DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, DC

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MEMORANDUM FOR DISTRIBUTION C
AFCAT/A1

FROM: AF/A1
1040 Air Force Pentagon
Washington, DC 20330-1040

SUBJECT: Weather and Safety Leave during COVID-19 (Self-Certification guidelines)

References:
(a) 10 U.S.C. § 1580
(b) 5 U.S.C. § 6329c(b)
(c) 5 C.F.R. 630.1605(b)
(d) OMB Memorandum dated March 17, 2020 (M-20-16)
(e) OMB Memorandum dated March 15, 2020 (M-20-15)
(f) OMB Memorandum dated March 13, 2020 (M-20-13)
(g) OPM Guidance dated March 7, 2020 (CPM 2020-05)
(h) USD(P&R) Memorandum dated March 8, 2020
(i) USD P&R memorandum, "Civilian Duty Status and Use of Weather and Safety Leave during COVID-19 Pandemic, March 30, 2020
(j) DCPAS Guidance dated March 15, 2020

In accordance with the referenced Office of Management and Budget (OMB), Office of Personnel Management (OPM) and Department of Defense (DoD) guidance, supervisors may approve Weather and Safety Leave (WSL) for civilian employees in the following situations:

1. The employee is asymptomatic of COVID-19 and subject to movement restrictions (i.e., quarantine or isolation) under the direction of public health authorities.

2. 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.

3. Other circumstances when an employee is not able to safely travel to or perform work at an approved duty location.

4. The employee is asymptomatic and at higher risk to COVID-19 under the criteria identified by the Center for Disease Control (CDC).

Please refer to listed references and specifically, USD P&R memorandum, "Civilian Duty Status and Use of Weather and Safety Leave during COVID-19 Pandemic, March 30, 2020 with respect to detailed guidance on the use of WSL.

WSL is not an entitlement and must be pre-approved by a supervisor or organizational leadership. However, given the exigent and evolving nature of the COVID-19 pandemic, and considering the health and safety of our employees, the DoD has provided individual employees the ability to self-identify as "high risk" from COVID-19 (situation #4 above). Upon employee self-identification, commands will require individuals to document in writing and "self-certify" that they meet the CDC requirements as "high risk" for COVID-19. This "self-certification" is sufficient to allow the employee to be placed on WSL.

Additionally, employees must provide substantiating documentation (at their own expense) from a licensed medical practitioner confirming their condition met CDC high-risk criteria at the time of self-certification. Commands 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. WSL is extremely limited for employees designated as "emergency employees." This includes 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.

- IAW OMB memorandum 20-13, commands are encouraged to approve WSL for emergency employees who are at "high risk" where 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 the certification and validation procedures contained herein, 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 the mission, commands 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.

- 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 recalled from WSL, are able to safely travel to and from work and perform their jobs on site in a safe manner.

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