

PERSONNEL AND
READINESS**UNDER SECRETARY OF DEFENSE**
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000**OCT 19 2020**MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP (SEE DISTRIBUTION)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORSSUBJECT: Continued Use of Weather and Safety Leave During the Coronavirus Disease 2019
PandemicReference: Under Secretary of Defense for Personnel and Readiness Memorandum, "Civilian
Duty Status and Use of Weather and Safety Leave during COVID-19 Pandemic,"
March 30, 2020

As the coronavirus disease 2019 (COVID-19) pandemic continues to present a risk to the DoD workforce, balancing mission readiness and the safety of DoD employees remains a top priority. This memorandum provides supplemental guidance to the reference, and directions for DoD Components to develop plans to mitigate risk to the mission and safety of the workforce.

The continued need to grant weather and safety leave has diminished as DoD has made investments in technology and fully utilized human resources flexibilities. Supervisors should discuss plans to return to the workplace with employees who are on weather and safety leave or who are teleworking to some extent but who are not performing fully the essential functions of their positions. These discussions should include inquiring whether the employee needs any flexibilities or reasonable accommodations to return to the workplace. Should an employee request a flexibility or accommodation because of a medical condition, the supervisor needs to follow the reasonable accommodation process under section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 ("Rehabilitation Act").

In the limited instances where these tools are not practicable or deemed effective, DoD Components may, but are not required to, continue to provide weather and safety leave. DoD Components may require medical documentation in support of weather and safety leave to the extent consistent with the Rehabilitation Act, which prohibits seeking documentation for conditions that are obvious or already known. The use of weather and safety leave for child or dependent care remains prohibited.

DoD Components will provide an assessment of their use of weather and safety leave for appropriated and non-appropriated fund workforces to my point of contact below by October 26, 2020. Using the attached spreadsheet as a template, this assessment should use payroll data as a starting point to identify the extent of weather and safety leave use, excluding any use of weather and safety leave unrelated to COVID-19.

The second attachment to this memorandum updates the matrix included in the reference to incorporate additional leave categories authorized under the Families First Coronavirus Response Act.

Should you have any questions, my point of contact is Mr. Allen Brooks, Technical Director, Defense Civilian Personnel Advisory Service, who may be reached at allen.r.brooks2.civ@mail.mil or (571) 372-1540.



Matthew P. Donovan

Attachments:
As stated

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CIVILIAN DUTY STATUS MATRIX					
SCENARIOS			ACTIONS		
			Telework¹	Report to Worksite	Leave Options
IF:	AND:	THEN:			
The employee is not ill or does not have symptoms of COVID-19	is directed to stay home by:	a commander or supervisor ²	✓	✗	• Weather and Safety Leave ³
		a medical professional or public health authority	✓	✗	• Emergency Paid Sick Leave ⁴
	is at increased risk for severe illness from COVID-19		✓	✓ ⁵	• Weather and Safety Leave ⁶ • Annual Leave • Leave Without Pay
	has a family member(s) who requires care and the family member is:	a child at home due to school or childcare closures	✓	✓	• Emergency Paid Sick Leave • Expanded Family and Medical Leave ⁷ • Annual Leave
		ill or quarantined due to COVID-19	✓	✓ ⁸	• Emergency Paid Sick Leave • Sick Leave • Annual Leave
	is designated as an emergency employee ⁹ and ordered to the worksite		✗	✓	• Annual Leave
The employee is ill or has symptoms of COVID-19			Sick Leave or Emergency Paid Sick Leave		

¹ Employees may telework if they occupy a telework eligible position and have a telework agreement.

² The commander or supervisor either directs the employee to stay home because of possible exposure or because the employee has symptoms that might be COVID-19.

³ Weather and safety leave is not an entitlement and is generally only available to non-telework program participants. Under DoDI 1400.25 Volume 610, "DoD Civilian Personnel Management System: Hours of Duty," approval authority is the commander or head of activity unless further delegated.

⁴ The Emergency Paid Sick Leave Act authorizes up to 80 hours of paid leave to employees in specified circumstances. See OPM Guidance, dated April 23, 2020. W&SL may be appropriate if an employee has exhausted PSL.

⁵ Appropriate exposure mitigation measures are in place.

⁶ See Office of Management and Budget Memorandum, "Updated Guidance on Telework Flexibilities in Response to Coronavirus," March 12, 2020. Employees may be required to provide medical documentation consistent with the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.

⁷ The Emergency Family and Medical Leave Expansion Act authorizes up to 10 weeks of paid leave to employees in specified circumstances. Only employees covered by Title I of the Family and Medical Leave Act are potentially eligible for expanded family and medical leave.

⁸ Unless directed by a medical professional, public health authority, commander or supervisor to stay home because of possible exposure to COVID-19.

⁹ The employee is designated an emergency employee by a commander or supervisor under 5 CFR 630.1605(b) and must report to the worksite even if a telework participant. The commander or supervisor determines the employee is critical to agency operations.