



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

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The Director

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Memorandum for Heads of Executive Departments and Agencies

From: Kiran A. Ahuja
Director

Subject: Human Resources Flexibilities and Procedures for Disasters and Other Emergency Situations

Following the landfall of Hurricane Ian in Florida and the Southeastern United States, President Biden [directed the entire Administration](#) to prioritize lifesaving actions and ensure delivery of essential services and support to survivors across multiple states. To help assist those Federal employees impacted by Hurricanes Ian and Fiona, the U.S. Office of Personnel Management (OPM) is reminding agencies and employees of the wide range of human resources (HR) flexibilities and procedures currently available to assist Federal employees affected by hurricanes and other emergency situations.

Weather and Safety Leave

Weather and safety leave is a form of paid time off authorized under section 6329c of title 5, United States Code, and is typically authorized when OPM or an agency issues an operating status announcement related to the health and safety of the workforce.

Under OPM's weather and safety leave regulations, an agency 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. There are special considerations when considering weather and safety leave for teleworking employees. Specifically, an agency normally will not be able to provide weather and safety leave to a telework program participant, unless the individual is prevented from safely traveling to or working at their approved telework site during severe weather or other emergency situations.

Even if the individual is not prevented from safely traveling to and working at their approved telework site during severe weather or other emergency situations, OPM regulations allow for certain other exceptions that may warrant approval of weather and safety leave. Agencies may provide weather and safety leave to a telework program participant if, in the agency's judgment, the employee could not have reasonably anticipated the severe weather or emergency and thus is not prepared to telework. (See 5 CFR 630.1605(a)(2)(i).) Additionally, agencies may provide weather and safety leave to a telework program participant if the employee is prepared to work at the telework site but is prevented from safely working there due to the severe weather or emergency situation. (See 5 CFR 630.1605(a)(2)(ii).) Agencies may consider exercising their

authority to grant weather and safety leave to telework program participants on a case-by-case basis.

Additional guidance on weather and safety leave may be found in OPM's [Governmentwide Dismissal and Closure Procedures](#).

Telework

OPM's weather and safety leave regulations emphasize the importance of telework in allowing employees to continue working during severe weather or other emergency situations. Telework continues to play a significant role during emergency situations by enabling a greater number of Federal employees to work and supporting continuity of operations. Agencies should continue to promote and incorporate telework into their agency emergency planning. See the [Telework Guidance](#) at [Telework.gov](#).

Evacuation Payments

Executive agencies may authorize advance payments, continuation of pay, and payments for travel and subsistence expenses to employees who are ordered to evacuate from an area because of imminent danger to their lives as a result of a severe weather condition or other emergency situation. Use of the evacuation payments authority is discretionary. The head of an employing agency or designated official must make the determination that an employee was officially ordered or authorized to evacuate. Agencies must follow the regulations in 5 CFR part 550, subpart D. Additional guidance may also be found in OPM's [Handbook on Pay and Leave Benefits for Federal Employees Affected by Severe Weather Conditions or Other Emergency Situations](#).

Emergency Leave Transfer Program (ELTP)

In the event of a major disaster or emergency as declared by the President that results in severe adverse effects for a substantial number of employees, OPM may establish an Emergency Leave Transfer Program (ELTP). Under this program, Federal employees may donate annual leave to employees of the same or other agencies who are adversely affected, or have family members who are adversely affected, by the disaster or emergency. Agencies that have employees in need of assistance should contact their headquarters to report the need. OPM, in consultation with the Office of Management and Budget, will work with agency headquarters to assess the need to establish an ELTP.

OPM is currently assessing the need to establish an ELTP for areas that have been Presidentially declared a major disaster or emergency as found on [FEMA's website](#) for Hurricane/Tropical Storm Ian. Please note that the ELTP regulations at 5 CFR 630.1113(b) provide that annual leave donated under an ELTP may be substituted **only** for **advanced annual or sick leave** or **LWOP used because of the emergency**. This is very important, because if an ELTP is later established, employees **will not be able to retroactively substitute donated annual leave for any accrued annual leave or sick leave they used because the adverse effects of the disaster or emergency**. As a reminder, agencies may grant weather and safety leave when it is determined that employees cannot safely travel to or from, or perform work at, their normal

worksite, a telework site, or other approved location because of severe weather or another emergency situation. Please see the weather and safety regulations at [5 CFR 630 Subpart P](#).

Other Human Resources Flexibilities

OPM's [Human Resources Flexibilities and Authorities Handbook](#) provides detailed summaries and references for the many HR flexibilities and authorities which OPM administers. Please also see our [Hurricane Guidance](#) that provides further information regarding HR benefits and flexibilities available to Federal employees, annuitants, survivors, and agencies affected by hurricanes and other emergency situations.

Additional Information

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

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