

Attachment 1: CIVILIAN WEATHER AND SAFETY LEAVE GUIDANCE
Current as of 29 Aug 2024

The Administrative Leave Act of 2016 created the weather and safety leave (WSL) codified in 5 U.S.C. § 6329c, which applies to all civilian 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.

The following references should be used in conjunction with the Space Base Delta 1 Hazardous Weather Procedures 2024-2025 memorandum, OPM guidance, and the Government-wide Dismissal and Closure Procedures:

- 5 CFR 630 Subpart P – WSL
- OPM Government-wide Dismissal and Closure Procedures, dated December 2022
- AF/A1 Department of the Air Force (DAF) Telework and Remote Work Guide, dated 14 May 2021
- DoDI 1035.01_DAFI 36-143_DAFGM2023-01, Telework and Remote Work Program, 12 February 2024
- DoDI1400.25V610_DAFI36-152, Hours of Work and Holiday Observances, 6 April 2023
- DoDI 1035.01, “Telework Policy, “April 4, 2012”, Incorporating Change 1, 7 April 2020
<https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/103501p.pdf>

Authorization. WSL is not an entitlement and will only be provided at the agency's discretion. Employees may be granted WSL **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
- Another condition that prevents an employee or group of employees from safely traveling to or safely performing work at an approved location.

Definitions.

- Act of God. An act of nature, including hurricanes, tornadoes, floods, wildfires, earthquakes, landslides, snowstorms, and avalanches.
- 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 (DD Form 2946). Once the Telework Agreement is finalized, fully executed, and position properly coded, employees are considered telework-ready.
- 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.

- Weather and Safety Leave (WSL). Paid leave provided under the authority of 5 U.S.C. § 6329c.

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 WSL. **When a hazardous weather event is forecasted (e.g., major snowstorm, etc.), telework-ready employees must prepare to telework by bringing home any necessary equipment and work files.**

Special Considerations:

Reasonably anticipated conditions.

- *Employee fails to prepare to telework.* If the first-level supervisor determines 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, WSL cannot be provided. In this circumstance, the employee must use other appropriate leave, paid time off, or leave without pay.

Unexpected weather.

- *Employee unable to prepare to telework.* If the first-level supervisor determines that the emergency conditions could not reasonably be anticipated (e.g. earthquake) and the employee was not able to prepare for telework and is unable to perform productive work at the approved telework site, the employee may receive WSL, as long as other conditions of the OPM guidance are met.

Unsafe telework site.

- *Employee prevented from working at the telework site AND cannot safely travel to regular worksite.* If an employee is prevented from safely working at the approved telework site (e.g., weather-related damage that makes occupying the home unsafe, loss of power at home, etc.), a first-level supervisor may provide WSL to the employee, as long as other conditions of the OPM guidance are met.
- *Employee prevented from working at the telework site BUT can safely travel to regular worksite.* If conditions 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-level supervisor cannot grant WSL.

Delayed reporting is announced.

- Unscheduled Telework day, employees who report to the worksite are granted WSL for hours between typical arrival time and final reporting time, such leave is reduced if employee arrives before final reporting time. For a telework program participant who is scheduled for an in-office day does not need to perform telework in the morning if coming into the office that day and will be granted WSL for travel to worksite. Telework ready/eligible employees may elect to perform unscheduled telework for the day. When delayed reporting is announced, employees who choose to telework with supervisory approval, instead of reporting to the regular worksite, will not receive WSL for the delayed arrival period, and are expected to start work at regular time. The purpose of the delayed arrival is to facilitate safely commuting to the regular worksite.
- An employee who reports to the regular worksite is granted WSL. To determine the amount of leave to grant, a supervisor should consider the hours between the employee's typical start time and the actual reporting time.
- Telework ready employee on scheduled telework day will telework the entire day and are expected to begin the workday on time.

Early release.

- *Employee chooses to telework.* Telework program participants working at the regular worksite when an early release is announced may receive WSL only for the amount of time required to commute home. Telework participants will then be expected to telework for the remaining time in their workday.
- *Employee chooses NOT to telework.* Telework program participants working at the regular worksite when an early release is announced may receive WSL only for the amount of time required to commute home (excluding the period of time for an unpaid lunch break, if applicable). Telework participants who choose with supervisory approval not to telework for the remaining time in their workday are required to take their available leave once they arrive home, unless the employee is prevented from safely working at the approved telework site.

Dependent care.

- DODI1035.01_DAFI36-143_DAFGM2023-01, Telework Program, (Enclosure 3, paragraph 3.j.(2)), states that telework can facilitate an employee's ability to manage both work and dependent care. However, telework is not a substitute for dependent care, but may be used as part of a more flexible work arrangement. If dependents are present, the telework agreement should clearly outline expectations for work hours, breaks, time, and attendance documentation, etc. Employees must still account for work and non-work hours during their tour of duty and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g., to care for a child or dependent).

Emergency Personnel.

- Commanders may designate emergency employees who are critical to operations. WSL may not be applicable to emergency employees. First-level 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, the first-level 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-level 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 an alternate location or may be granted WSL if circumstances justify doing so. NOTE: The OPM term Emergency Employee is synonymous with the Air Force Mission Essential designation, and the OPM term Non-Emergency Employee is synonymous with the Air Force Non-Mission Essential designation.

Pre-Approved Leave (Paid or Unpaid) or Other Paid Time Off.

- Employees on other pre-approved leave (paid or unpaid) or paid time off may not receive WSL for these hours. WSL cannot be granted for these hours even in cases where the employee cancels the pre-approved leave or paid time off or changes a regular day off in a flexible or compressed work schedule for the purpose of obtaining WSL. This restriction does not apply to employees who cancel their pre-approved 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). For these employees, WSL may be provided given they are not designated emergency employees and/or do not have the capability to telework from home.

Employees who Depart Prior to an Early Release.

- Employees who depart prior to the early release time may request to use unscheduled leave (paid or unpaid) or other paid time off and will not be granted WSL. A telework program participant may complete the remainder of his or her workday via telework, upon supervisory/management approval. An employee will be in an unscheduled leave (non-work) status during the commute time home when he or she chooses to leave prior to the scheduled departure time.

Weather and Safety Leave Administration.

- Employees may be granted WSL for hours within the employee's normal tour of duty established for purposes of charging annual and sick leave when absent. For full-time employees, that tour is the 40-hour basic workweek as defined in 5 CFR § 610.102. Employees on Alternative Work Schedule (AWS), which includes Flexible Work Schedules

(FWS) or Compressed Work Schedules (CWS), are not entitled to an “in-lieu-of” AWS day off when a closure occurs on the scheduled AWS day off.

Time and Attendance Recording.

- If WSL is authorized, employees must record those approved hours using the code “LN” and then clicking on the “NtDiff/Haz/Oth” button, selecting add on the “Hz/Oth” line, and then selecting reason code “PS” for WSL.

Additional Telework Guidance.

- Managers should refer to DODI1035.01_DAFI36-143_DAFGM2023-01, Telework and Remote Work Program, 12 February 2024, for additional guidance on the DAF tele/remote work program.