UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND READINESS

MAR 30 2020

MEMORANDUM FOR CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE
SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
CHIEF OF THE NATIONAL GUARD BUREAU
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF OPERATIONAL TEST AND EVALUATION
CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS
ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS
DIRECTOR OF NET ASSESSMENT
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Civilian Duty Status and Use of Weather and Safety Leave during COVID-19 Pandemic

References: (a) Office of Management and Budget Memorandum, "Updated Guidance on Telework Flexibilities in Response to Coronavirus," March 12, 2020
(b) Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, "Civilian Personnel Guidance for DoD Components in Responding to Coronavirus Disease 2019," March 8, 2020

The Coronavirus Disease 2019 (COVID-19) pandemic presents an immediate risk to the health and welfare of our Service members and their families, civilian employees, and the American communities we pledged to protect. This memorandum provides guidance on the proper use of weather and safety leave as we respond to the COVID-19 pandemic.

The Department recently took steps to curtail travel for all personnel, and provide guidance on available flexibilities to Components to address disruptions to our civilian workforce. Recent guidance published by the Office of Management and Budget (reference (a)) encourages all Federal agencies to utilize telework and leave flexibilities to mitigate the spread of COVID-19. Further, the Department recently addressed the appropriate use of telework, leave flexibilities, and other available tools within the Department to manage the civilian workforce

(reference (b)). While this guidance is specific to civilian employees, Component heads should consider applying the principles and concepts across the total force consistent with mission requirements.

Some DoD civilian employees have been placed on weather and safety leave pursuant to 5 C.F.R. § 630.1603, which states (emphasis added):

> *an agency may grant weather and safety leave to employees only if they are prevented from safely traveling to or safely performing work at a location approved by the agency due to – (a) An act of God; (b) A terrorist attack; or (c) Another condition that prevents an employee or group of employees from safely traveling to or safely performing work at an approved location.*

This memorandum confirms that commanders and supervisors are authorized to grant weather and safety leave when civilian employees, who are not designated as emergency employees and are not telework participants, are prevented from safely traveling to or performing work at their worksite because of COVID-19. Commanders and supervisors may also grant weather and safety leave to employees who are not telework participants and are at higher risk of serious complications from COVID-19, including older adults and individuals with chronic health conditions as identified in reference (a).

DoD Component Heads should review and distribute to local commanders and supervisors the attached matrix which provides an easy reference guide to help balance mission needs and protect the total force. The information contained in the attachment 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 to the Secretary any such decision.

As we continue to learn and adjust, additional steps will likely be needed to protect the American people and DoD personnel as our understanding of COVID-19 evolves. Component heads should frequently communicate to their commanders and supervisors at all levels about the workforce flexibilities and limitations available to them during the COVID-19 pandemic.

Matthew P. Donovan

Attachment:
As stated

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.