

FDA STAFF MANUAL GUIDES, VOLUME III - GENERAL ADMINISTRATION

PERSONNEL

GENERAL PERSONNEL PROVISIONS

**LEAVE FOR HAZARDOUS WEATHER AND OTHER EMERGENCY
SITUATIONS IN THE WASHINGTON D.C. METROPOLITAN AREA**

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1. PURPOSE AND SCOPE

This Guide provides FDA policy for charging leave and excusing absences related to hazardous weather conditions and other emergency situations in the Washington, D.C. metropolitan area. A reference table, Attachment A, is included relating the policy to specific situations.

This policy covers all FDA employees with the exception of certain handicapped employees and those employees who provide essential services and have been so designated by their supervisors. Hazardous Weather Policy For Handicapped Employees is contained in Staff Manual Guide 3113.3 at headquarters, headquarters field and field installations. Special Government employees are covered by this policy if they are in an active duty status.

2. REFERENCES

- A. Federal Personnel Manual (FPM) Chapter 630, Subchapter 11, Excused Absence.
- B. FPM Letter 610-7, Hazardous Weather Policy in the Washington, D.C. Area.

- C. FPM Supplement 990-2, appendix A, Guidelines for Dismissal and Leave Treatment of Federal Employees During Emergency Situations.
- D. HHS Instruction 610-3, Temporary Closing of Work Places and Treatment of Absences.
- E. Staff Manual Guide FDA 1431.4, Authority to Grant Leave and Excuse Absence.
- F. Staff Manual Guide 3111.3, Hazardous Weather Policy for Handicapped Employees.

3. DEFINITIONS

- A. An **excused absence** is an absence from duty with pay which is administratively authorized without charge to leave. It is sometimes referred to as administrative leave.
- B. An **emergency situation** is one which may prevent or delay employees in significant numbers from reporting for work, or may necessitate the closing of Federal activities in whole or in part. The emergency situation must be general rather than personal in scope and impact. Examples of such situations include heavy snows or severe icing conditions, floods, earthquakes, hurricanes or other natural disasters; air pollution; massive power failure; major fires; serious disruptions to public transportation; loss of heat, air conditioning, or other essential building services; loss or contamination of water supply; malfunction of the sewer system; bomb scare; or aircraft disaster/disorders at or near an FDA facility.
- C. **Essential services** are those operations which cannot be suspended or interrupted even though it may be necessary to generally excuse employees for all or part of a day. Examples might be the continuity of medical and laboratory facilities and certain computer operations. Only as many people as are necessary to keep an essential operation functioning at a minimal level should be designated as essential.
- D. **Essential services employees** are those who have been designated (in October of each year) by management as responsible for reporting to or remaining at their worksite regardless of any general dismissal authorization or closing notice.
- E. **Federal offices** open denotes business as usual with employees expected to meet normal requirements of contacting the Agency for leave approval within prescribed time limits.

- F. Delayed arrival** means that by an official OPM announcement Federal offices are open as usual and tardiness may be excused. The leave approving authority may excuse short periods of tardiness, usually up to two hours, without charge to leave. Tardiness of longer periods may also be excused without charge to leave in cases which are personally reviewed and authorized by the Associate Commissioner for Management and Operations or the Deputy Associate Commissioner for Management and Operations.
- G. Liberal leave** means that by an official OPM announcement Federal offices are open as usual, and employees are permitted to utilize annual leave or leave without pay without the necessity for obtaining advance approval or providing detailed justification. Normal requirements for an employee to notify his or her agency within prescribed time limits are suspended.
- H. Closure** means that Federal offices are closed. Workdays on which Federal offices by official announcement are closed for emergency reasons are generally nonworkdays for leave purposes. Normally employees are excused without charge to leave or loss of pay. However, this does not apply to employees in a nonpay (AWOL or LWOP) status on both the day before and the day after the day the office is closed. They remain in a nonpay status on the date of emergency closure.
- I. Early dismissal** is the suspension of work to the extent feasible and the dismissal of all employees on a staggered basis, except those designated as "essential services employees."
- J. Metropolitan area** includes the District of Columbia; Calvert, Charles, Frederick, Montgomery, and Prince Georges counties in Maryland; Arlington, Fairfax, Loudon, Prince William, and Stafford counties in Virginia; and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia.

4. DESIGNATING "ESSENTIAL SERVICES EMPLOYEES"

Each Center or Office will submit to the Division of Human Resources Management, annually in October, a list of employees by name and position whom they designate as essential. The designations must contain the reasons for declaring these employees essential, including a description of the essential operation. The positions designated as essential should be reviewed annually by the Center or Office to determine if the duties of the position are still considered essential services.

The position descriptions of employees designated as essential services employees will be annotated with the following statement by the personnel office:

"This is an essential services position as designated in Staff Manual Guide FDA h:3111.1, paragraph 4 **Personnel - Leave for Hazardous Weather and Other Emergency Situations**. Essential services are those operations which cannot be suspended or interrupted even though it may be necessary to generally excuse employees for all or part of a day. The "essential services" employee is required to report to, or remain at work for his or her regular tour of duty during administrative closings due to hazardous weather or other emergency situations."

Each Center and Office will issue annually to each essential services employee a memorandum indicating the essential services designation and requirement for reporting to or remaining at work during hazardous weather and other emergency situations.

5. CLOSING AUTHORITY

- A. The Director of the U.S. Office of Personnel Management has the sole authority for deciding Federal leave policy during weather emergencies in the Washington Metropolitan Area.
- B. Announcement of the leave decision at the FDA level will be made only through the office of the Associate Commissioner for Management and Operations and/or local news media, depending upon the time of day the decision is made.
- C. If the decision occurs during working hours, official notification for FDA will be communicated through channels to the Center or Office D. Executive/Administrative Office, which will ensure that employees are promptly informed. This is known as the "cascade" procedure.
- D. Employees should be informed that, in the event of a hazardous weather situation that develops overnight, the local radio and television broadcasts should be monitored for information regarding OPM authorized leave policy.
- E. Employees should also be advised of the four types of leave situations (Federal offices open, early dismissal, delayed arrival/liberal leave, and closure) as defined under Section 3. of this Guide.

6. EMPLOYEE RESPONSIBILITY

- A. Unless notified to the contrary, all employees are to presume that their workplaces will be open each regular workday regardless of any conditions that may develop. They are also to presume that they are expected to report for duty on time and remain through their scheduled work hours unless they are on previously scheduled leave. Employees working on shifts are to operate on these same presumptions.
- B. When closure is authorized for the entire day, employees need not call their supervisors. When delayed arrival is authorized, employees should report to work as soon as they can. Employees who are delayed beyond the authorized delay (usually up to two hours) should call their supervisors to clarify their intentions and advise as to when they will report to work. When liberal leave is authorized, employees should call their supervisors to clarify their intentions to report or not report and request leave approval.

7. PROCEDURES

- A. Early Dismissal.** When OPM authorizes early dismissal, official notification will be announced through the Office of the Associate Commissioner for Management and Operations. All employees (except "essential services" employees) will be excused without charge to leave or loss of pay at the prescribed time. The general rule is that employees will be excused without charge to leave only for the specific amount of time stated. For example, if the announcement states employees may leave two hours early, a full time employee will leave 6 1/2 hours after arrival time if on flexitime, and part-time employees will leave two hours prior to their appropriate dismissal time. Employees shall not be permitted to depart before the official time set for dismissal without a charge to leave. Whether an employee should be charged leave or granted excused absence depends upon his/her duty or leave status at the time of dismissal. The following conditions apply:
 - 1. If an employee is on duty at the time designated for dismissal, there is no charge to leave and the employee is in an excused absence status for the remaining hours of the workday.
 - 2. If an employee is on duty when the early dismissal is announced, but the employee requests and is granted leave between the announcement and the actual early dismissal time, leave is charged only from the time he/she departed until the official time set for dismissal.
 - 3. If an employee is on approved leave and is expected to report for duty **before** the close of a normal business day and dismissal is announced

before he/she can report, leave is charged only until the time set for dismissal.

4. If an employee is on approved leave for the entire workday, the entire absence is charged to the appropriate leave (e.g., annual, sick or LWOP).
5. If an employee is in a nonpay status for all or that portion of the workday immediately before and after the early dismissal (next workday), the employee is considered in a nonpay status for the work hours the office is closed.
6. If the employee is in a nonpay status for all or that portion of the workday immediately before the early dismissal and was not expected to report to work for the remainder of the workday, the employee is considered in a nonpay status for the work hours covered by the early dismissal.

B. Delayed Arrival. On occasions when hazardous weather conditions develop during the nonworking hours which, upon official announcement of a delayed arrival policy by OPM, make it difficult for some employees to arrive at work on time, immediate supervisors may excuse an employee's absence for up to two hours unless some other number of hours is indicated.

In extreme circumstances, an employee who does not report for work may be excused for up to a full day without charge to leave upon the final approval of the Associate Commissioner for Management and Operations (ACMO) or Deputy Associate Commissioner for Management and Operations (DACMO). The excusing of absence for more than two hours (or other number of hours officially announced) will be determined by using such factors as: distance between the employee's residence and place of work, mode of transportation normally used, efforts by the employee to get to work, and success other employees in similar situations had in reporting to work. An employee must submit a written request for excused absence beyond the announced hours. This request must state the specific detailed circumstances which caused the tardiness/absence and the efforts made by the employee to get to work. Requests for excused absence will be forwarded with recommendations through supervisory channels and the organization's executive officer to the Employee Relations Branch, Division of Human Resources Management, prior to submission to ACMO/DACMD for final decision. If the employee's absence is not excused, the employee must request a charge to annual leave or leave without pay.

C. Flexitime Employees. Employees on flexitime should be treated the same as employees on fixed work schedules. In us, each employee affected by an early dismissal decision, whether on a fixed or flexible work schedule, should be allowed to leave work early for the number of hours designated. This policy allows a staggering of traffic out of the affected area and will be equitable to all employees. Of course, when conditions are of an extreme emergency nature (e.g., building fire necessitating immediate evacuation), all employees are to leave at the same time.

On days when hazardous weather or other emergency situations result in the determination that an employee on flexitime was required to spend an inordinate amount of time commuting because of these conditions, the employee's absence may be excused. **The amount of time to be excused (usually up to two hours) should be based upon the amount of extra time it took the employee to commute to work.** For example, if hazardous driving conditions prevail because of a snowstorm, and it normally takes Employee A 30 minutes to commute to work, but because of the weather conditions, it takes him/her 90 minutes to reach the office, it would be appropriate to excuse one hour without charge to leave. If Employee B normally commutes to work in 15 minutes, but because of the hazardous weather conditions, arrives at work after a 45 minute commute, it is appropriate to grant 30 minutes of excused absence.

D. Workplace Closed for a Full Day. When a decision is made to close the office for a full day, regular employees who are covered by the closing announcement and who do not supply "essential services" will not be charged leave. Employees on previously authorized annual or sick leave will not be charged leave for such nonwork-days. For example, if Employee A requests and is granted annual leave for a workday and subsequently, due to a hazardous or emergency situation, the office is closed for a full day, no charge would be made to Employee A's annual leave balance for the day the office was closed. If an employee is in a nonpay status (LWOP or AWOL) for all or that portion of the workday immediately before and immediately after the workday, the employee is considered to be in a nonpay status for the nonworkday. If the employee is in a nonpay status either immediately preceding a nonworkday or immediately after a workday, but not both, the employee will be paid for the nonworkday.

8. INQUIRIES

Questions about these procedures should be directed to the Employee Relations Branch, Division of Human Resources Management, HFA-430 on 443-4200.

ATTACHMENT A

TABLE OF SPECIFIC POLICY FOR EARLY DISMISSAL

Situation	How Absence is Charged
Employee at work at time of dismissal.	Absence from the time of dismissal to close of business is excused without charge to leave or loss of pay.
Employee at work when early dismissal announcement is made and is granted leave before official dismissal time.	Leave is charged for a period of time employee is absent between announcement and actual dismissal. Absence is excused for period from early dismissal to end of workday without charge to leave or loss of pay.
Employee at work. Departs work on approved leave before early dismissal announcement is made and is not expected to return to work for the remainder of workday.	Leave is charged for the entire period of absence -- from time leave starts to end of workday.
Employee on approved leave for the entire day and announcement is made to dismiss early that day.	Appropriate leave is charged for entire day.
Employee on duty at beginning of workday. Requests leave for part of day with expectation to return to work before end of workday. While employee is on leave, early dismissal is announced.	Appropriate leave is charged up to time of early dismissal.
Employee on approved leave at the beginning of workday but is expected to report to work before end of workday. Early dismissal is announced before employee returns to work.	Appropriate leave is charged up to time of early dismissal. Absence is excused from dismissal time to end of workday without charge to leave or loss of pay.