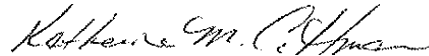


**Control Number:** HCO-06-0118-2018  
**Expiration Date:** May 10, 2020  
**Affected IRMs:** IRM 6.610.1, 6.800.2, and  
Proposed IRM 6.630.4

DATE May 10, 2018

MEMORANDUM FOR ALL OPERATING DIVISIONS AND FUNCTIONS

FROM: Katherine M. Coffman  
IRS Human Capital Officer



SUBJECT: Weather and Safety Leave

This memorandum issues interim guidance for a new, statutorily established category of leave entitled, Weather and Safety Leave, until [IRM 6.610.1](#), IRS Hours of Duty, and [IRM 6.800.2](#), Employee Benefits, IRS Telework Program, are revised and new IRM 6.630.4 is published. This guidance applies to non-bargaining unit (NBU) employees in IRS dismissal and closure situations and disaster emergencies and should be distributed to all NBU employees in your organization.

For bargaining unit (BU) employees, this guidance applies beginning **October 1, 2018**, the effective date of the 2019 National Agreement. Should any of these instructions conflict with a provision of that agreement, the agreement will prevail. In the meantime, BU employees will continue to use the [2016 National Agreement](#) (Article 36, Excused Absence (Administrative Leave), and Article 50, Telework) and the [Status of IRS Operations Decision Table](#) (BU column) for telework and leave guidance in these situations.

Intermittent employees are not eligible for Weather and Safety Leave.

**Purpose:** This interim guidance provides IRS policy for Weather and Safety Leave, which may be provided to employees when weather or other safety-related conditions prevent employees from safely traveling to (or from) work or safely performing work at an approved location (typically the official duty station or telework location) due to:

- 1) an Act of God;
- 2) terrorist attack; or
- 3) other applicable condition.

This guidance complies with the Office of Personnel Management's (OPM) [final regulations](#) and includes:

- 1) [Attachment 1](#): Summary of OPM Regulations
- 2) [Attachment 2](#): Procedural Changes, IRM 6.610.1, IRS Hours of Duty

- 3) [Attachment 3](#): Procedural Changes, IRM 6.800.2, Employee Benefits, IRS Telework Program

### **Background/Sources of Authority:**

**Background:** IRS policies for excused absence (administrative leave), emergency telework, and other types of leave for severe weather and other emergency conditions are currently contained in [IRM 6.610.1.3](#), [IRM 6.800.2](#), and the [National Agreement](#). The [Status of IRS Operations Decision Table](#) consolidates this information into one Servicewide document. Current policies/procedures were based on [5 CFR 610.305](#), Office of Personnel Management (OPM) guidance, various Comptroller General decisions, and for the BU, on the [National Agreement](#).

The Administrative Leave Act of 2016 added three new subparts to Title 5 of the United States Code (USC); i.e., Subpart N, Administrative Leave; Subpart O, Investigative Leave and Notice Leave; and Subpart P, Weather and Safety Leave. Subpart P ([5 USC § 6329\(c\)](#)) provides for a specific category of paid leave called Weather and Safety Leave and the requirements that apply to it. OPM published regulations at [5 CFR 630, Subpart P, Weather and Safety Leave](#), on April 10, 2018, requiring implementation of [5 USC § 6329\(c\)](#) by May 10, 2018.

Weather and Safety Leave largely replaces prior policies under administrative leave (excused absence). “Administrative leave” has a different and specific meaning under the Act.

### **Sources of Authority:**

- 1) The Administrative Leave Act of 2016, enacted under section 1138 of the [National Defense Authorization Act](#) for Fiscal Year 2017 (Public Law 114-328, 130 Stat. 2000, December 23, 2016)
- 2) [5 USC § 6329\(c\)](#)
- 3) [5 CFR 630, Subpart P, Weather and Safety Leave](#)

**Procedural Changes:** [Attachment 2](#) contains procedural changes to [IRM 6.610.1.3.2](#) through [6.610.1.3.2.4](#). [Attachment 3](#) contains procedural changes to [IRM 6.800.2.5.1](#) through [6.800.2.5.4](#). As a convenience, mark-ups to the former policies are included to help you identify, understand, and learn the new changes. For now, and as stated above, these changes apply **only** to NBU employees. Managers of BU employees and BU employees themselves should continue to rely on Articles 36 and 50 of the [National Agreement](#) and the [Status of IRS Operations Decision Table](#) (BU column) to determine appropriate provisions until **October 1, 2018**, the effective date of the 2019 National Agreement. At that time, this guidance will also apply to BU employees. However, should any of these instructions conflict with a provision of that agreement, the agreement will prevail.

**Effect on Other Documents:** [IRM 6.800.2](#) and the current [Status of IRS Operations Decision Table](#) will be updated with these policies as soon as practicable. This policy guidance will be removed from [IRM 6.610.1](#) and incorporated into new IRM 6.630.4, Administrative Leave, after OPM issues final regulations for the other types of leave established by the Act, all of which will be contained in IRM 6.630.4. [Form 10837](#),

Request for Administrative Leave (Excused Absence) Due to Emergency Conditions, and the [SETR Leave Codes](#) webpage will also be updated to incorporate the new terminology, policy, and new time reporting codes established for recording purposes.

**Effective Date:** May 10, 2018

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**Attachments 3**

**Attachment 1 – Interim Guidance Control Number: HCO-06-0118-2018**  
**Summary of OPM Regulations - [5 CFR 630, Subpart P, Weather and Safety Leave](#)**

Purpose and Applicability (5 CFR 630.1601): Weather and Safety Leave may be provided to employees when weather or other safety-related conditions prevent employees from safely traveling to or safely performing work at an approved location (typically the official duty station or telework location) due to an Act of God, terrorist attack, or other applicable condition. It applies to employees as defined in [5 USC § 2105](#), but does not apply to intermittent employees.

Definitions (5 CFR 630.1602):

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

*Agency* means an executive agency as defined in [5 USC 105](#), excluding the Government Accountability Office. When the term “agency” is used in the context of an agency making determinations or taking actions, it means the agency heads or management officials who are authorized (including by delegation) to make the given determination or take the given action. (*Note: The Department of the Treasury has redelegated this authority to bureau heads via [Treasury Order 102-1](#), and the IRS Commissioner has redelegated some of this authority to IRS managers via [Delegation Order 6-12](#).)*

*Employee* means an individual who covered by [5 USC § 2105](#), but not intermittent employees. Intermittent employees are not eligible for Weather and Safety Leave.

*Participating in a telework program* means an employee is eligible to telework and has an established arrangement under which the employee is approved to participate in the agency telework program, including on a routine or situational 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* means a location where an employee is authorized to perform telework, as described in [5 USC chapter 65](#), such as an employee’s home.

*Weather and Safety Leave* means paid leave provided under the authority of [5 USC § 6329\(c\)](#) to employees who are prevented from safely traveling to or safely performing work at a location approved by the agency due to an emergency condition.

Telework and Emergency Employees (5 CFR 630.1605):

*Telework Employees:* Except as provided in (1) and (2) below, employees who are participating in a telework program and who can safely travel to and work at an approved telework site may not be granted Weather and Safety Leave under 5 CFR 630.1603. Employees who are eligible to telework and participating in a telework program under applicable agency policies are typically able to safely perform work at their approved telework site (e.g., home), since they are not required to work at their regular worksite. (5 CFR 630.1605(a))

- (1) If in the manager's judgement, the conditions in 5 CFR 630.1603 could not reasonably be anticipated (an Act of God, a terrorist attack, or another condition that prevents the employee from safely traveling to or safely performing work at approved location), then Weather and Safety Leave may be approved to the extent the employee was not able to prepare for telework (see below) and is otherwise unable to perform productive work at the telework site. (5 CFR 630.1605(a)(2)(i))
- (2) If the employee is prevented from safely working at the approved telework site due to circumstances arising from one or more of the conditions in 5 CFR 630.1603, applicable to the telework site, the manager may, at his/her discretion, provide Weather and Safety Leave to the employee. (5 CFR 630.1605(a)(2)(ii))

A manager may decide not to approve Weather and Safety Leave when the conditions in 5 CFR 630.1603 do not prevent the employee from safely traveling to or safely performing work at a regular work site (e.g., official duty station), even if the affected day is a scheduled telework day. (5 CFR 630.1605(a)(2)(iii))

For a manager to decide whether the exceptions in (1) or (2) above apply, the manager must evaluate whether the conditions in 5 CFR 630.1603 could be reasonably anticipated and whether the employee took reasonable steps (within the employee's control) to prepare to perform telework at the approved telework site. For example, if a significant snowstorm is predicted, the employee may need to prepare by taking home any equipment (e.g., laptop computer) and work needed for teleworking. To the extent an employee is unable to perform work at a telework site because of failure to make necessary preparations for reasonably anticipated conditions, a manager may not approve Weather and Safety Leave. The employee would need to use other appropriate paid leave, paid time off, or leave without pay. (5 CFR 630.1605(3))

*Emergency Employees:* Management may designate emergency employees who are critical to IRS operations and for whom Weather and Safety Leave may not be applicable. To the extent practicable, managers should inform employees of their designation as emergency employees well in advance in anticipation of the possible occurrence of the conditions set forth in 5 CFR 630.1603. If the manager wishes to provide for the possibility that an emergency employee could work from an approved telework site in lieu of traveling to the regular work site (e.g., official duty station) in appropriate circumstances, the manager should encourage the employee to enter into a telework agreement providing for that contingency. Different emergency employees may be designated for different circumstances expected to arise from these conditions. (5 CFR 630.1605(b))

Emergency employees must report to work at their regular worksite (e.g., official duty station) or another approved location as directed by the manager, unless:

- (1) The manager determines that travel to or performing work at the worksite is unsafe for emergency employees, in which case the employees may be required to work at another location, including a telework site as provided above, and as appropriate (5 CFR 630.1605(b)(1)); or

- (2) The manager determines that circumstances justify granting Weather and Safety Leave to emergency employees (5 CFR 630.1605(b)(2)).

Administration of Weather and Safety Leave (5 CFR 630.1606):

Agencies must use the same minimum charge increments for Weather and Safety Leave as they do for annual and sick leave under [5 CFR 630.206](#) (i.e., 15-minute increments). (5 CFR 630.1606(a))

Employees may be granted Weather and Safety Leave 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 as defined in [5 CFR 610.102](#) or the basic work requirement established for employees on a flexible or compressed work schedule as defined in [5 USC 6121\(3\)](#). (5 CFR 630.1606(b))

Employees may not receive Weather and Safety Leave for hours during which they are on other preapproved leave (paid or unpaid) or paid time off. Managers should not approve Weather and Safety Leave for an employee who, in their judgment, is cancelling preapproved leave or paid time off, or requesting to change a regular day off (RDO) under an alternative work schedule for the primary purpose of obtaining Weather and Safety Leave. (5 CFR 630.1606(c))

Records and Reporting (5 CFR 630.1607):

*Records:* Accurate records of the placement of employees on Weather and Safety Leave must be maintained. (5 CFR 630.1607(a))

*Reporting:* In IRS data systems (including the time and attendance system) and in data reports submitted to OPM, Weather and Safety Leave granted under [5 USC § 6329\(c\)](#) and 5 CFR 630, Subpart P, must be reported as a category of leave separate from other types of leave. (5 CFR 630.1607(b))

Note: OPM will be providing payroll providers (for IRS, that is the National Finance Center) with instructions on how to properly code this leave. OPM will delay enforcing the reporting requirement in Subpart P until the 270<sup>th</sup> day following publication of final regulations on the other three new types of leave established by the Administrative Leave Act of 2016; i.e., Subpart N (administrative leave) and Subpart O (investigative leave and notice leave).

## Attachment 2 - Interim Guidance HCO-06-0118-2018 Procedural Changes - IRM 6.610.1, IRS Hours of Duty

Weather and Safety Leave largely replaces prior policies under administrative leave (excused absence) for administrative dismissals and office closures contained in [IRM 6.610.1.3.2](#) through [6.610.1.3.2.4](#). “Administrative leave” has a different and specific meaning under the Administrative Leave Act of 2016

**Revised policy sections are copied below. As a convenience, mark-ups to the former policies are included to help you identify, understand, and learn the changes.** Additions are noted in **boldface**.

These procedural changes apply to nonbargaining-unit (NBU) employees. Bargaining-unit (BU) employees should continue to rely on Articles 36 and 50 of the [National Agreement](#) and the [Status of IRS Operations Decision Table](#) (BU column) to determine appropriate provisions until **October 1, 2018**, the effective date of the 2019 National Agreement. At that time, this guidance will also apply to BU employees. However, should any of these instructions conflict with a provision of that agreement, the agreement will prevail.

These changes supersede [IRM 6.610.1.3.2](#) through [6.610.1.3.2.4](#) until IRM 6.610.1 is revised and new IRM 6.630.4 is published.

The [Definitions](#) contained in [Attachment 1](#) - Summary of OPM Regulations - 5 CFR 630, Subpart P, Weather and Safety Leave, correlate to this revised guidance and are linked here:

- [Act of God](#)
- [Agency](#)
- [Employee](#)
- [Participating in a Telework Program](#)
- [Telework Site](#)
- [Weather and Safety Leave](#)
- [Telework Employees](#)
- [Emergency Employees](#)

### 6.610.1.3.2

#### Emergency Dismissals and Closures – Office Operating Status Announcements

- (1) Due to emergency conditions such as severe weather, power outages, or other health and safety issues, SCRs (or other authorized officials) may declare offices to be open with a delayed arrival time, be open with the option for unscheduled telework or unscheduled leave, be open with an early departure, or be closed for an entire day.
- (2) **Employees participating in a telework program** ~~IRS telework-ready employees (i.e., those with telework agreements who have the necessary equipment and work files to perform work at the telework location)~~ are generally expected to telework during such emergencies; reducing the need for ~~excused absence~~ **Weather and Safety Leave**. IRS emergency telework policy is contained in IRM 6.800.2,

*Employee Benefits, IRS Telework (Flexiplace) Program*, at <http://irm.web.irs.gov/link.asp?link=6.800.2>.

- (3) Employees in travel status (on official travel) during working hours continue working when there is an operating status announcement affecting their official duty station (ODS). However, if the emergency makes it impossible for the employee to **safely** work or perform other duties, he/she must contact the manager as early as practicable to explain the circumstances and determine if ~~excused absence~~ **Weather and Safety Leave** may be granted.
- (4) The following provisions apply in general, but may not cover every possible scenario/contingency.

#### **6.610.1.3.2.1 Office is Open**

- (1) When an office operating announcement is “Open,” “Open with option for unscheduled telework or unscheduled leave,” or “Open with delayed arrival with option for unscheduled telework or unscheduled leave,” employees who are scheduled to work in the ODS are expected to report consistent with the operating announcement or, if the option for unscheduled telework or unscheduled leave is provided, may opt to request unscheduled telework (if they ~~are have a telework agreement in place~~ **participating in a telework program** and **if they have the necessary equipment and work**) or may request unscheduled leave (**paid or unpaid**) or **other paid time off**.

#### **6.610.1.3.2.1.1 Office is Open with Delayed Arrival**

- (1) When the office operating announcement is “Open with delayed arrival” (either by number of hours or actual clock time (i.e., 2 hours or 10:00 a.m.):
  - a. ~~Excused absence~~ **Weather and Safety Leave** is granted only to those employees scheduled to report to the ODS, who report for duty or who make reasonable efforts to report. **The intent of Weather and Safety Leave is to allow time for safe travel to the ODS when experiencing an emergency condition (act of God, terrorist attack, or other applicable condition).** Employees who are scheduled to telework begin work on time, and do not receive ~~excused absence~~ **Weather and Safety Leave** (unless the same an emergency condition prevents them from **safely** working at the telework site, in **which case they are obligated to contact the manager as early as practicable to explain the circumstances**). ~~The intent of the excused absence is to allow time for additional traffic, bad road conditions, delayed public transportation, etc.,~~
  - b. The standard day shift start time for employees on Gliding work schedules is considered 7:30 a.m. for purposes of determining the amount of ~~excused absence~~ **Weather and Safety Leave** that may be granted, unless employees and their supervisors have agreed to a different start time and such an agreement is memorialized in writing (e.g., email, memorandum, letter).
  - c. Employees who were scheduled for leave (**paid or unpaid**) or **paid time off (i.e., credit hours or compensatory time)** the entire day, generally remain on leave or **paid time off** and are not granted ~~excused absence~~ **Weather and Safety Leave**. However, employees who would have worked in the ODS but for



the leave **or paid time off** and who choose to come in at the start of their TOD following the delayed arrival, may contact their manager to advise of their intent to come in to the ODS. They will receive ~~excused absence~~ **Weather and Safety Leave** up until the time of delayed arrival and will have the remainder of their leave **of paid time off** cancelled.

- d. ~~Employees scheduled to work in the ODS who are approved to use compensatory time off or credit hours for the day, post-excused absence until the delayed arrival time and post the compensatory time off or credit hours for the remainder of the day. Compensatory time off and credit hours are not considered paid leave for this purpose. Employees scheduled to telework post-compensatory time off or credit hours for the entire day.~~

#### 6.610.1.3.2.1.2

##### Office is Open with Early Departure

#### (1) Employees participating in a telework program ~~Telework-ready employees~~

(i.e., those with telework agreements who have the necessary equipment and work files to perform work at the telework location):

- a. ~~Nonbargaining-unit~~ **Telework-ready** Employees working in the ODS are required to take their equipment and work files to their telework location **and in order to finish their TOD teleworking.**
- 1) Employees required to travel to the telework location during regular duty hours will be granted **Weather and Safety Leave** ~~administrative time (duty time)~~ for the **time required to travel. Telework program participants must complete the remaining hours in their workday by either teleworking or taking leave (paid or unpaid) or other paid time off.** Managers may not extend the workday to account for the travel time to the telework location.
  - 2) If there is insufficient time to require employees to finish their TOD at the telework site, as determined by the manager, they may be granted **Weather and Safety Leave** ~~excused absence~~ for the period from the departure time to the end of their TOD.
- b. ~~Bargaining unit~~ **Telework-ready employees** are subject to the provisions in Article 50 of the National Agreement at:  
<http://core.publish.no-irs.gov/docs/pdf/d11678-2015-10-00.pdf>. If working in the ODS up until the early departure time, they are granted **Weather and Safety Leave** ~~excused absence~~ for the period from the departure time to the end of the TOD.
- 1) ~~There are special provisions for bargaining unit employees who are scheduled to take leave without pay after the early departure announcement. Per Article 36 of the National Agreement at~~  
<http://core.publish.no-irs.gov/docs/pdf/d11678-2015-10-00.pdf>, these employees will be granted **Weather and Safety Leave** ~~excused absence~~ commencing at the time of the early departure.

#### (2) Employees not participating in a telework program **Nontelework-ready employees** (i.e., those who do not have telework agreements):

- a. Employees not participating in a telework program who are ~~Nontelework-ready~~ employees working in the ODS up until the departure time will be granted

**Weather and Safety Leave** ~~excused absence~~ for the period from the departure time to the end of their TOD.

- (3) Employees wishing to depart prior to the early departure time may request to use unscheduled leave for the remainder of the day (e.g., annual leave, LWOP) or previously earned compensatory time off, previously earned credit hours, or time off award hours. However, employees who are experiencing **safety-related** circumstances warranting special consideration (~~hardship~~) due to the emergency, may be granted **Weather and Safety Leave** ~~excused absence~~, consistent with workload and staffing needs, to depart the ODS prior to the time set for dismissal. Managers may grant **Weather and Safety Leave** ~~excused absence~~ from the time employees leave the ODS through the remainder of the TOD, provided employees provide managers with reasonably acceptable documentation.
- a. **Example: Torrential rains are hitting the area, and news alerts indicate the road where the employee lives will be closed shortly due to flooding. To ensure the employee can safely travel home, the manager may grant the employee Weather and Safety Leave to depart the ODS prior to the time set for early dismissal.**
  - b. **Example: Heavy snow is starting and at 2:00 p.m., an early dismissal is announced with the time of departure set for 3:00 p.m. An employee requests Weather and Safety Leave to depart the office at 2:00 p.m., citing the need to stop at the grocery store to stock up on food and pick up a prescription before going home. Weather and Safety Leave is not appropriate in such a case; however, the manager may approve other leave (paid or unpaid) or paid time off (previously earned credit hours, compensatory time off, etc.) if the employee wishes to depart early. The employee remains on leave or paid time off for the remainder of the TOD.**
- (4) Employees working at the telework site when their ODS is closed continue to work their entire TOD and are not granted **Weather and Safety Leave** ~~excused absence~~ unless **an emergency condition** ~~the condition that impacted the ODS also impacts the telework site and~~ **makes it unsafe to continue** ~~prevents them from working~~ (e.g., **evacuation order**, widespread power outage). Employees are obligated to contact their manager as early as practicable to explain the circumstances.
- (5) Employees on preapproved leave, **credit hours, or compensatory time off** for the entire day remain on leave. Employees on preapproved leave, **credit hours, or compensatory time off** for a partial day who departed prior to the early dismissal time also remain on leave, **credit hours, or compensatory time off** unless they were scheduled to return to work after the early departure time. In that case, they post leave for the time scheduled to be on leave and are granted **Weather and Safety Leave** ~~excused absence~~ from the time they were scheduled to return from leave.
- (6) ~~Employees scheduled to work in the ODS who are approved to use compensatory time off or credit hours for the day post compensatory time off or credit hours from the beginning of the TOD up to the early departure time and post excused absence between the early departure time and the end of the TOD. Compensatory time off~~

~~and credit hours are not considered paid leave for this purpose. Employees scheduled to telework post compensatory time off or credit hours for the entire day.~~

### 6.610.1.3.2.1.3

#### Office is Open, but Employee Cannot Report

- (1) When the ODS is open, employees who are scheduled to work in the ODS are expected to report or, if the option for unscheduled telework or unscheduled leave is provided, may opt to request unscheduled telework (if they **are participating in a telework program and** have a telework agreement in place and the necessary equipment and work) or may request unscheduled leave (e.g., annual leave, LWOP) or previously earned compensatory time off, previously earned credit hours, or time off award hours. Employees scheduled to work in the ODS who have made reasonable efforts to report to work but are unable to because of emergency conditions **that made such travel unsafe**, may be eligible for a limited amount of **Weather and Safety Leave** ~~excused absence~~ for part or all of their workday. Employees are obligated to contact their supervisor as early as practicable to explain the circumstances and provide an estimated time of arrival at work. Acceptable explanations and/or documentation must be submitted that addresses the efforts made to reach work and substantiate the inability to report for work **due to unsafe conditions**; however, this documentation requirement may be waived for absences of 4 hours or less. Optional Form 10837, Request for Administrative Leave (Excused Absence) Due to Emergency Conditions, may be used for this purpose and can be found at <http://core.publish.no.irs.gov/forms/internal/pdf/f10837--2012-02-00.pdf>, or employees may provide the information in any manner they wish.
- (2) Factors that will be considered upon reviewing an individual request for **Weather and Safety Leave** ~~excused absence (administrative leave)~~ when the ODS is open **are related to safety and** include:
  - The **ability to** ~~availability of~~ telework **if participating in a telework program**
  - ~~Whether the employee lives beyond the normal commuting area~~
  - ~~The mode of transportation normally used by the employee~~
  - Efforts taken by the employee to **safely** come to work
  - The success of other employees similarly situated
  - Any physical disability of the employee **preventing safe travel to work**
  - Any local travel restrictions **preventing safe travel to work**
- (3) If the employee is unable to report due to a declared natural disaster area, see IRM 6.610.1.3.2.34 below.

### 6.610.1.3.2.2

#### Office is Closed

- (1) **Employees participating in a telework program Telework-ready employees** (i.e., 1) those scheduled to telework or 2) those not scheduled to telework who have telework agreements and the necessary equipment and work files to perform work at the telework location and, ~~additionally for bargaining unit employees only, where~~

~~notice of the office closure was announced at least 60 minutes prior to the start of their TOD per Article 50 of the National Agreement at <http://core.publish.no-irs.gov/docs/pdf/d11678--2015-10-00.pdf>):~~

- a. ~~Telework-ready employees~~ **Are expected to telework when their ODS is closed, begin work on time, and work their entire TOD, and do not receive Weather and Safety Leave (unless they took reasonable steps (within their control) to perform telework and**
    - 1) **the emergency condition prevents them from safely working at the telework site, or**
    - 2) **the emergency condition could not be reasonably anticipated to prepare for telework, and the employee is unable to perform productive work at the telework site.**
  - b. ~~Alternatively, employees may request unscheduled leave (e.g., annual leave, LWOP) or previously earned compensatory time off, previously earned credit hours, or time off award hours.~~
  - c. ~~Telework-ready employees on preapproved leave remain on leave and are not granted excused absence as the day is still a workday for these employees. However, if the telework site is unavailable due to the same emergency (e.g., widespread power outage,), telework employees' leave is cancelled, and they are granted excused absence (administrative leave) as they are prevented from working, and the day becomes a nonworkday for these employees (5 USC 6302). (See IRM 6.610.1.3.2.2(2) below for further information regarding preapproved leave.)~~
  - c. **Employees participating in a telework program who are** ~~Telework-ready employees prevented from~~ **safely working at the telework site due to the same emergency that impacted the ODS (e.g., widespread power outage, evacuation order)** ~~are obligated to contact their manager as early as practicable to explain the circumstances.~~
  - d. **Under certain conditions, employees participating in a telework program are capable of teleworking even if they have school-age children or elderly parents in the home. Telework is permitted in such situations if the employee's ability to perform work is not diminished. Any time spent giving care to such individuals is not hours of work, and an employee is expected to account for work and nonwork hours during his/her TOD and take the appropriate leave (paid or unpaid) to account for the time spent away from normal work-related duties. Weather and Safety Leave is not appropriate in these situations.**
- (2) **Employees not participating in a telework program Nontelework-ready employees** (i.e., those who do not have telework agreements) ~~or, for bargaining unit employees, those who either do not meet the definition of "telework-ready" per Article 50 of the National Agreement or where notice of the office closure was not made at least 60 minutes prior to the start of their TOD):~~
- a. **Nontelework-ready employees Will be granted Weather and Safety Leave** ~~excused absence (administrative leave) for the entire TOD if scheduled to work~~

that day (i.e., not on preapproved leave (paid or unpaid) or other paid time off).

- ~~b. Any preapproved paid leave, compensatory time off, credit hours, or time of award hours are cancelled. Nontelework-ready employees are prevented from working, and the day has become a nonworkday (5 USC 6302). (See IRM 6.610.1.3.2.2(3) below for further information regarding preapproved leave.)~~
- ~~c. Employees on extended LWOP, generally remain on LWOP and do not receive excused absence as they have no expectation of working and receiving pay for that day. There is an exception if employees on approved LWOP are in a pay status at either the end of their regular workday before the day of closure or at the beginning of their regular workday after the day of closure. This forms a presumption that the employee was in a continuous work status. The LWOP is cancelled in this case, and employees should post excused absence (administrative leave) for the entire TOD.~~

**(3) Preapproved Leave (paid or unpaid) or other paid time off:** ~~The 5 USC 6302 stipulates that leave is not charged for a day that is designated as a nonworkday. With the expansion of IRS telework policies, IRS operations substantially continue (due to the availability of telework) even when Federal offices are closed. Therefore:~~ **Employees may not receive Weather and Safety Leave for hours during which they are on other preapproved leave (paid or unpaid) or paid time off (e.g., compensatory time off, credit hours).**

- ~~a. It is not automatic that employees on preapproved leave when the ODS is closed have that leave cancelled and receive excused absence. Employees who are requesting, in the manager's judgement, to cancel preapproved leave (paid or unpaid) or paid time off (e.g., compensatory time off, credit hours) for the primary purpose of obtaining Weather and Safety Leave, should remain on leave or paid time off and not be provided Weather and Safety Leave. However, when the weather or other safety condition prevents the use of the preapproved leave (paid or unpaid) or paid time off for its intended purpose, it may be cancelled. If the employee is participating in a telework program, he/she would generally be expected to telework. If the employee is not participating in a telework program, he/she may be provided Weather and Safety Leave.~~

**1) Example:** An employee is on vacation in a distant location when offices are closed. Any request to cancel preapproved leave or paid time off would be for the purpose obtaining Weather and Safety Leave as the employee is not available to work at the regular worksite and is not affected by the weather/safety emergency.

**2) Example:** An employee is in the middle of a 6-week period of scheduled, unpaid leave under the Family and Medical Leave Act to recover from a serious illness. This employee has no intention to report to work on the day of a weather/safety emergency and if such an employee requested to cancel the unpaid leave on the day of the weather/safety emergency, it would clearly be for the primary purpose of obtaining Weather and Safety Leave.

**3) Example:** An employee is unable to leave for vacation because flights are cancelled due to a weather/safety emergency. The employee may

cancel his/her preapproved leave or other paid time off as the cancellation is not for the primary purpose of obtaining Weather and Safety Leave. If IRS offices are closed and the employee is participating in a telework program, he/she would generally be expected to telework; if the employee is not participating in a telework program, he/she may be provided Weather and Safety Leave. If offices are open or operating on a delayed arrival that day, the employee would follow normal procedures based on the operating status announcement.

~~b. It is not a "nonworkday" for telework-ready employees who are required to telework on a day of office closure (unless the same emergency that closed the ODS also renders the telework site unavailable). Therefore, there is no basis to grant excused absence to these employees.~~

~~e.~~ **b.** If an employee is scheduled to use sick leave for a medical appointment and the appointment is cancelled, the legal basis for the sick leave has been eliminated and the sick leave must be cancelled. Employees must account for the hours by requesting to charge them to another type of leave (e.g., annual leave, LWOP, **Weather and Safety Leave** excused absence, if appropriate) or to previously earned compensatory time off, previously earned credit hours, or time off award hours, or employees, may, if **participating in a telework program, ready, willing, and able to telework**, request to perform **unscheduled** telework in lieu of using leave.

#### 6.610.1.3.2.3

##### Changes to Alternative Work Schedules (AWS)

- (1) **Weather and Safety Leave should not be approved for an employee who, in the manager's judgment, is changing his/her AWS regular day off (RDO), for the primary purpose of obtaining Weather and Safety Leave.**

For example, an employee on a 4/10 compressed work schedule has a Monday RDO. A snowstorm is predicted for Monday (the first Monday of the pay period), and the employee (who does not participate in a telework program) makes a request late on Friday (before the anticipated storm) to change his Monday RDO to Tuesday for no clear purpose. If such a request is made in advance of the pay period, the manager may approve it, barring any workload or seating issues. However, if the snowstorm does hit Monday and results in offices being closed, the employee may not be provided Weather and Safety Leave if the manager determines the change was made for the primary purpose of obtaining such leave. This employee would be expected to charge the day to personal leave (paid or unpaid) or other paid time off. (Note: IRS policy (IRM 6.610.1) and negotiated agreement provisions (Article 23) permit changes to RDO if requested prior to the beginning of the pay period. Only one such request may be approved every other pay period.)

#### 6.610.1.3.2.34

##### Natural Disaster Declarations

- (1) If the President, OPM, or other appropriate authority declares a natural disaster area, employees who are **prevented from safely traveling to or safely**

**performing work at an approved location due to an act of God (including hurricanes, tornadoes, floods, wildfires, earthquakes, landslides, snowstorms, avalanches) may be provided Weather and Safety Leave** faced with personal emergency caused by that natural disaster may be eligible for a reasonable amount (typically not exceeding 3 consecutive workdays) of excused absence, based on the facts and circumstances of the personal emergency.

- (2) **Once offices reopen, requests for additional Weather and Safety Leave** excused absence (administrative leave), other than what may have been granted by the IRS and/or OPM **based on safety considerations**, will be reviewed on a case-by-case basis as follows:
- a. Employees must be unable to **safely** report to work, **and if participating in a telework program, unable to safely telework**, specifically due to the disaster/emergency, and the inability to report is beyond their control. Factors that will be considered include the nature of the personal emergency, efforts by the employees to **safely** come to work, local travel restrictions **preventing safe travel to work, the success of** other employees in similar situations, ~~and the ability to safely telework, availability of other options such as telework,~~ **any physical disability hindering safely working, and the ability to safely report or reporting** to another post of duty on a temporary basis.
  - b. Employees requesting **additional Weather and Safety Leave once offices reopen** excused absence are required to provide an explanation and/or documentation in support of the claim. Employees may use optional Form 10837, Request for Administrative Leave (Excused Absence) due to Emergency Conditions, for this purpose, found at: <http://core.publish.no.irs.gov/forms/internal/pdf/f10837--2012-02-00.pdf>, or they may provide the information in any manner they wish.
  - c. Requests will be reviewed and approved (or disapproved) through the management chain by a designated business unit executive, in consultation and coordination with the SCR and the **local Labor Relations Specialist(s) for the geographic area(s) of the disaster. This is to ensure consistent approval (disapproval) of these requests across business-unit lines.**
- (3) **Employees needing additional time off to attend to personal matters resulting from the disaster emergency may apply for donated annual leave via the Emergency Leave Transfer Program, if one is established. See [IRM 6.630.1.11.3](#), Emergency Leave Transfer Program, for additional information regarding this program.**
- (4) Additional emergency guidance for managers and employees will be extended through Servicewide communication channels from the Office of the Commissioner, Deputy Commissioner, or IRS Human Capital Officer for incidents that impact significant portions of the Service for an extensive period of time (e.g., hurricanes, pandemic influenza).
- ~~(5) During severe weather or other emergency situations, various Federal, State, or other officials with jurisdiction (e.g., local governments, but not the Red Cross) may request that IRS employees assist in emergency law enforcement, relief, or clean-up efforts. In such situations, employees may be approved, by the business unit~~

~~executive, for a limited amount of excused absence to participate in a civilian capacity during official duty hours as follows:~~

- ~~a. Employees must provide documentation from the authorized organization that includes the requested duration of service;~~
- ~~b. Management must determine the employee's absence will not unduly disrupt the operations of the office, and approval is subject to workload considerations; and~~
- ~~c. A written statement is submitted from the organization that documents the actual dates and hours of work.~~

~~**Note:** This policy does not apply to Federal employees who are members of the National Guard or Reserves who are called up to assist in disaster relief and recovery efforts, since they are entitled to military leave under 5 USC 6323(b).~~

#### 6.610.1.3.2.45

#### Emergency at the Telework Site

- (1) Employees at a telework site (or other alternate worksite) who experience an emergency situation (e.g., power outage, ~~evacuation order~~) that ~~has not affected the ODS that prevents them from safely completing their work assignments at home,~~ must contact their manager as soon as practical. Employees may be directed to the ODS, **if open**, or another alternate worksite to complete their workday. Employees required to travel to ODS during regular duty hours will be granted administrative time (duty time) for the travel. Managers may not extend the workday to account for the travel time to the ODS. See also IRM 6.800.2, Employee Benefits, IRS Telework Program, <http://irm.web.irs.gov/link.asp?link=6.800.2>.
- (2) Employees at a telework site (or other alternate worksite) who experience an emergency situation that ~~has also affected the ODS (e.g., where power outage forces the closure of an office and that same power outage prevents them from safely completing his or her their work assignments at home, and the ODS is closed,)~~ **will may** be provided the same amount of **Weather and Safety Leave** excused absence granted employees who were working ~~in~~ the closed facility upon providing appropriate documentation in support of that claim.

#### Records and Time Reporting

- (1) Managers must ensure an accurate accounting of when an employee is provided **Weather and Safety Leave**. Single-entry Time Reporting (SETR) system time reporting OFP codes have been established as follows:
  - a. **990-59511 – Weather and Safety Leave – Official duty station (ODS) is closed due to severe weather (for nontelework employees)**
  - b. **990-59512- Weather and Safety Leave – ODS is closed due to other building issues (for nontelework employees)**



- c. **990-59513 – Weather and Safety Leave – ODS open, but employee cannot report due to weather or other safety-related condition that prevents safely traveling to work (for nontelework employees)**
- d. **990-59514 – Weather and Safety Leave – Telework site is unsafe, or the employee could not anticipate the emergency to prepare to telework, and the ODS is closed (for telework employees)**
- e. **990-59515 – Weather and Safety Leave – Telework site is unsafe, and the ODS is open, but the manager does not require the employee to report to the ODS (for telework employees)**

**(2) Weather and Safety Leave is posted in 15-minute increments.**

### Attachment 3 - Interim Guidance HCO-06-0118-2018 Procedural Changes - IRM 6.800.2, Employee Benefits, IRS Telework Program

These procedural changes supersede [IRM 6.800.2.5.1](#) through [IRM 6.800.2.5.3](#) until [IRM 6.800.2](#) is revised.

**Revised policy sections are copied below. As a convenience, mark-ups to the former policies are included to help you identify, understand, and learn the changes.** Additions are noted in **boldface**.

These changes apply to nonbargaining-unit employees. Bargaining-unit (BU) employees should continue to rely on Articles 36 and 50 of the [National Agreement](#) and the [Status of IRS Operations Decision Table](#) (BU column) to determine appropriate provisions until **October 1, 2018**, the effective date of the 2019 National Agreement. At that time, this guidance will also apply to BU employees. However, should any of these instructions conflict with a provision of that agreement, the agreement will prevail.

The [Definitions](#) contained in [Attachment 1](#) - Summary of OPM Regulations - 5 CFR 630, Subpart P, Weather and Safety Leave, correlate to this revised guidance and are linked here:

- [Act of God](#)
- [Agency](#)
- [Employee](#)
- [Participating in a Telework Program](#)
- [Telework Site](#)
- [Weather and Safety Leave](#)
- [Telework Employees](#)
- [Emergency Employees](#)

#### 6.800.2.5.1

##### Preparing for Emergency Telework

- (1) When severe weather **or other emergency condition** is anticipated, the Senior Commissioner's Representative (SCR) may issue a pre-event notice to all employees in the affected geographical area to advise them of the impending emergency. The notice will also include the requirement for ~~telework-ready~~ employees **participating in a telework program** to take the necessary equipment and work to their telework location to enable telework for the duration of the emergency. Managers may also require ~~telework-ready~~ employees **participating in a telework program** to prepare to telework in the absence of, or in addition to, the SCR notice.
- (2) ~~Telework-ready~~ **Employees** are responsible for maintaining an awareness of local weather events or other predicted **conditions emergencies** (e.g., mass transit shut downs). When severe weather or other emergency is anticipated, employees **participating in a telework program** who are working in the office are required to

prepare (with or without official notice) by taking the necessary equipment and ample work files to their telework location to sustain work throughout the emergency event. **Employees participating in a telework program are expected to telework when offices are closed.** If an employee participating in a telework-ready employee program fails to prepare to telework due to circumstances beyond the employee's control (e.g., the emergency was not anticipated, the employee was out of town and unable to retrieve work files and/or equipment), the employee is required to contact his/her manager as soon as possible to determine if there is any level of work that may be accomplished at the telework location. Managers must thoughtfully consider all work assignments that can be performed.

- (3) Weather and Safety Leave may be provided to employees when weather or other safety-related conditions prevent employees from safely traveling to (or from) work or safely performing work at an approved location (typically the official duty station or telework location) due to an act of God, terrorist attack, or other applicable condition ([5 CFR 630, Subpart P](#)). When weather or other safety-related condition prevents employees from safely working at the telework site or when the emergency condition could not be reasonably anticipated to prepare for telework such that the employee is unable to perform productive work at the telework site, Weather and Safety Leave may be provided.** ~~before approving excused absence for any telework-ready employee for all or part of a workday when the office is closed. If excused absence is approved, time will be charged to OFP 990-59566 – Administrative Leave – Miscellaneous~~

## 6.800.2.5.2

### General Requirements

- (1) When an emergency necessitates a change in **an office's** operational status (e.g., an office closure, delayed opening, open with unscheduled telework, early dismissal, etc.), ~~all telework-ready employees are required to perform emergency telework in accordance with their Telework Agreement and the National Agreement.~~ E employees will be officially notified of the change in the operating status of the office via any of the following methods:
- The IRS Emergency Information Hotline at 1-866-743-5748, (TTY 800-877-8339); Deaf and Hard of Hearing employees can access the Emergency Hotline using the Federal Relay Service at 1-800-877-8339;
  - An official email notification from the local SCR, front-line manager, or other management official regarding an emergency, or anticipated emergency; and/or
  - OPM announcements through local media in the Washington D.C. area (for those employees within National Capital Area). See [Office of Personnel Management \(OPM\)](#) website.
- (2) All IRS employees **participating in a telework program** ~~with approved Telework Agreements~~ **who have** and portable equipment and work files are considered telework-ready (except for BU Ad Hoc teleworkers) and **who can safely work at the telework site** are required to telework in emergency situations, ~~in accordance with their current Telework Agreement and the National Agreement.~~ In the event of an emergency office closure, **these** employees ~~who are telework-ready~~ are expected to

**begin work on time and work the entire** ~~start teleworking at the beginning of their normal TOD., unless the same conditions that caused the office closure also affect the employee's telework site (e.g., power failure). See [IRM 6.800.2.5.2.1](#), *Emergency Situation Affects Telework Site*, for more information.~~

**Note:** ~~BU Ad Hoc employees who are previously scheduled on the day of the emergency will be expected to telework if the office is closed.~~

(3) Alternatively, if **an employee participating in a telework program** ~~the telework-ready employee~~ chooses not to telework during the emergency, he/she may request to use unscheduled leave (**paid or unpaid**) or **other paid time off** (e.g., annual, LWOP, previously earned compensatory time, or previously earned credit hours, etc.). Managers will make every effort to approve unscheduled leave or **other paid time off** during emergency office closures when requested by ~~telework-ready~~ employees to tend to personal matters (e.g., tend to family or other responsibilities). ~~Telework-ready~~ Employees on preapproved leave (**paid or unpaid**) or **other paid time off** will remain on leave for the day unless they choose to cancel the leave and request to telework instead.

#### 6.800.2.5.2.1

##### Emergency Situation Affects Telework Site

- (1) Employees at a telework site (or other alternate worksite) who experience an emergency situation that ~~has also affected the ODS (e.g., where a power outage, forces the closure of their ODS and the same power outage prevents them from~~ **safely telework** ~~employee from completing their his/her work assignments at the telework location)~~ are required to contact their manager as soon as possible to explain the circumstances and determine if there are any additional duties that may be assigned. Managers must thoughtfully consider all work assignments that can be performed ~~before approving excused absence~~. If it is not feasible for the employee to continue to work **and the ODS is closed**, the employee ~~may~~ **will** be provided the same amount of **Weather and Safety Leave** ~~excused absence granted employees who were working in the closed facility~~ **for part or all of the workday** upon providing appropriate documentation in support of that claim. **If the ODS is open, employees may be directed to report to the ODS or another alternate worksite to complete their workday. Employees required to travel to the ODS during regular duty hours will be granted administrative time (duty time) for the travel. Managers may not extend the workday to account for the travel time to the ODS.** ~~Excused absence approved due to the same severe weather emergency at the ODS and the telework site should be charged to OFP 990-59511—Administrative Leave—Severe Weather. Excused absence approved due to the same non-weather emergency (e.g., power outage not caused by severe weather) at the ODS and telework site should be charged to OFP 990-59512—Administrative Leave—Other Building Closure.~~
- (2) ~~Employees at a telework site (or other alternate worksite) who experience an emergency situation (e.g., power outage) that has not affected the ODS (i.e., the office is open) are required to contact their manager as soon as possible to explain the circumstances and determine if there are any additional duties that may be assigned. Employees may be directed to report to the ODS or another alternate~~

~~worksite to complete their workday. Employees required to travel to the ODS during regular duty hours will be granted administrative time (duty time) for the travel. Managers may not extend the workday to account for the travel time to the ODS. If the manager has determined it is not feasible to direct the employee to the office and there are no additional duties that may be assigned, excused absence may be approved and should be charged to OFP 990-59566 – Administrative Leave – Miscellaneous.~~

- (3) See [IRM 6.610.1.3.2.5](#) ~~IRM 6.610.1.3.2.4~~, *Emergency at the Telework Site*, in this interim guidance document for additional information.

#### 6.800.2.5.2.2

##### Telework and Mission Essential Functions

- (1) Employees designated by management to support mission essential functions as a condition of employment, are required to telework if possible and as needed in office closure emergencies, and must have an approved Telework Agreement in place.
- (2) Employees deemed essential for continuity of operations are generally expected to telework (with an approved Telework Agreement on file) and begin work on time. These employees are listed in their Business Unit's Continuity Plan. See [IRM 10.6.1](#), *Continuity Operations Program, Continuity Planning Requirements*, for additional information.

#### 6.800.2.5.3

##### Emergency Operating Status Scenarios

- (1) The [Status of IRS Operations Decision Table](#) provides comprehensive telework, and ~~leave and excused absence~~ guidance for the various emergency operating status scenarios **and will be updated to include Weather and Safety Leave policies as soon as practicable. In the meantime, for nonbargaining unit (NBU) employees, this interim guidance supersedes the Table.** ~~for BU and NBU employees. The Table should be relied on to ensure Servicewide consistency in the handling of these situations. BU employees will continue to use the [National Agreement](#) (Article 36, Excused Absence (Administrative Leave), and Article 50, Telework) and the [Status of IRS Operations Decision Table](#) (BU column) for telework and leave guidance in these situations until October 1, 2018, the effective date of the 2019 National Agreement. At that time, this guidance will also apply to BU employees. However, should any of these instructions conflict with a provision of that agreement, the agreement will prevail.~~
- (2) **Scheduled Telework When Office is Closed – Employees participating in a telework agreement** ~~All telework-ready employees who are already scheduled to telework on the day of the emergency must begin telework on time and continue to telework through their normal TOD, or request unscheduled leave (paid or unpaid) or other paid time off (e.g., annual, LWOP, previously earned compensatory time, or previously earned credit hours, etc.). Employees who are on preapproved leave (paid or unpaid) or other paid time off on a scheduled telework day remain on leave or paid time off unless they request to cancel it the leave and telework instead.~~

### (3) **Unscheduled Telework When Office is Closed –**

- a. All ~~telework-ready~~ employees **participating in a telework program** who are not scheduled to telework are expected to perform unscheduled telework when the office is closed for the entire day ~~in accordance with their Telework Agreement and any applicable collective bargaining agreement~~. Alternatively, employees may request unscheduled leave (**paid or unpaid**) or **paid time off** (e.g., annual leave, or LWOP, previously earned compensatory time, or previously earned credit hours, etc.). ~~Telework-ready e~~ Employees who are **participating in a telework program who expected to telework**, but are on preapproved leave (**paid or unpaid**) or **paid time off**, will remain on leave or **other paid time off** for the day unless they choose to cancel ~~it the leave~~ and request to telework instead.
- b. Each day of unscheduled telework during an office closure will count toward the two-day per pay period requirement to report to the POD. In addition, unscheduled telework hours worked during an office closure when required by management do not count toward the 80-hour limit per month for Recurring teleworkers. When recording time for unscheduled telework, employees should check the telework checkbox on their SETR Time Entry screen as they would on a normal telework day.

- (4) **Telework When the Office is Open with the Option of Unscheduled Telework or Unscheduled Leave –** When the office is "open with an option for unscheduled telework or unscheduled leave," ~~telework-ready~~ employees **participating in a telework program who are** not already scheduled to telework have the option to request to perform telework for the workday or request unscheduled leave (**paid or unpaid**) or **paid time off** (e.g., annual leave, LWOP, previously earned compensatory time, or previously earned credit hours) for the day. Before granting unscheduled telework, managers should ensure that the employee has sufficient work for the entire workday. If the employee is approved for unscheduled telework, the employee will begin his/her workday on time and continue to telework through their normal TOD. Employees on preapproved leave (**paid or unpaid**) or **paid time off** will remain on leave or **paid time off** for the day unless they choose to cancel ~~it the leave~~ and request to telework instead.

- (5) **Telework When the Office is Open with Delayed Arrival with Option for Unscheduled Telework or Unscheduled Leave –** When the office is "open with delayed arrival with the option for unscheduled telework or unscheduled leave," employees already scheduled to telework begin work on time. ~~Telework-ready~~ Employees **participating in a telework program** not already scheduled to telework have the option to request to perform telework for the workday or request unscheduled leave (**paid or unpaid**) or **paid time off** (e.g., annual leave, LWOP, previously earned compensatory time, or previously earned credit hours) for the day. Before granting unscheduled telework, managers should ensure that the employee has sufficient work for the entire workday. If the employee is approved for unscheduled telework, the employee will begin his/her workday on time and continue to telework through their normal TOD. Employees on preapproved leave (**paid or unpaid**) or **paid time off** will remain on leave or **paid time off** for the day unless they choose to cancel ~~it the leave~~ and request to telework instead.

## (6) Telework When the Office is Open with Early Departure –

- a. Teleworking employees will continue to telework for the full workday. Telework employees on preapproved leave for the entire day will remain on leave for the day. If it is possible that the office will be closed the next business day(s), all ~~telework-ready~~ employees **participating in a telework program** must ensure they have the necessary equipment and ample work files to telework during the anticipated office closure.
- b. ~~NBU telework-ready e~~ **Employees participating in a telework program** who are in the office at the time of the early dismissal, are required to take their equipment and work files to their telework location to finish their TOD working at their telework site. If there is insufficient time remaining in the employee's TOD as determined by their manager, the employee ~~will~~ be granted **Weather and Safety Leave** ~~excused absence (administrative leave)~~ for the period from the departure time to the end of their TOD (similar to non-telework-ready employees). ~~For additional information regarding BU employees, refer to the [National Agreement](#) and [FAQs](#).~~
- c. Employees required to travel to the telework location during regular duty hours will be granted **Weather and Safety Leave** ~~administrative time (duty time)~~ for the travel. It is not appropriate to extend the workday to account for the travel time to the telework location.
- d. ~~Telework-ready e~~ **Employees participating in a telework program** who do not wish to finish their TOD at the telework location **will be granted Weather and Safety Leave for the time it takes to commute home and** may request to use unscheduled leave (**paid or unpaid**) or **paid time off** (e.g., annual leave, LWOP, previously earned compensatory time, or previously earned credit hours) for the remainder of the day.
- e. ~~Telework-ready e~~ **Employees** working in the ODS who **wish to depart prior to the early departure time may request to use unscheduled leave for the remainder of the day (e.g., annual leave, LWOP) or other paid time off (e.g., previously earned compensatory time off, previously earned credit hours). However, employees who** are experiencing **safety-related** circumstances warranting special consideration ~~(e.g., a hardship due to the emergency)~~ **may be provided Weather and Safety Leave** ~~request excused absence (administrative leave)~~ to depart the ODS prior to the time set for dismissal. Managers may grant **Weather and Safety Leave** ~~excused absence (administrative leave)~~ consistent with workload and staffing needs, from the time the ~~telework-ready~~ employee departs through the remainder of the TOD, provided the employee has furnished reasonably acceptable documentation.
- f. Employees on preapproved leave (**paid or unpaid**) or **other paid time off** for the entire day will remain on leave or **paid time off** for the day.
- g. See [IRM 6.610.1.3.2.1.2](#) in this interim guidance document for more information.

### 6.800.2.5.4

#### Weather and Safety Leave ~~Excused Absence~~ Time Reporting Codes for Emergency Telework

**(1) Weather and Safety Leave should be rare for employees participating in a telework program. However, if appropriate, Weather and Safety Leave is posted to SETR OFP codes as follows:**

~~(1)a. 990-59511 – Administrative Leave – Weather-related building closure:~~

~~(2)b. 990-59512 – Administrative Leave – Other building closure (not due to weather):~~

~~(3)c. 990-59566 – Administrative Leave – Miscellaneous:~~

~~a. office is open, and employee cannot report due to emergency~~

~~b. Office is closed and manager confirms that telework-ready employee has no work to perform at the telework site~~

~~c. Office announces early dismissal, employee is approved to depart before dismissal time.~~

**a. 990-59514 – Weather and Safety Leave – Telework site is unsafe or the employee could not anticipate the emergency to prepare to telework, and the ODS is closed**

**b. 990-59515 – Weather and Safety Leave – Telework site is unsafe, the ODS is open, but the manager does not require the employee to report to the ODS**