



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

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The Director

Memorandum for Heads of Executive Departments and Agencies

From: Robert H. Shriver, III
Acting Director

Subject: **Maximizing Access to Leave to Seek Safety and Recover from Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Related Forms of Abuse or Harassment (Safe Leave)**

The Biden-Harris Administration is steadfastly committed to supporting Federal employees and their family members, including those whose personal safety is threatened due to domestic violence, dating violence, sexual assault, stalking, and related forms of abuse or harassment. The Administration strongly supports the promotion of safe, healthy, and thriving environments for all—whether at home, in school, online, or in the workplace. The U.S. Office of Personnel Management (OPM) stands with President Biden in supporting Federal employees who need time off from work to keep themselves and their family members safe and to recover from domestic violence, dating violence, sexual assault, stalking, and related forms of abuse or harassment (referred to broadly as "safe leave"). The Federal government is committed to supporting the safety of our employees and providing them flexibility to recover from trauma, helping employees remain in good standing in their jobs to safeguard their financial independence, rebuild, and heal. The Federal government promotes a work environment where Federal employees are able to take time off to address issues related to their or a family member's safety.

The leave system for Federal employees was not constructed with concepts of safe leave in mind. Accordingly, through this memorandum, we are transmitting updated guidance, consistent with section 3 of the Presidential Memorandum, [Supporting Access to Leave for Federal Employees](#), issued by President Biden on February 2, 2023. This guidance is to assist Federal employees in need of time off for safe leave purposes with navigating the various leave options and other flexibilities available to them to keep themselves and their family members safe and to recover from incidents of abuse and harassment. To further assist Federal employees and agencies, OPM is also providing a new fact sheet, "Time Off for Safe Leave Purposes," that can be found at: [Time Off for Safe Leave Purposes Fact Sheet](#). The fact sheet provides a comprehensive

list of leave (paid and unpaid, as appropriate), paid time off, and workforce flexibility options available for employees seeking safety and recovering from violence, abuse, or harassment, as described in this memorandum.

Qualifying Safe Leave Purposes

Agencies should support an employee requesting time off from work for qualifying safe leave purposes to the maximum extent practicable. Qualifying safe leave purposes include the purposes listed in the Presidential Memorandum—that is, seeking safety and recovering from domestic violence, dating violence, sexual assault, or stalking, including when such conduct is facilitated by technology—as well as responding to other related forms of abuse or harassment, including technological abuse and economic abuse. (See definitions of terms in the attached fact sheet.) These workplace flexibilities can be applied to situations in which the domestic violence, dating violence, sexual assault, stalking, or related forms of abuse or harassment is currently taking place or to situations in which a past situation involving such violence, abuse, or harassment is currently causing a negative impact in the workplace. This support should also be extended to an employee assisting a family member for qualifying safe leave purposes. For purposes of safe leave, agencies should include any individual with one of the relationships outlined in the broad “family member” definition used for sick leave (see [section 630.201 of title 5, Code of Federal Regulations](#)).

Federal employees may need time off (paid or unpaid, as appropriate) to engage in various activities for themselves or to assist a family member, such as the following:

- a. Seeking medical treatment, including seeking mental health services such as counseling or therapy;
- b. Securing housing or relocating;
- c. Obtaining services from organizations or groups that provide services for survivors of domestic violence, sexual assault, image-based abuse, human trafficking, and/or stalking;
- d. Participating in safety planning or taking other actions to increase safety;
- e. Attending court to obtain a protective order, participate in child custody proceedings, or obtain legal or other victim services; or
- f. Otherwise dealing with the consequences of the abusive behavior (for example, arranging for childcare, enrolling a family member in a new school).

Time off for “qualifying safe leave purposes” applies when an employee engages in the above-listed or similar activities for themselves or to assist a family member, as appropriate.

Leave, Time Off, and Other Options

There are various time off options to address safe leave purposes. The leave options available to an employee may be different depending on the specific activities and whether the employee is engaging in the activities for themselves or is assisting a family member who is engaging in those activities. Possible leave options include annual leave (including advanced annual leave), sick leave (including advanced sick leave), weather and safety leave (as discussed below), and leave without pay. Employees may have access to other earned paid time off, such as compensatory time off. Agencies may also consider use of workplace flexibilities such as telework or temporary remote work, as appropriate. See attached fact sheet for additional guidance.

Use of Weather and Safety Leave for Certain Safe Leave Purposes

OPM is advising agencies to consider granting weather and safety leave for safe leave purposes in certain situations. (See [5 U.S.C. 6329c](#) and [5 CFR 630, subpart P.](#)) An employee is eligible for weather and safety leave if the employee is unable to safely work at an approved location (either an agency worksite or an approved telework/remote work location) because of safety risks associated with domestic violence, dating violence, sexual assault, stalking, or other related forms of abuse or harassment—for example, an active threat of physical violence at the work location. The granting of weather and safety leave would depend on the safety risks associated with the given work location.

For employees performing telework or remote work at an approved alternate location, weather and safety leave is only available in emergency situations because of safety risks associated with domestic violence, dating violence, sexual assault, stalking, or other related forms of abuse or harassment on a workday the employee is scheduled to work at the approved telework/remote worksite. The leave would not be available to assist a family member unless there is a threat to the employee’s safety on a workday at the employee’s worksite as a result of assisting a family member. See attached fact sheet for details.

Updating Agency Policies to Support Safe Leave Purposes

In support of the President's Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce, and the requirements contained in the [Strategic Plan to Advance DEIA in the Federal Workforce](#), agencies should update their policies and practices such that employees are provided with the time off they need to keep themselves and their families safe, to the extent permitted by law. Agencies should update policies so that leave and other discretionary flexibilities are available to the maximum extent practicable and time off is provided to employees to assist family members in seeking safety and recovering, in accordance with the laws and regulations governing these programs and consistent with mission needs, and in a manner that assists employees in understanding the benefits for which they may qualify.

Additional Information

For additional information, agency headquarters-level human resources offices may contact OPM at leavepolicy@opm.gov. Component-level human resources offices must contact their agency headquarters for assistance. Employees must contact their agency human resources offices for further information on this memorandum.

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, Human Resources Directors, and Work-Life Coordinators

Attachment: [Time Off for Safe Leave Purposes Fact Sheet](#)