



United States Department of Agriculture

Departmental
Administration

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TO: USDA Chief Human Capital Officers
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FROM: Anita R. Adkins
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SUBJECT: OHRM Advisory 2022-002 – Weather and Safety Leave Flexibilities

The purpose of this advisory is to provide clarification on agency use of weather and safety leave. Weather and safety leave may be granted for closures of the agency worksite due to snowstorms, hurricanes, floods, etc., and may also be granted when an employee is unable to safely perform work due to other emergency situations such as a power outage.

Agencies may grant weather and safety leave when it has determined that employees cannot safely travel to or perform work at their normal worksite, a telework site, or other approved location because of severe weather or another emergency situation. Employees who are not affected by the emergency (not prevented from working) may not be granted weather and safety leave.

When an employee is unable to safely work at an alternate worksite, the senior management official at the agency worksite has delegated authority to grant weather and safety leave. Such instances might include a power outage at the telework site; evacuation order due to a hurricane or wildfire; or other emergency situations such as quarantine, etc. The amount of weather and safety leave they may grant is up to their discretion based on the emergency (it must be aligned with the nature of the emergency) and use of this authority must be in accordance with 5 U.S.C. 6329c and 5 CFR Part 630, Subpart P

Power Outages

Weather and safety leave may be granted when an employee is not able to safely perform work during building specific emergencies such as a power outage or fire.

- For example, an employee is teleworking from their home and a snowstorm caused a power outage. The employee was without power for the day and may be granted weather and safety leave because they are unable to safely telework from their home.

- For example, an employee is teleworking from their home and a significant windstorm knocked down the power lines and the employee is without power for 3 days. The employee may be granted weather and safety leave because they are unable to safely telework from their home. However, if the power outage did not affect the agency worksite and the employee was able to safely travel to and safely work at the agency worksite, within reason the supervisor could direct the employee to report to the agency worksite to perform work.
- For example, an employee is a remote worker and their home is without power due to a hurricane. The employee may be granted weather and safety leave because they are unable to safely work from their home. The power is expected to be out for several days and the employee checks in to a hotel for a week. If the employee can safely telework from the hotel they would be expected to continue working or may request leave (paid or unpaid) and would not be granted weather and safety leave.

Quarantine

If an employee has been exposed to COVID, is asymptomatic and is able to safely telework from an approved telework location, the employee may request to telework or request leave (annual, credit hours, compensatory time off, or leave without pay (LWOP)). Weather and safety leave may not be granted since the employee is able to telework and is not prevented from safely performing work. If the employee becomes ill and unable to telework, they may also request sick leave.

Weather and safety leave may be granted if traveling to or performing work at the normal worksite would pose significant safety risks for the employee, other employees, or the general public, and the employee is unable to telework.

- For example, an employee is currently under maximum telework and is teleworking from their home. The employee was exposed to COVID and must quarantine. If feeling well enough to work, the employee may request to continue teleworking or may request leave. The employee may not be granted weather and safety leave because they are not prohibited from safely teleworking from their home.
- For example, an employee is currently working at the agency worksite and the position is not eligible to telework. The employee was exposed to COVID and must quarantine. The employee is asymptomatic and able to work, but in this situation, the employee may be granted weather and safety leave since the employee is unable to telework and may not report to the agency worksite because they are under quarantine. If the employee becomes ill, they may request sick leave and may no longer be granted weather and safety leave.

School Closures

Weather and safety leave may only be granted when the agency official determines the employee is prohibited from safely traveling to or safely performing work at an approved work location. If an employee's child's school is closed the employee may request to telework or use leave (paid or unpaid). Employees are expected to account for work and non-work hours during their tour of duty and take leave to account for the time spent away from normal work-related activities.

- For example, a significant snowstorm hit overnight and the office announced they are open with the option for unscheduled leave or unscheduled telework. The employee has a 7-year old child and the snowstorm also closed the child's school. The employee may not be granted weather and safety leave only for the fact their child's school is closed. The employee may telework (if telework ready) or use leave but may not be granted weather and safety leave unless the agency official determines the employee is prevented from safely performing work at their telework site. The employee may only count those hours during which actual agency work is performed. Any time the employee spends providing care to their child may not be counted as hours of work.

For additional information see [5 U.S.C. 6329c](#), [5 CFR Part 630, Subpart P](#), Office of Personnel Management [Governmentwide Dismissal and Closure Procedures](#), and OHRM Advisory 2018-002: Interim Instruction for the use of Weather and Safety Leave, April 25, 2018.

If you have any questions about this memorandum, please contact Allen Hatcher, USDA Acting Deputy Chief Human Capital Officer, at allen.hatcher@usda.gov or at (703) 457-7760, or Lisa Swenka, Senior Human Resources Specialist, Pay and Leave Policy, at lisa.swenka@usda.gov or at (202) 731-7958.