GUIDANCE TO COMMANDERS AND SUPERVISORS ON THE USE OF COVID-19 WEATHER AND SAFETY LEAVE (WSL) IN THEIR ORGANIZATIONS

BLUF: Commanders and supervisors should review WSL usage in their organizations on a regular and recurring basis to determine if the WSL is valid and warranted.

BACKGROUND:

AF/A1 and OUSD guidance on the proper use of WSL during the COVID-19 pandemic states that commanders on G-series orders may approve WSL for US civilian employees ***who are not telework eligible*** in one of 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).

KEY POINTS:

- WSL is not an entitlement and must be pre-approved by the commander. Commanders should review the OUSD Flexibilities Matrix on Weather and Safety Leave in making a decision in each case.
- Requests and approvals of WSL must be documented in writing; templates for the following are available on the Ramstein CPF website
    - Employees must request WSL in writing - see "Weather and Safety Leave Self-Certification Memo."
    - Employees self-certifying as "high risk" must do so in writing, and provide substantiating documentation within 30 days of self-certification - see "Verification of COVID-19 Medical Risk Factors."
    - Supervisors communicate commanders' approval of WSL in writing - see "Notice of Approval of Weather and Safety Leave."
- WSL must be properly documented in ATAAPS each pay period with appropriate coding: "LN" with subcode "PS."
- Approval of WSL should not be based solely on an individual having a condition listed by the CDC or the Host Nation health authority (Robert Koch Institute) as causing "increased risk" for COVID-19. The determination to approve or disapprove/terminate WSL in such situations must be an individualized assessment based on a reasonable medical judgment about the employee's present ability to safely perform the essential functions of the job. Consideration should be given to duration of the risk, the nature and severity of the potential harm, the likelihood potential harm will occur, and steps that have or could be taken in the workplace to minimize risk and potential harm. Analysis of these factors will likely include considerations based on the severity of the pandemic in our local area and the employee's particular job duties.

- **WSL must be terminated in the situations indicated below. Employees on approved WSL must inform their supervisor of these situations and request to use another appropriate type of leave (e.g., annual leave, sick leave, credit hours, comp time, leave without pay, etc.) during the following periods:**
    - The employee becomes ill, including exhibiting symptoms of COVID-19, or is caring for an ill family member. Note: Employees may be eligible for the Voluntary Leave Transfer Program or the Family Medical Leave Act in some circumstances. If an employee tests negative or recovers from COVID-19, they should forward medical certification to their supervisor and may then be returned to WSL until such time as they are notified to return to work by the supervisor.
    - The employee is providing care for a family member(s) who is not ill but requires care (e.g., has children at home due to school or childcare closures). Leave is requested only for the hours of care, charged in 15 minute increments.
    - The employee leaves the local area or would otherwise not be able to report to duty within 2 hours of being subjected to recall.

RECOMMENDED ACTIONS:

- Commanders and supervisors should make every attempt to keep employees gainfully employed and approve the use or continued use of WSL only when there are no viable alternatives, and as a result of the documented occurrence of one of the situations listed under "BACKGROUND."
- Commanders and supervisors should review WSL usage on a regular and recurring basis and terminate WSL in those situations where it is not valid and warranted. Employees must report to duty within 2 hours of being recalled from weather and safety leave or request to use their own leave. If notified of the recall outside of duty hours, or if notified of the cancellation prior to the recall date, the employee would report the following duty day at their normal start time. Attached is a template that commanders may use to initiate a recall of employees from WSL.
- Telework should be leveraged to the maximum extent practicable to minimize the granting of WSL. Telework could include completion of appropriate paperwork or other projects not accomplished via electronic means.
- For situations in which telework is not feasible, in-office working conditions should be modified to the extent possible to create a safer environment so that employees at higher risk to COVID-19 may return to work. Examples include staggering of work schedules so that employees remain at safer distances from one another, restricting walk-in traffic in the office, and implementing routine disinfection procedures. See the attached "Reasonable Accommodation and Return to the Workplace During COVID-19 Pandemic" FAQs for information on the reasonable accommodation of individuals with disabilities or medical conditions during a pandemic.

Please note that WSL usage for your organization may be obtained via supervisors' direct access to the ATAAPS timekeeping system, as well as your organizational timekeeper's reporting capabilities.

There's a wealth of information on this and other COVID-19 subjects on the Ramstein CPS website – please bookmark and refer to this site as you navigate through the many unusual situations that may arise during this challenging time. If you have any questions on this matter please don't hesitate to contact the US Employee-Management Relations team at 86fss.fsec.us-emr@us.af.mil – we stand ready to assist.