



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

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MEMORANDUM FOR: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: DALE CABANISS
DIRECTOR

Subject: Governmentwide Dismissal and Closure Procedures

As we begin the 2019-2020 winter season, the U.S. Office of Personnel Management (OPM) would like to take this opportunity to remind Federal departments and agencies of the *Governmentwide Dismissal and Closure Procedures (Procedures)* issued in November 2018. The *Procedures* reflect a Governmentwide approach as a result of the weather and safety leave provisions of Administrative Leave Act of 2016 (Act) (section 1138 of Public Law 114-328) and corresponding OPM regulations.

These *Procedures* reflect the principle that the Federal government's vital business must continue without compromising the safety of our employees and the general public. Although the *Procedures* are typically issued in the winter, the operating status announcements are applicable for any emergency or significant safety-related event.

This year, OPM is not recommending changes to the *Procedures* or the operating status announcements, but would like to highlight important topics for both agencies and employees. The 2018 *Procedures* can be found at: <https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/dcdismisal.pdf>. While we are not making any changes, we are addressing frequently asked questions in the attachment to this memo.

Weather and Safety Leave

The final regulations (83 FR 15291) implementing weather and safety leave were issued on April 10, 2018. These new regulatory provisions in subpart P of part 630 of title 5, Code of Federal Regulations, provide that an agency may grant weather and safety leave when it is determined that employees cannot safely travel to or from, or safely perform work at, their normal worksite, a telework site, or other approved locations because of severe weather or another emergency situation. For further information, please [see CPM 2018-09: Issuance of Weather and Safety Leave Regulations](#).

OPM's regulations and *Procedures* make clear the circumstances in which weather and safety leave may be used. It will generally be used in conjunction with an *operating status announcement* issued by OPM or an agency.

Communication Expectations

Operating status announcements are generally issued when weather or other emergency conditions prevent Federal employees from safely traveling to or from, or safely performing work at, an approved work location (5 U.S.C. 6329c(b)).

Federal agencies and employees must be prepared to respond immediately to an emergency situation. OPM's operating status announcements are most effective if each employee understands what the announcement means and how to react. Therefore, agencies should take steps to familiarize each employee with the various operating status announcements. Each agency should have in place specific procedures that are applied in conjunction with the various operating status announcements. These agency procedures will allow employees to know what is expected of them when operating status announcements are issued.

Employees must also understand which human resources flexibilities are available to them during specific agency operating procedures, such as unscheduled telework, unscheduled leave, leave without pay, alternative work scheduled day off, etc. In an emergency situation, timing and communication are crucial. Employees must be able to act under their own agency's procedures when unscheduled telework or unscheduled leave are options, or when teleworking during office closures.

Additional Information

Employees should contact their agency human resources office for further information on the implementation of the Procedures. For general information on Federal pay, leave, and work scheduling policies, please visit <http://www.opm.gov/policy-data-oversight/pay-leave>.

Agency field offices should contact their appropriate headquarters-level agency human resources office. Agency headquarters-level human resources offices may contact Pay and Leave at OPM at pay-leave-policy@opm.gov. Requests from individual employees will be returned or forwarded to the appropriate agency human resources office.

Link to Guidance: [Governmentwide Dismissal and Closure Procedures](#)

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

Attachment: **Weather and Safety Leave Frequently Asked Questions**

Q1: What is weather and safety leave?

A1: Weather and safety leave is a form of paid absence provided under the authority of 5 U.S.C. 6329c. Agencies may grant weather and safety leave only when employees are prevented from safely traveling to or from, or safely performing work at, an approved location due to an act of God (i.e., an act of nature, such as a severe snowstorm, earthquake, etc.), a terrorist attack, or another condition that prevents employees from safely traveling to or from, or safely performing work, at an approved location.

Q2: Is there an annual limit on the amount of weather and safety leave that an employee may be provided?

A2: There is no limit to the amount of weather and safety leave that agencies may grant to employees in response to weather and safety conditions that occur during the year. Weather and safety leave is not included in, or subject to, the calendar year limitation on administrative leave provided under 5 U.S.C. 6329a(b)(1).

Q3: Why are intermittent employees excluded from receiving weather and safety leave?

A3: The statute at 5 U.S.C. 6329c(a)(2)(b) specifically excludes intermittent employees from the weather and safety leave provisions because intermittent employees do not have an established regularly scheduled tour of duty during the administrative workweek. Intermittent employees are similarly excluded by 5 U.S.C. 6301(2)(ii) from earning annual and sick leave.

Q4: When do agencies grant weather and safety leave?

A4: An agency will generally grant weather and safety leave in conjunction with an operating status announcement issued by OPM or the agency that states specific dismissal or closure procedures in effect based on current or anticipated severe weather conditions or emergency events. For example, under a 2-hour *delayed arrival* operating status announcement, agencies may grant up to 2 hours of weather and safety leave to employees who report to the office later than their normal reporting time. On rare occasions, an agency may grant weather and safety leave without an operating status announcement being issued. On these occasions, the agency must determine that the severe weather or other emergency prevented the employee or group of employees from safely traveling to or from, or safely performing work at, an approved work location.

Q5: Should an agency grant weather and safety leave to long-distance commuters affected by different conditions?

A5: Agencies should not provide weather and safety leave to employees who face different conditions in outlying areas when the normal worksite is not affected by these conditions. For example, an employee who works in Washington, DC, and who chose to reside in West Virginia should not be granted weather and safety leave when a snowstorm affects the West Virginia area but the DC area operating status is "Open." However, agencies may permit other workplace flexibilities to these employees, such as approving ad hoc telework or leave, or permitting

flexible work schedule employees to adjust their work hours, as permitted under the agency's policies.

Q6: Who issues operating status announcements?

A6: OPM issues operating status announcements for offices located inside the Capital Beltway area of Washington, DC, and may on occasion issue announcements that apply outside of this area, including Governmentwide. For offices located outside of the Washington, DC, Capital Beltway area, agencies usually issue the operating status announcements that apply to their employees. These announcements are often issued after consultation with a local Federal Executive Board or Federal Executive Association, where these organizations exist.

Q7: Why are employees who participate in a telework program generally excluded from receiving weather and safety leave?

A7: The Administrative Leave Act of 2016 authorizes weather and safety leave “only if the employee or group of employees is prevented from safely traveling to or performing work at an approved location....” For employees who participate in a telework program, the telework site (usually the employee's home) is an “approved location”—i.e., a location that has been approved by the agency for the performance of work. Employees who can work at their home are not prevented from safely traveling to work.

Q8: When may employees who participate in a telework program receive weather and safety leave?

A8: An agency may provide weather and safety leave to a telework-eligible employee who, in the agency's judgment, could not have reasonably anticipated the severe weather or other emergency condition and therefore did not take home needed equipment or work.

An agency may also provide weather and safety leave to a telework-eligible employee who is prevented from safely working at the telework site as a result of the weather or other emergency condition. For example, flooding, or a roof collapse may make the telework site unsafe. Also, weather and safety leave may be granted if conditions at the telework site do not permit the performance of work (e.g., a weather event caused a loss of power, which makes the home not an approved location under agency telework policies).

Q9: Can employees who have childcare responsibilities during closures receive weather and safety leave?

A9: The law (5 U.S.C. 6329c(b)) does not allow granting weather and safety leave to employees who can work at an approved location. A telework site is an approved location for a telework program participant, except under certain conditions dictated by agency policy. If the agency has a blanket policy that an employee may not telework while providing care to young children at home, the home is not an approved location while the childcare is being provided. Therefore, since the employee cannot telework because of the agency's childcare policy or otherwise safely travel to the office, the agency may grant weather and safety leave to the employee. However, an agency may adopt a policy that allows telework while young children are in the home in weather/safety emergency situations; in that case, the employee must account for all hours within

the established tour by teleworking or taking appropriate leave (e.g., annual leave) to cover any time spent caring for a child, and weather and safety leave would not be appropriate.

Q10: Why doesn't OPM require consistent telework policies on childcare across the Government?

A10: OPM does not have authority to regulate telework. Each agency is responsible for establishing its telework policies. Additionally, agencies have differing work requirements based on mission needs and are in the best position to determine the telework policies that best fit those needs. OPM does have authority to regulate when weather and safety leave is appropriate, including in various telework situations.

Q11: Do employees on preapproved leave receive weather and safety leave?

A11: No, with limited exceptions. Employees on preapproved leave may not receive weather and safety leave; however, agencies may provide weather and safety leave to employees who cancel their preapproved leave because the weather/emergency conditions also caused a change in their leave plans. For example, the agency may grant weather and safety leave to an employee whose medical appointment or whose flight was canceled due to the weather/safety emergency and who is not able to telework.

Agencies may not grant weather and safety leave to employees who, in their judgment, cancel leave for the primary purpose of replacing it with weather and safety leave. For example, an employee on a long-distance vacation who cancels annual leave cannot receive weather and safety leave. This employee would not be traveling to work regardless of the weather conditions, so there is no need to provide the employee with weather and safety leave. The weather/safety leave regulations do not bar cancellation of leave but merely state what effect a cancellation would have on the granting of weather and safety leave.

Q12: Is weather and safety leave treated as a leave category for night pay purposes?

A12: No. Under 5 CFR 550.122(b), employees are entitled to night pay for a period of paid leave only when the total amount of leave in the pay period is less than 8 hours. Various types of leave (e.g., court leave) are excluded in applying this rule because the authorizing statute states that the leave is provided "without loss of or reduction in pay." The weather and safety leave law at 5 U.S.C. 6329c(b) uses this language; therefore, weather and safety leave is not a type of leave that is counted in applying the 8-hour rule.

Q13: Will employees receive Sunday premium pay if prevented from working on a Sunday by a weather or safety event?

A13: No. Employees who are regularly scheduled to perform nonovertime work on a Sunday but who are prevented from performing that work by a weather or safety event may be granted weather and safety leave as applicable, but will not receive Sunday premium pay for hours not worked. By law, employees must perform actual work on a Sunday in order to receive Sunday premium pay "Notwithstanding any other provision of law." (See Section 624 of the Treasury and General Government Appropriations Act, 1999.)

Q14: Are agencies required to keep records on the granting of weather and safety leave to employees?

A14: Yes. The statute at 5 U.S.C. 6329(c) requires agencies to record weather and safety leave separately from other types of leave. (See also 5 CFR 630.1607.)

Q15: What are the codes for weather and safety leave to be used in the agency's payroll and time and attendance systems?

A15: Payroll and time and attendance codes are assigned by the agency's payroll provider, so they will vary depending on which payroll provider the agency uses. OPM does not assign these codes. System users will need to contact their payroll provider for the appropriate code to record use of weather and safety leave.