

CHAPTER 5. LEAVE AND DISMISSAL DURING
EMERGENCY SITUATIONS AND HAZARDOUS
WEATHER CONDITIONS

5-1. EMERGENCY SITUATION.

a. Definition. An emergency situation is one which may prevent employees in significant numbers from reporting for work, or may necessitate the closing of an Office in whole or in part. The emergency situation must be general rather than personal in scope and impact. Usually, such an emergency will be declared by an appropriate State or local authority. The emergency may be caused by:

- (1) Heavy snow, flood, earthquakes, hurricanes, severe icing conditions, or other natural disasters;
- (2) Air pollution;
- (3) Mass power failures;
- (4) Major fires; or
- (5) Serious interruption to public transportation caused by such incidents as strikes of local transit employees or mass demonstrations.

5-2. EMERGENCY ARISES DURING WORK HOURS. If an emergency arises during working hours, the amount of leave and/or excused absence charged is based on an employees duty status as of the time set for dismissal. Accordingly, if the employee:

- a. Is physically on duty at the time of dismissal, the remainder of the shift is charged to excused absence.
- b. Departs before notification or departs before the time set for dismissal but after notification of dismissal was received, the appropriate type of approved leave (annual leave, LWOP, or compensatory time) must be charged from the time of departure until the time set for dismissal and excused absence is charged from time set for dismissal until the end of the shift.
- c. Is on approved leave for the entire day, the appropriate type leave is charged up to the time of dismissal and excused absence is charged from the time of dismissal to the end of the shift.
- d. Is scheduled to report for duty after an initial period of leave and dismissal occurs before the employee can report, leave will not be charged after the time set for dismissal.

5-3. EMERGENCY ARISES DURING NONWORKING HOURS. The Office of Personnel Management (OPM) or its equivalent local Federal Executive Board/Association determines which of the following two alternative courses of action will be taken when an emergency situation develops during nonworking hours.

- a. Federal offices open as usual and tardiness may be excused. This situation might arise, for example, as a result of an ice storm which has made roads treacherous and delayed transportation.
 - (1) Tardiness up to 2 hours. The first line supervisor has the authority to grant up to 2 hours of excused absence.
 - (2) Tardiness more than 2 hours. The approving official has the authority to excuse tardiness in excess of 2 hours, upon receiving a request from the employee routed through the supervisor containing the following facts:
 - (a) Distance between employee's residence and place of work;
 - (b) Normal mode of transportation; and
 - (c) Efforts made to get to work.
 - (3) Based on the above and comparing this to the success of other employees with similar conditions who arrived at work within the 2-hour grace period, the approving official may approve or disapprove the request.
 - (4) If the request is disapproved, the tardiness in excess of 2 hours shall be charged to the appropriate leave category.
- b. Federal offices open as usual, but a liberal leave policy is in effect. This is a situation in which the emergency conditions do not severely impact an entire area, but there are areas so seriously affected that employees are prevented from getting to work.
 - (1) A liberal leave policy permits employees to use annual leave or LWOP without getting advance approval or providing detailed justification.
 - (2) The employee may be excused without charge to leave or loss of pay if he/she made a reasonable effort to get to work. The basic criteria for determining if the employee made a reasonable effort is stated in 5-3a(2) above. Otherwise, the employee is charged appropriate leave.

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- 5-4. DISMISSAL OF INDIVIDUAL EMPLOYEES. The determination that a situation warrants early dismissal of an individual employee must be based on the hazardous situation's direct effect on the employee and the need to accomplish the Department's work. Employees granted an early dismissal should be placed on annual leave for the hours remaining in the workday. This authority must be used sparingly and the supervisor must ensure equitable treatment of employees.
- 5-5. OFFICES CLOSED BY ADMINISTRATIVE ORDER. An administrative order is appropriate when the emergency situation does not warrant that a state of emergency be declared for the entire area because the emergency is restricted to this Department and/or selected other agencies.
- a. Appropriateness. Some situations in which it would be appropriate to issue an administrative order are:
- (1) Severe flooding caused by a water main burst;
 - (2) High levels of smoke from a fire;
 - (3) Major fire on the premises; or
 - (4) Massive power failure on the premises.
- b. Duty Status. For leave purposes, the days or hours during which an office is closed by administrative order are considered non-duty hours or nonworkdays.
- (1) Pay Status. Part-time and full-time employees who are in a pay status on the days or hours immediately before or after the office was closed will be placed on excused absence.
 - (2) NonPay Status. Part-time and full-time employees who are in a nonpay status the days or hours immediately before and after the closing continue in the appropriate type of nonpay status.
- c. Length of time for closing. The authority for such dismissal or absence will be used sparingly and for short periods of time only. A single period of excused absence may not exceed 3 consecutive days unless a longer period is approved by the Director, Office of Personnel and Training.

5-6. HOT OR COLD WORKING CONDITIONS.

- a. General. Dismissals due to unusually hot or cold working

conditions created by a prolonged breakdown of essential building services should be rare. Emphasis should be placed on correcting the problem. The main thermostat setting should not be higher than 65 degrees F for space heating, no lower than 80 degrees F for space cooling.

- b. Incapacitation Due to Health Problems. Individual employees affected by unusual levels of temperature to the extent that they are incapacitated for duty, or whose health would be adversely affected, may be granted annual leave, sick leave or compensatory time off.
- c. Excused Absence. Excused absences must be limited to extreme situations. Before excused absence can be granted, it must be clearly established by reasonable standards of judgement that the conditions are severe enough to actually prevent work. The physical requirements of the position as well as the temperature of the work area must be considered. Only employees directly affected may be excused.