location approved by the agency due to:

An act of God;

A terrorist attack; or

Another condition that prevents an employee or group of employees from safely traveling to or safely performing work at an approved location (e.g., a building fire at the regular worksite).

Weather and safety leave is not an entitlement and will only be provided at the agency's discretion.

8. Notification. Weather and safety leave will generally be provided in conjunction with an operating status announcement (e.g., Government office closure, delayed arrival, or early departure) issued by OPM, a local Federal Executive Board (FEB), or DOI local operating unit head when conditions in Section 7 of this policy are met.

For employees located in the Washington, D.C. metropolitan area, DOI will follow operating status announcements issued by OPM. For locations outside the Washington, D.C. area, it is within the authority of heads of operating units or their designees to determine the operating status. In locations with an established FEB, managers will follow operating status decisions made by the FEB. When a location is closed by an interruption of normal operations, these reasons must be documented by a memorandum signed by the appropriate management official and be retained for three years.

9. Teleworkers. Employees with an approved telework agreement (i.e., "telework-ready employees") who are able to safely travel to and work at an approved telework site **cannot** be granted weather and safety leave. Telework-ready employees must prepare to telework when an event defined in Section 7 is forecasted (e.g., a major snowstorm is predicted) by bringing home any necessary equipment (e.g., laptop computer) and work files. To the extent that an employee is unable to perform work at a telework site because he or she failed to make necessary preparations for reasonably anticipated conditions, weather and safety leave cannot be provided, and the employee must use other appropriate paid leave, paid time off, or leave without pay.

If, in the judgment of the first line supervisor, the emergency conditions could not reasonably be anticipated (e.g. an earthquake is impossible to predict, while a snow storm is generally forecasted), and the employee was not able to prepare for telework and is otherwise unable to perform productive work at the approved telework site, the employee may receive weather and safety leave, as long as other conditions of this policy are met.

If an employee is prevented from safely working at the approved telework site due to one or more of the conditions listed in Section 7 of this policy (e.g., weather-related damage that makes occupying the home unsafe, loss of power at home), a first line supervisor may, at his or her discretion, provide weather and safety leave to the employee. However, if the conditions listed in Section 7 of this policy do not prevent the employee from safely traveling to or safely performing work at a regular approved worksite, even if the affected day is a scheduled telework day, the first line supervisor cannot grant weather and safety leave.

When a delayed arrival is announced, employees who choose to telework instead of reporting to the regular worksite will not receive weather and safety leave for the delayed arrival period since the purpose of the delayed arrival is to facilitate safely commuting to the regular worksite. Employees who report to the regular worksite are granted weather and safety leave for the hours between the employee's typical start time and the actual reporting time, up to the maximum amount of time indicated in the delayed arrival announcement.

Telework program participants working at the regular worksite when an early departure is announced may receive weather and safety leave only for the amount of time required to commute home. Telework participants will then be expected either to complete the remaining time in their workday by teleworking or to take other leave once they arrive home, unless the employee is prevented from safely working at the approved telework site due to one or more of the conditions listed in Section 7 of this policy.

10. Dependent Care. DOI employees cannot personally care for a dependent while teleworking and are responsible for securing appropriate arrangements for any dependents who are unable to care for themselves independently. If teleworkers cannot arrange for appropriate dependent care because of the weather event or emergency, any time spent in providing personal care to dependents cannot be considered hours of work. The employee is expected to accurately account for work and non-work hours during his or her tour of duty and to take the appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties. Weather and safety leave cannot be granted in these situations.

11. Emergency Employees. Bureaus may designate emergency employees who are critical to operations and for whom weather and safety leave may not be applicable. First line supervisors should inform employees of their designation as emergency employees well in advance in anticipation of possible emergency events. If emergency employees can work from an approved telework site in lieu of traveling to the regular worksite in appropriate circumstances, the first line supervisor should encourage the employee to enter into a telework agreement providing for that contingency. Emergency employees must report to work at their regular worksite or another approved location as directed by their first line supervisor, unless the supervisor determines that travel to or performing work at the approved worksite is unsafe. In such circumstances, when traveling to or performing work at an approved worksite is unsafe, the employee may be required to work at another location, including an approved telework site as appropriate; or it is

determined that circumstances justify granting weather and safety leave to the emergency employee.

12. Post-Incident Rest and Recuperation. Consistent with established DOI-U.S. Department of Agriculture interagency policy as documented, for example, in the “Interagency Incident Business Management Handbook,” employees who have completed a 14-day assignment responding to a wildfire or other hazardous incident may be granted two paid days off as a rest/recuperation period to mitigate the safety risks of extreme fatigue, when the two days immediately following such assignment would otherwise be their regular workdays. If granted, the two-day rest/recuperation period will be recorded as weather and safety leave.

13. Weather and Safety Leave Administration. Employees may be granted weather and safety leave for hours within the employee’s normal tour of duty. For full-time employees, that tour is the 40-hour basic workweek as defined in 5 CFR § 610.102, the basic work requirement established for employees on a flexible or compressed work schedule as defined in 5 U.S.C. § 6121(3), or an uncommon tour of duty under 5 CFR § 630.210.

14. Time and Attendance Recording. If weather and safety leave is authorized, employees must record those approved hours using the code “061 – Weather And Safety Leave – Used” in the appropriate time and attendance system.

15. Pre-Approved Leave. Employees may not receive weather and safety leave for hours during which they are on other preapproved leave (paid or unpaid) or paid time off. Employees will not be provided weather and safety leave if an employee cancels preapproved leave or paid time off, or changes a regular day off in a flexible or compressed work schedule, for the primary purpose of obtaining weather and safety leave. This restriction does not apply to employees who cancel their preapproved leave because their leave plans are disrupted by the weather/safety event (e.g., an employee, who is not otherwise ill, requests sick leave to attend a doctor’s appointment that is cancelled because of the same weather/safety event). Weather and safety leave may be provided to these employees if they are neither otherwise required to report to work nor telework-ready.

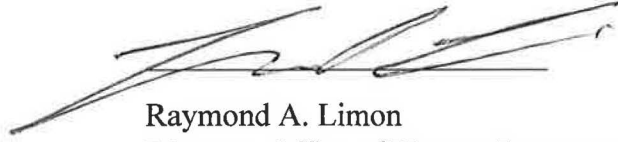
16. Delegation of Authority for Weather and Safety Leave. The authority to grant weather and safety leave is delegated as follows:

- A. Authority to grant weather and safety leave up to 30 days is granted to the local level.
- B. Authority to grant weather and safety leave in excess of 30 days is granted to Bureau/Office Heads. Bureau/Office Head approvals must be forwarded to the Director of the Department’s Office of Human Resources for notification purposes.

17. Labor-Management Obligations. Bureaus and offices are reminded to fulfill their labor-management obligations, as appropriate, in implementing the requirements set forth in this PB and related statutory and regulatory requirements.

18. Inquiries. Any Department employee or employee representative seeking further information concerning this policy may contact their servicing Human Resources Office (HRO).

Servicing HROs may contact the Department's Office of Human Resources, Workforce Relations Division concerning questions related to this policy.

A handwritten signature in black ink, appearing to read 'Raymond A. Limon', with a long horizontal flourish extending to the left.

Raymond A. Limon
Director, Office of Human Resources