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

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Subchapter 4630 - Absence and Leave
Section D - Administrative Leave and Excused Absence
Subsection b - Emergencies (Weather and Other)

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- Dismissing Employees for Local Emergencies During Normal Work Hours
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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 facil or functions. Managers/supervisors must notify employees who meet this definition that they are designated as emergency employees. The notificat 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 otherwis

Programs may also identify a cadre of "mission-critical" emergency employ (MCEE) who may be called to work during extended emergencies, emerger 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 du any closure situation.

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

Weather and Safety Leave

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 A 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 be granted in a calendar year. Weather and safety leave may only be gran an employee is prevented from safely traveling to or safely performing wo an approved location due to:

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

The following must be adhered to with this category of administrative leav

- This leave does not apply to and may not be granted due to mass tra commuting problems unrelated to safety matters.
- When a major event is reasonably anticipated, employees may not ch the regularly scheduled day off or scheduled leave in order to receive 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 a then a telework employee who is able to telework is expected to so.
    - Example 2: If a facility has an early dismissal due to an impendi severe hurricane, the employees on site will be granted weather/safety leave.Telework participants will be granted Weat and Safety Leave (WSL) for the time needed to commute home. at home a teleworker is expected to telework or request leave fr the time of arrival at home to the end of the regularly scheduled of duty for that workday. Scheduled teleworkers will continue to or request leave. Non-telework participants will be granted WSL the time of early dismissal to the end of the regularly scheduled of duty.
- Teleworkers may only be granted weather and safety leave when management determines it’s needed in order for the teleworker to sa

The guidelines in the chart below apply to Riverdale/Washington, D.C. met area non-emergency employees. The Office of Personnel Management (OP the agency with the authority to make these announcements for the Riverdale/Washington, D.C. area. Field units are to follow their local OPM o Federal Executive Board (FEB) announcements. If there is no OPM or FEB t the decision-making process is as described in the Field Emergency Dismis and Closure Procedures section. The announcements below are to be used 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 documen 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, emerg employees are still expected to report for work on time. On an annual basi Programs must follow the procedures found in the **“Who Are Emergency Employees?”** section to notify employees of their status and responsibilit emergency situations.

If the announcement says:	**Then:**	**For non-emergen employee this mea that:**
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	Absences be charge appropriat leave category, requested employee approved the superv (annual le

FieldEmergency Dismissal and Closure Procedures

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 Dismissa 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:
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  - MRP Programs co-located with other USDA offices must contact t offices and make a joint USDA decision. Disagreements between managers will be referred to the Deputy Administrator of MRPBS resolution. If resolution cannot be reached, the Deputy Administrators may contact the Director, Office of Human Resou 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 be avoided.
  - The designated MRP official must arrange for an announcement local radio stations and/or other appropriate available media, if n already arranged by another Federal authority. If a public announcement is not possible, the designated official may deter retroactively that employees who could not report for duty becau of the emergency will be granted administrative leave.

When local emergency conditions develop during the work day, for examp 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 remainde the workday, then early dismissal and the granting of administrative leave affected employees may be appropriate. Use the table below for such situations.

	Location:	Authorizing official and responsibilities:
Dismissing Employees for Local Emergencies During Normal Work Hours	South Building or other DC location Rivderdale Complex	• 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 officia
	Field offices	Programs will designate officials who will: • Work with other co-located USDA offices to make a decision. Disagreements between local managers w be referred to the Deputy Administrator of MRPBS fo 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 Nonc Statu
Reporting Employees' Status when the Office is Closed for Less	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 b. He/she is not expected to return to duty before the end of his/her workday	X (3)	X (4) 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-emerge training programs and test exercises may be granted up to 40 hours of exc absence per calendar year for participation in such activities.

Participation in Emergency Rescue or Protective Work

During severe weather or other emergency situations various Federal, Stat other officials with jurisdiction (e.g., local government not the Red Cross) m request that MRP employees assist in emergency law enforcement, relief, c clean-up efforts. In such situations, supervisors may grant employees administrative leave (TC 66) to participate in a civilian capacity during offic 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.

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

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

Note: This policy does not apply to Federal employees who are members o the National Guard or Reserves who are called up to assist in disaster relie 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 emergenc
  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 approva

Employee Personal Emergency Resulting from a Public Emergency

Step	Who?	Does what?

1	Program	• Prepares a written justification describing:
		  ◦ 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	• Prepares a written request to the Director, OHRM, fo to an additional 40 hours of administrative leave. • Notifies the Program and HRO-LCT of OHRM's respor Note: Requests for more than a total of 80 hours of administrative leave are approved by the Assistant Secre for Administration, through the Director, OHRM.

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