Headquarters Air Force
Civilian Force Policy Division
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WEATHER AND SAFETY LEAVE FACT SHEET

This fact sheet provides information for appropriated funded civilian employees, supervisors, and managers concerning the application of Weather and Safety Leave in the Department of the Air Force, including recent clarifications resulting from the COVID-19 outbreak response.

References:

- 10 U.S.C. § 1580
- 5 U.S.C. § 6329c(b)
- 5 CFR Part 630, Weather and Safety Leave
- Public Law 111-292, Telework Enhancement Act of 2010
- United States Office of Personnel Management's *Guide to Telework in the Federal Government,* April 2011
- Department of Defense Instruction (DoDI) Number 1035.01, 4 April 2012, Telework Policy
- DoDI1035.01_AFI36-816, Civilian Telework Program, 29 October 2018
- DoDI1400.25V610_AFI36-807, *Hours of Work and Holiday Observances,* 19 April 2019
- DoDI1400.25V630_AFI36-815, *Leave,* 14 November 2019
- Office Of Management and Budget Memorandum, M-20-13, Updated Guidance on Telework Flexibilities in Response to Coronavirus, dated March 12, 2020
- Office of Management and Budget Memorandum, M-20-15, Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus, dated March 15, 2020
- Office of Management and Budget Memorandum, M-20-16, *Federal Agency Operational Alignment to Slow the Spread of Coronavirus, COVID-19,* March 17, 2020
- USD P&R memorandum, "*Civilian Duty Status and Use of Weather and Safety Leave during COVID-19 Pandemic*, March 30, 2020
- Department of Defense Memorandum, Updated Civilian Personnel Guidance in Response to Coronavirus Disease 2019, DCPAS Message 2020024
- Department of the Air Force Memorandum (A1), *Telework Flexibilities in Response to COVID-19,* 20 March 2020
- Department of the Air Force Memorandum (A1), *Weather and Safety Leave during COVID-19 (Self-Certification guidelines),* 3 April 2020
- Headquarters Air Force, Civilian Force Policy Division, March 2020, *Telework Fact Sheet*

DEFINITIONS

- Weather and Safety Leave – Paid leave provided under the authority of 5 U.S.C. 6329c, which an agency may grant to employees only if they are prevented from safely traveling to or safely performing work at a location approved by the agency, due to:
    - An act of God;
    - A terrorist attack; or
    - Another condition that prevents an employee or group of employees from safely traveling to or safely performing work at an approved location.

- Act of God – an act of nature, including hurricanes, tornadoes, floods, wildfires, earthquakes, landslides, snowstorms, and avalanches.

- Employee – for the purpose of applicability to Weather and Safety Leave provisions, an employee is as described in §630.1601(b) and (c). This does not include intermittent employees, who by definition, do not have an established regular tour of duty during the administrative work week.

- Participating in a Telework Program – an employee who is eligible to telework and has a telework agreement under which the employee is approved to participate in the agency telework program, including on a routine or situational/ad hoc and/or emergency basis. Such an employee who teleworks on a situational basis is considered to be continuously participating in a telework program even if there are extended periods during which the employee does not perform telework.

- Telework Site – an approved location where an employee is authorized to perform telework, such as an employee's home.

- Mandated Telework- Mandated telework provides for the ability to implement telework for all assigned personnel independent of their telework status or whether or not individuals have a signed telework agreement. This is an "authority," and commanders and supervisors have significant latitude to implement consistent with published guidance.

- "High Risk" and "Special Populations" – groups as defined by the CDC, including pregnant women, older adults, and individuals who have chronic health conditions, such as high blood pressure, heart disease, diabetes, lung disease, or compromised immune systems. Current information on this can be found at https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/index.html.

- Emergency employees – designated employees who are critical to agency operations and for whom weather and safety leave may not be applicable. Such employees may also be referred to as "mission essential," "key," "mission critical," or "emergency essential" for the purposes of weather and safety leave.

GENERAL WEATHER AND SAFETY LEAVE GUIDELINES

- Weather and Safety Leave is permitted - at the Air Force's discretion, but subject to statutory and regulatory requirements, Air Force policies, and lawful collective bargaining agreements

– only when an installation commander (or equivalent), or activity head, determines that employees cannot safely travel to and from, or perform work at, their normal worksite, an approved telework site, or other approved location because of severe weather or other emergency situations.

- Weather and Safety Leave is generally appropriate when Government offices, installations, or portions thereof are closed for a full or partial day because of snow or any other weather or safety conditions and the employee is prevented from working or is otherwise unable to work at an alternative worksite. This would include situations where working at an alternative worksite is itself unsafe, where the employee is ineligible for telework, or where the employee is not participating in a telework program. This would also apply to situations where a teleworker is unprepared to telework because the event could not be readily anticipated (e.g., the normal worksite is rendered unsafe following a fire, flood, or earthquake) and the employee does not have equipment or materials needed to perform work.
- There is no entitlement to Weather and Safety Leave; it is always provided at the Air Force's discretion and must be preapproved by the Installation Commander (or equivalent), or activity head, who may delegate approval to supervisors or organizational leadership.
- There is no cap on the number of hours that may be granted for Weather and Safety Leave.
- Employees who are participating in a telework program or are able to safely travel to or from, or perform work at, an approved telework site, such as their home, may not be granted Weather and Safety Leave.
- If in the commander/supervisor's judgement, the conditions appropriate for Weather and Safety Leave could not have reasonably been anticipated, a commander/supervisor may provide Weather and Safety Leave to the extent an employee was not able to prepare for telework and is otherwise unable to perform productive work at the telework site.
- If an employee is prevented from safely working at the approved telework site due to circumstances arising from the conditions appropriate for Weather and Safety Leave, applicable to the telework site, a commander/supervisor may, at their discretion, provide Weather and Safety Leave to the employee.
- Weather and Safety Leave (WSL) is charged in the same increments as annual leave, i.e. 15 minute increments.
- Weather and Safety Leave may be granted only for hours within the tour of duty established for purposes of charging annual and sick leave when absent. For full-time employees, that tour is the 40-hour basic workweek, the basic work requirement established for employees on a flexible or compressed work schedule, or an uncommon tour of duty.
- Employees many not receive Weather and Safety Leave for hours during which they are on other preapproved leave (paid or unpaid) or paid time off. Commanders/supervisors should not grant Weather and Safety Leave to an employee who, in their judgement, is cancelling preapproved leave or paid time off, or changing a regular day off in a flexible or compressed work schedule, for the primary purpose of obtaining Weather and Safety Leave.
- Weather and Safety Leave must be accurately recorded in the applicable timekeeping system. In ATAAPS, it would be coded as "LN" with the subcode of "PS".

COVID-19 SUPPLEMENTARY GUIDANCE

- During the COVID-19 outbreak, commanders and supervisors should maximize the use of telework, including rendering employees telework eligible and ready on a just-in-time basis wherever possible and approving telework when permissible and deemed appropriate, while maintaining mission critical workforce needs. (For more information on telework during the COVID-19 outbreak, see Headquarters Air Force Civilian Force Policy Division, March 2020, Telework Fact Sheet and USD P&R memorandum, "Civilian Duty Status and Use of Weather and Safety Leave during COVID-19 Pandemic, March 30, 2020. Prior to approving Weather and Safety Leave during the COVID-19 pandemic, leadership is to implement telework consistent with the above referenced guidelines. If telework is not applicable, an employee may be placed on Weather and Safety Leave.
- Consistent with the mission, <u>commanders should seek to minimize the number of high risk emergency employees required to work</u>, by deliberately identifying the required skills, assessing mission impact and considering alternative approaches (such as whether those not at high risk possess similar skills). Wing Commanders or Complex Commanders or equivalent retain the ultimate decision authority with respect to mission criticality and safety when there is a disagreement between management and individual employees with respect to their recall.
- Leaders must assertively safeguard the health and safety of their workforce. Effective safeguards and measures must be put into place to ensure that all high risk emergency employees who are required to work, or recall from Weather and Safety leave, are able to safely travel to and from work and perform their jobs on site in a safe manner.
- In determining leave and telework decisions, commanders should consider the mission-critical nature of their work.
- All employees on Weather and Safety Leave are subject to recall for duty, consistent with their individual medical status, as well as changes to the evolving public health situation and guidance. Commanders must assess these situations in consultation with Medical, Legal and Civilian Personnel advisors. (See A1 Memorandum, *Weather and Safety Leave during COVID-19 (Self-Certification guidelines),* dated 3 April 2020 on recall of high risk personnel)
- Employees on Weather and Safety Leave must remain in the local area so they are available for recall or changes in their leave status.
- Employees are not prohibited from requesting and taking personal leave (annual, sick, compensatory time off, time off awards) during periods when Weather and Safety Leave is approved.
- Commanders and supervisors should review the attached matrix, which provides an easy reference guide to help balance mission needs and protect the total force. The information contained in the matrix applies irrespective of local decisions on Force Health Protection Conditions.
- Installation commanders and heads of activities must notify the Secretary of Defense, through the appropriate chain of command or supervision, of any decision to close a base,

installation, or facility due to COVID-19. For the Pentagon reservation, the Director, Washington Headquarters Services, is responsible for recommending any such decision.

- Commanders may approve Weather and Safety Leave for civilian employees in the following situations:
  - The employee is asymptomatic of COVID-19 and subject to movement restrictions (i.e., quarantine or isolation) under the direction of public health authorities;
  - The employee is asymptomatic and directed by a medical professional, public health authority, commander, or supervisor, to not report to the worksite. Note that a commander or supervisor may direct the employee to stay home because of possible exposure or because the employee shows symptoms that might be COVID-19;
  - Other circumstances when an employee is not able to safely travel to or perform work at an approved duty location; or
  - The employee is asymptomatic and at higher risk to COVID-19 under the criteria identified by the Center for Disease Control (CDC).
- Commanders may grant Weather and Safety Leave to civilian employees, who are not telework participants, due to a "condition that prevents the employee or group of employees from safely traveling to or performing work at an approved location" (5 U.S.C.§ 6329c(b)).
  - If a commander closes all or part of an installation, facility, or operation due to physical distancing measures, then employees are deemed to be prevented from safely performing work at their worksite. In such a case, Weather and Safety Leave would be appropriate for any employee who is not able to telework.
  - Commanders have the discretion to approve Weather and Safety Leave to any of their assigned personnel on a case-by-case basis, even those who may not have been considered "at higher risk" under OMB M-20-13, in situations where the commander has determined that there is another condition that prevents the employee or group of employees from safely traveling to, or performing work at, their normal worksite (e.g., local spread of virus; localized worksite had potential contamination incident).
  - Because COVID-19 prevents employees who are not telework program participants, and <u>who are at higher risk</u> from safely traveling to or performing work at an approved location, commanders are encouraged to grant these employees Weather and Safety Leave (if they cannot be rendered telework eligible/ready on a just-in-time basis). (Commanders should routinely approve when telework is maximized or mandated or other risks warrant approval)
- Employees may self-identify as "high risk." However, upon employee self-identification, commanders will require individuals to document in writing and "self-certify" that they meet the CDC requirements as "high risk" or "special populations" for COVID-19. This "self-certification" is sufficient to allow the organization to place an employee on Weather and Safety Leave, provided the employee is unable to telework or report to an alternate worksite.
- Employees who have self-identified and self-certified, and who have been placed on Weather and Safety Leave, must then provide, within 30 days, substantiating documentation (at their own expense) from a licensed medical practitioner confirming their condition met CDC high-risk/special population criteria at the time of self-certification. Commanders and

individuals must ensure that required documentation is in accordance with individual Privacy Act and Rehabilitation Act rules.

- Commands may waive the documentation requirement for known/previously identified medical conditions or if the certification is based on age.

- Substantiating documentation must be provided within 30 days of the self-certification. Commands may approve extensions based upon an individual employee's circumstances and should favorably consider extension requests due to the unavailability of the employee's regular medical provider because of the pandemic.

- Failure to provide substantiating medical documentation will result in the revocation of the WSL with the employee being assessed "chargeable leave" (e.g., annual leave or sick leave if applicable) or Leave Without Pay (LWOP). This will be retroactively applied for the entirety of the time period. Individuals may also be subject to disciplinary measures and adverse action for false certifications.

- Emergency Employees: Weather and Safety Leave is extremely limited for emergency employees (those whose functions, positions, or duties are critical to agency operations; also referred to as "mission essential" or "mission critical"). In accordance with 5 C.F.R. 630.1605(b), emergency employees critical to agency operations must continue to report to work at their regular worksite unless otherwise directed. Agencies should consider the mission-critical nature of their work in making their telework and leave decisions. Notwithstanding, special precautions must be enacted to support the health and welfare of emergency employees and especially those that are high risk from COVID-19 while also ensuring accomplishment of critical mission.

  - Commands are encouraged to approve WSL for emergency employees who are at "high risk" when their condition prevents the employee or group of employees from safely traveling to or performing work at an approved location [see 5 U.S.C. § 6329c(b) and 5 U.S.C. § 630.1605(b)(2)] and when they are unable to complete their duties via telework or from an alternate duty location. [Note: A transmission threat that results in an organization maximizing, mandating, or having telework mandated by higher authority; combined with certification and validation procedures, suffices for an organization to approve an emergency employee deemed "high-risk" for COVID-19 for WSL IAW 5 C.F.R. 630.1605(b)(2)].

  - Management may recall high risk emergency employees from WSL in circumstances where critical, urgent, or mission-essential functions (to include essential maintenance and production tasks or services needed to support the warfighting mission, or to protect people and property) cannot be supported without high risk emergency employees returning to work.

  - Consistent with mission, <u>commanders should seek to minimize the number of high risk emergency employees required to work</u>, by deliberately identifying the required skills, assessing mission impact and considering alternative approaches (such as whether those not at high risk possess similar skills). Wing Commanders or Complex Commanders or equivalent retain ultimate decision authority with respect to mission

criticality and safety when there is a disagreement between management and individual employees with respect to their recall.

- Leaders must assertively safeguard the health and safety of their workforce. Effective safeguards and measures must be put in place to ensure that all high risk emergency employees who are required to work, or who are recalled from Weather and Safety Leave, are able to safely travel to and from work and perform their jobs on site in a safe manner.
- When the reasons for recall are satisfied, employees should be returned to Weather and Safety Leave status as appropriate.

QUESTIONS AND ANSWERS

Q1. Under what circumstances may a commander authorize Weather and Safety Leave for COVID-19?
A1. A commander may authorize Weather and Safety Leave to a civilian employee under the following circumstances:

- The employee is asymptomatic of COVID-19, but subject to movement restrictions (i.e. quarantine or isolation) under the direction of public health authorities;
- The employee is asymptomatic and directed by a medical professional, public health authority, commander, or supervisor, to not report to the worksite. Note that a commander or supervisor may direct the employee to stay home because of possible exposure or because the employee shows symptoms that might be COVID-19.
- Other circumstances when an employee is not able to safely travel to or perform work and an approved location.
- The employee is asymptomatic and at higher risk to COVID-19 under the criteria identified by the Center for Disease Control (CDC).

Q2. Are there any limitations on how much Weather and Safety Leave can be authorized for an employee, at one time or yearly?
A2. No. There is no cap on the number of hours of Weather and Safety Leave that may be granted.

Q3. If an employee is healthy but, out of caution, chooses to stay home even though they are not considered high risk, should they be authorized Weather and Safety Leave?
A3. If the worksite is “open” and employees have not been mandated to telework or otherwise told to stay home, then Weather and Safety Leave would not be appropriate for this employee.

Q4. If an employee is healthy, but stays home because he/she has been in direct contact with an individual infected with COVID-19, should they be authorized Weather and Safety Leave?
A4. An employee may be authorized Weather and Safety Leave if he/she has been exposed to COVID-19, even if the employee is asymptomatic, if a medical professional, public health authority, commander, or supervisor, directs that they not report to the worksite and/or

determines the employee would jeopardize the health of others if allowed to return to work, *and* the employee cannot telework.

Q5. If an employee must stay home to care for an asymptomatic family member who was exposed to COVID-19, should a commander authorize Weather and Safety Leave?
A5. No, not based on these facts alone. An employee who is healthy and is caring for an asymptomatic family member may request annual leave, advanced annual leave, other paid time off (e.g., earned compensatory time off, earned credit hours), or leave without pay for the period of absence. The employee may be entitled to up to 80 hours of sick leave for this situation under the Emergency Paid Sick Leave Act (additional guidance on that new law is pending from DCPAS). Telework should also be considered. (For more information on telework with children in the home during the COVID-19 outbreak, see Headquarters Air Force Civilian Force Policy Division, March 2020, Telework Fact Sheet.) If the employee's family member *becomes symptomatic (ill)*, sick leave to care for a family member with a serious health condition would be appropriate, as would leave under the FMLA.

Q6. If an employee comes to work and exhibits symptoms of respiratory illness, can he/she be sent home?
A6. When a commander/supervisor observes an employee at the workplace exhibiting symptoms of respiratory illness, he/she should express general concern regarding the employee's health and remind the employee of leave options available, including advanced leave. If the employee is able to perform work (i.e., they are not incapacitated), supervisors should identify whether the employee is telework-ready, or can be made telework-ready on a just-in-time basis, and offer the employee the option to telework. If the employee cannot telework, and if the supervisor wants to keep the employee away from the worksite for the safety of other workers, then the supervisor should utilize Weather and Safety Leave.

Q7. Why are intermittent employees excluded from receiving Weather and Safety Leave?
A7. 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.

Q8. Why are employees who participate in a telework program generally excluded from receiving Weather and Safety Leave?
A8. 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.

Q9. If a base, or office, closes due to COVID-19, and employees therefore cannot report to the worksite, may a commander authorize Weather and Safety Leave?
A9. Yes, a commander could authorize Weather and Safety Leave to non-telework program participants whose office or base is closed or partially closed. Telework program participants would be expected to continue working and should not receive Weather and Safety Leave. Commanders should make every effort to extend telework eligibility and readiness to as many employees as possible.

Q10. If an employee, who has been receiving Weather and Safety Leave due to exposure to COVID-19, becomes symptomatic (ill), should he/she continue to receive Weather and Safety Leave?
A10. No. When an employee becomes ill, sick leave should be used. It should also be noted that COVID-19 is considered a serious illness for FMLA purposes.

Q11. What time card codes should be used for Weather and Safety Leave during the COVID-19 outbreak?
A11. Weather and Safety Leave granted should be coded in 15 minute increments, as "LN" with the subcode of "PS".

Q12. My employee just returned from an affected area and/or is known to have been exposed to someone with COVID-19 and I do not want them to come into the office until I know they do not present a safety risk. As a supervisor, what can I do?
A12. All employees are subject to public law with respect to the requirement to quarantine if they have been in contact, or return from an affected area. Commanders do not have the authority to quarantine a civilian employee, but may prevent them from accessing the installation if there are concerns. Supervisors should not prohibit an employee from reporting to work unless it has evidence or a reasonable concern that an employee is physically unable to perform his/her job, or their presence in the workplace poses a risk of infection to others. If applicable IAW the above, supervisors should first identify whether the employee is telework-ready, or can be made telework-ready on a just-in-time basis, and offer the employee the option to, or mandate, telework (See the referenced Telework Fact sheet for information regarding when an employee can be mandated to telework). If the employee cannot telework, then the supervisor should utilize Weather and Safety Leave. Commanders may also combine telework and various leave flexibilities when the employee may perform some of his or her duties at an alternate worksite. For example, if only some of the employee's duties are portable, the employee could telework for part of the duty tour and be authorized Weather and Safety Leave for any remaining time. Additionally, the Office of Management and Budget (OMB) memorandum, "Updated Guidance on Telework Flexibilities in Response to Coronavirus," dated March 12, 2020, encourages supervisors to extend telework flexibilities broadly to accommodate state and local responses to the COVID-19 outbreak, particularly to those persons susceptible to COVID-19.

Q13. Can I grant Weather and Safety Leave if the school my employee's child attends is closed?
A13. Civilian personnel may telework even when a child or dependent requiring care or supervision is present at the alternative worksite. (Air Force granted a temporary waiver of policy to allow employees to telework in this situation.) Where an employee is teleworking and providing care to a child or dependent during duty hours, the employee must account for this time using appropriate leave as approved by his or her supervisor. For example, an employee who feeds and supervises a young child multiple times during the day will need to take leave or, if on a flexible work schedule, adjust his or her hours. Commanders and supervisors are encouraged to extend telework flexibilities more broadly to accommodate state and local responses to the outbreak, including, but not limited to, school closures.
Commanders and supervisors may also authorize alternative work schedules that allow employees to complete their tour of duty in less than 10 days if applicable. For example, a maxiflex schedule would allow an employee to meet his or her basic work requirement for a biweekly pay period on fewer than 10 days and vary the number of hours worked on a given

workday. (Note that changes to alternative work schedules are subject to collective bargaining.) Additional tools available include annual and advanced annual leave, compensatory time, credit hours, and other leave flexibilities. Weather and Safety Leave would not be appropriate for the periods required to render care to the dependent.

Q14. I don't want to place my employees on Weather and Safety Leave, but they aren't considered "emergency employees." Can I mandate them to telework even if they aren't on a telework agreement or will I have to grant Weather and Safety Leave?
A14. Under the following scenarios an agency may order an employee to telework whether or not the position is telework eligible or the employee voluntarily enters into a telework agreement:

- The agency includes in their COOP that employees are required to telework and the agency activates the COOP. (COOPs may be amended as necessary on a just-in-time basis.)
- A pandemic has been declared by the World Health Organization and the DoD Component issues an evacuation order to an alternative worksite (e.g. home). Note: The World Health Organization (WHO) has declared a pandemic. Local commanders who have directed an alternate worksite can mandate telework for all civilian employees under 5 CFR 550.409.
- By law or Presidential directive mandating federal workforce telework.

Do not mandate telework without first consulting your SJA. If the above scenarios do not apply, they would either be expected to report to the worksite, request leave, or you may grant the Weather and Safety Leave.

Q15- What flexibility do I have to "mandate" telework upon "declaration of a pandemic"?
A15. An installation commander (equivalent or delegated) has significant latitude to mandate telework under declaration of a pandemic.

- Based upon local conditions, if the commander decides to restrict base access, or close facilities, due to specific pandemic risks, the commander may designate an alternative worksite – this is normally done in consultation with local public health guidance
- If HPCON C is implemented or directed, the Commander again has the authority to restrict base access and mandate telework
- If HPCON D is implemented or directed, Commanders are to "maximize telework." Maximizing telework is synonymous with mandating telework. At this point, commanders no longer have the ability to require non-emergency employees to report to work. All non-emergency employees will telework, or if unable to telework be placed on Weather and Safety Leave IAW published guidance.

Q16. If employees mandated to telework do not have enough work, for example because duties also include working with classified information and systems, how should they report time and attendance for the actual telework time as well as the time when there is no work available?
A16. Hours spent actually teleworking would be coded as Situational or Regular Telework for the hours or days worked. When employees who have been mandated to telework are unable to telework due to a lack of available work, Weather and Safety Leave would be appropriate.

Q17. I have been mandated to telework, but I have young children in my home because their daycare is closed. Shouldn't my supervisor grant me Weather and Safety Leave?
A17. No. As of March 8, 2020, Department of the Air Force civilian personnel performing telework during an emergency (e.g., continuity of operations event, office closure due to adverse or inclement weather, or pandemic health crisis) are authorized to do so with a child or other persons requiring care or supervision present at home. Employees must still account for work and non-work hours during their tour of duty and take appropriate leave (paid or unpaid) to

account for time spent away from normal work-related duties (e.g., to care for a child or dependent). Other workplace flexibilities are also available for this circumstance, (e.g. flex or maxiflex schedule, changing tour hours).

Q18. If my job is deemed not mission essential, and I cannot telework, will I still be paid? Do I have to take leave?
A18. If employees have been directed to stay home and are not eligible for telework, or are incapable of teleworking due to the nature of their work or technological limitations, local commanders should utilize Weather and Safety Leave.

Q19. If an employee has preapproved annual or sick leave, and the commander authorizes Weather and Safety Leave for the same time period, can the employee cancel their annual/sick leave request and use Weather and Safety Leave instead?
A19. This will depend on the circumstances of the annual leave cancellation. If the reason for the Weather and Safety Leave authorization impacts the employee's annual leave plans (e.g., the employee was scheduled to go on a vacation and cannot go due to COVID-19 physical distancing measures), then the employee could cancel their annual leave and be granted Weather and Safety Leave. However, if the employee was not going to be available to perform work, they cannot cancel their annual leave for the primary purpose of obtaining Weather and Safety Leave. Similarly, if an employee is on an extended period of leave to recover following surgery, he/she clearly would not be available for work if they cancelled their leave, and should not therefore be granted Weather and Safety Leave. Additionally, employees on Weather and Safety Leave are required to remain in the local area so they are available for recall or changes in their leave status.

Q20. Who has the authority to authorize Weather and Safety Leave?
A20. Installation commanders (or equivalents) and heads of activities are authorized to grant Weather and Safety Leave to employees under their purview; they may also further delegate approval to supervisors or organizational leadership (e.g., commanders on G-series orders, civilian commander equivalents, lower level supervisors, etc). For example, an installation commander may authorize the granting of Weather and Safety Leave to those employees considered "high risk", but may delegate to lower level supervisors the authority to determine whether their employees fall into the high risk category to grant the leave.

Q21. I believe I am at a higher risk for COVID-19 and want to stay at home to minimize my risk? What can I do?
A21. Healthy employees always have the option to request personal leave (e.g., annual, advanced annual, LWOP, compensatory time off) for safety reasons and commanders are encouraged to approve such requests as appropriate. Additionally, during the COVID-19 outbreak, commanders should seek to minimize the number of high risk emergency employees required to work, by deliberately identifying the required skills, assessing mission impact and considering alternative approaches (such as whether those not at high risk possess similar skills). Wing Commanders or Complex Commanders or equivalent retain ultimate decision authority with respect to mission criticality and safety when there is a disagreement between management and individual employees with respect to their recall. Effective safeguards and measures must be put in place to ensure that all high risk emergency employees who are required to work, or who are recalled from Weather and Safety Leave, are able to safely travel to and from work and perform their jobs on site in a safe manner. Commander should maximize the use of telework, including rendering employees telework eligible and ready on a just-in-time basis wherever possible and mandating telework when deemed appropriate, while maintaining mission critical workforce needs. (For more information on telework during the COVID-19

outbreak, see Headquarters Air Force Civilian Force Policy Division, March 2020, Telework). Finally, employees may self-identify as "high risk" or as members of "special populations", in accordance with CDC criteria, and commanders may then approve Weather and Safety Leave if the employee cannot be rendered telework eligible and ready. Upon employee self-identification, commanders will require individuals to document in writing and "self-certify" that they meet the CDC requirements as "high risk" or "special populations" for COVID-19. This "self-certification" is sufficient to allow the employee to be placed on Weather and Safety Leave, subject to subsequent documentation requirements.

Q22. Do I have to submit anything after I "self-certify" that I'm in a "high risk" or "special population"?
A22. After self-certifying and being placed on Weather and Safety Leave, employees must then provide, within 30 days, substantiating documentation (at their own expense) from a licensed medical practitioner confirming their condition met CDC high-risk/special population criteria at the time of self-certification. Commanders and individuals must ensure that required documentation is in accordance with individual Privacy Act and Rehabilitation Act rules.

Q23. If my supervisor already knows of my medical condition, or that I'm in a CDC-identified "special population", do I still need medical documentation?
A23. Not necessarily. Commanders may waive the requirement for substantiating medical documentation if there are known/previously identified medical conditions meeting the CDC high risk guidelines, or if the certification is based on a readily identifiable special population, such as age.

Q24. What do I do if I can't get in to see my doctor in order to provide the substantiating medical documentation after self-certifying?
A24. Commanders may approve extensions based on individual employee circumstances and should favorably consider extension requests due to the unavailability of the employee's regular medical provider because of the pandemic. Employees are encouraged to request telehealth appointments where possible.

Q25. What type of documentation must be submitted? Does it have to disclose what my medical condition is?
A25. Commanders and individuals must ensure that required documentation is in accordance with individual Privacy Act and Rehabilitation Act rules. It is sufficient for a medical provider to state that an employee meets the CDC guidelines for "high risk" or "special population" as of the date of the self-certification. Current CDC information on "high risk" and "special populations" can be found at https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/index.html.

Q26. My employee self-certified that he had a "high risk" medical condition (that was previously undisclosed) and I therefore placed him on Weather and Safety Leave. What happens if he fails to provide subsequent substantiating medical documentation?
A26. Failure to provide substantiating medical documentation will result in the revocation of the WSL with the employee being assessed "chargeable leave" (e.g., annual leave or sick leave if applicable) or Leave Without Pay (LWOP). This will be retroactively applied for the entirety of the time period. Individuals may also be subject to disciplinary measures and adverse action for false certifications.

Q27. I have employees who have been deemed mission essential, but who also have self-identified as "high risk" and want to be placed on Weather and Safety Leave. What should I do?

A27. Weather and Safety Leave is extremely limited for employees who are designated as emergency/mission essential. When an organization or installation has maximized or mandated telework, then an employee who self-certifies, and provides substantiating documentation, that they are "high risk" or a "special population", may still be placed on Weather and Safety Leave, if such an employee cannot complete duties by telework. Emergency employees on approved Weather and Safety Leave may normally remain on Weather and Safety Leave until the threat of transmission lowers. However, in circumstances where critical, urgent, or mission-essential functions (to include essential maintenance and production tasks or services needed to support the warfighting mission, or to protect people and property) cannot be supported without emergency employees returning to work, management may recall those emergency employees from Weather and Safety Leave. Special precautions must be enacted to support the health and welfare of emergency employees, and especially those who are high risk from COVID-19, while also ensuring accomplishment of critical mission requirements. Consistent with mission, commanders should seek to minimize the number of high risk emergency employees required to work, by deliberately identifying the required skills, assessing mission impact and considering alternative approaches (such as whether those not at high risk possess similar skills). Wing Commanders or Complex Commanders or equivalent retain ultimate decision authority with respect to mission criticality and safety when there is a disagreement between management and individual employees with respect to their recall.

Effective safeguards and measures must be put in place to ensure that all high risk emergency employees who are required to work, or who are recalled from Weather and Safety Leave, are able to safely travel to and from work and perform their jobs on site in a safe manner. When the reasons for the recall are satisfied, employees should be returned to Weather and Safety Leave status as appropriate. Commanders must assess these situations in consultation with Medical, Legal and Civilian Personnel advisors. Commanders and individuals must ensure that required documentation is in accordance with individual Privacy Act and Rehabilitation Act rules.

Q28. If an employee is designated as an 'emergency employee', non-telework eligible, AND is at high risk of COVID-19 as defined by the CDC, can the employee still be ordered to report to the worksite based on their 'emergency employee' designation?

A28. Yes, you can designate an employee as an "emergency employee" who is non-telework eligible and at risk of COVID-19, and require him/her to report to the worksite or an alternative worksite. However, Consistent with mission, commanders should seek to minimize the number of high risk emergency employees required to work, by deliberately identifying the required skills, assessing mission impact and considering alternative approaches (such as whether those not at high risk possess similar skills). Wing Commanders or Complex Commanders or equivalent retain ultimate decision authority with respect to mission criticality and safety when there is a disagreement between management and individual employees with respect to their recall.

Effective safeguards and measures must be put in place to ensure that all high risk emergency employees who are required to work, or who are recalled from Weather and Safety Leave, are able to safely travel to and from work and perform their jobs on site in a safe manner. (See Q26 and Q27 above for additional discussion.)

Q29. Are there Department of the Air Force Non-appropriated Funded (NAF) COVID-19 Questions & Answers that can be referenced? If so, where are they located?
A29. Yes, there are COVID-19 Q&A's for our NAF workforce. They are located on the Air Force Services Center (AFSVC) website at https://cs2.eis.af.mil/sites/10042, under Human Resources, Human Resources Directives.

Q30. I have a "high risk", "Mission Essential" employee who has been placed on Weather and Safety Leave. However, I need to be able to recall that employee on short notice for critical mission needs/tasks. Can I restrict their travel while on Weather and Safety Leave?
A30. Yes. Employees on Weather and Safety Leave must remain in the local area so they are available for recall or changes in their leave status. However, employees are not prohibited from requesting and taking personal leave (annual, sick, compensatory time off, time off awards) during periods when Weather and Safety Leave is approved; and a supervisor may not deny personal leave solely because an employee is traveling outside of the local commuting area. Consistent with mission, commanders should seek to minimize the number of high risk emergency employees required to work, by deliberately identifying the required skills, assessing mission impact and considering alternative approaches (such as whether those not at high risk possess similar skills). Wing Commanders or Complex Commanders or equivalent ultimate decision authority with respect to mission criticality and safety when there is a disagreement between management and individual employees with respect to their recall.

Effective safeguards and measures must be put in place to ensure that all high risk emergency employees who are required to work, or who are recalled from Weather and Safety Leave, are able to safely travel to and from work and perform their jobs on site in a safe manner

THE OFFICIAL WORKSITE IS OPEN					
SCENARIOS			DUTY STATUS OPTIONS		
			Telework[1]	Report to Worksite[2]	Weather and Safety Leave[3] (applies only to non-telework participants)
IF:	*AND:*		*THEN:*		
The employee is asymptomatic of COVID-19	is **directed** by a medical professional, public health authority, commander or supervisor[4] to stay home		✔	✘	✔
	is **not directed** by a medical professional, public health authority, commander or supervisor to stay home		✔	✔	✘ (Use AL)
	prefers not to come to an otherwise open worksite		✔	✔	✘ (Use AL)
	is at high risk of COVID-19 as defined by the CDC[5]		✔	✘	✔
	has children at home due to school system or childcare center closures		✔ (Use AL or SL for hours of care)	✔	✘ (Use AL or SL)
	has a family member(s) who requires care and the family member is:	not ill	✔ (Use AL for hours of care)	✔ 6	✘ (Use AL)
		ill	✔ (Use SL for hours of care)		✘ (Use SL)
	returns from travel and is directed by a medical professional, public health authority, commander, or supervisor to stay home		✔	✘	✔
	is designated as an emergency employee[7] and ordered to the worksite		✘	✔	✘
	is ill for other reasons		Use Sick Leave		
The employee is symptomatic of COVID-19, is ill, and cannot work			Use Sick Leave		

[1] Employees may telework if they occupy a telework eligible position and have a telework agreement. Commanders and supervisors are strongly encouraged to review their employees' eligibility for telework, and communicate with employees to see if telework is appropriate. In very limited circumstances, commanders or supervisors may require employees to telework. AL = Annual Leave; SL= Sick Leave

[2] Employees who are ill are encouraged to take sick leave, and may take other paid leave as appropriate. Sick leave may only be used when the employee or a family member for whom they are providing care is sick. If an employee does not have any leave available, he or she is encouraged to discuss with their chain of command or supervision options including advanced leave, accessing donated leave, and unpaid leave.

[3] Weather and safety leave is not an entitlement. Under DoDI 1400.25 Volume 610, "DoD Civilian Personnel Management System: Hours of Duty," approval authority is the commander or head of activity unless further delegated.

[4] The commander or supervisor either directs the employee to stay home because of possible exposure or because the employee has symptoms that might be COVID-19.

[5] Office of Management and Budget Memorandum, "Updated Guidance on Telework Flexibilities in Response to Coronavirus," March 12, 2020

[6] Unless directed by a medical professional, public health authority, commander or supervisor to stay home because of COVID-19 concerns.

[7] The employee is designated an emergency employee by a commander or supervisor under 5 CFR 630.1605(b) and must report to the worksite even if a telework participant. The commander or supervisor determines the employee is critical to agency operations.

March 29, 2020

THE OFFICIAL WORKSITE IS CLOSED					
SCENARIOS			DUTY STATUS OPTIONS		
			Telework[8]	Report to Worksite	Weather and Safety Leave[9][10] (applies only to non-telework participants)
IF:	*AND:*		*THEN:*		
The employee is asymptomatic of COVID-19	is **directed** by a medical professional, public health authority, commander or supervisor to stay home		✔	✘	✔
	is **not directed** by a medical professional, public health authority to stay home		✔	✘	✔
	is at high risk of COVID-19 defined by the CDC [11]		✔	✘	✔
	has children at home due to school system or childcare center closures		✔ (Use AL or SL for hours of care)	✘	✔
	has a family member(s) who requires care and the family member is:	not ill	✔ (Use AL for hours of care)	✘	✔
		ill	✔ (Use SL for hours of care)		
	returns from travel and is directed by a medical professional, public health authority, commander, or supervisor to stay home		✔	✘	✔
	is designated as an emergency employee[12] and ordered to the worksite		✘	✔	✘
	is ill for other reasons		Use Sick Leave		
The employee is symptomatic of COVID-19, is ill, and cannot work			Use Sick Leave		

[8] Employees must telework if they occupy a telework eligible position and have a telework agreement. Commanders and supervisors are strongly encouraged to review their employees' eligibility for telework, and communicate with employees to see if telework is appropriate. In very limited circumstances, commanders or supervisors may require employees to telework. AL = Annual Leave; SL= Sick Leave

[9] Employees who are ill are encouraged to take sick leave, and may take other paid leave as appropriate. Sick leave may only be used when the employee or a family member for whom they are providing care is sick. If an employee does not have any leave available, he or she is encouraged to discuss with their chain of command options including advanced leave, accessing donated leave, and unpaid leave. If the employee is not a telework participant during a worksite closure, weather and safety leave is appropriate.

[10] Weather and safety leave may not be substituted for pre-approved/planned annual or sick leave.

[11] Office of Management and Budget Memorandum, "Updated Guidance on Telework Flexibilities in Response to Coronavirus," March 12, 2020

[12] The employee is designated an emergency employee by a commander or supervisor under 5 CFR 630.1605(b) and must report to the worksite even if a telework participant. The commander or supervisor determines the employee is critical to agency operations.