

# Requirements, Flexibilities, and Resources for Weather and Safety Emergencies

Any time SBA employees and their families are affected by severe weather, disasters, or emergencies, the entire Agency stands together. This Office of Human Resources Solutions (OHRS) guidance is an additional tool to help employees prepare, take appropriate actions, and ensure safety.

The following guidance is for employees in areas impacted by, or receiving warnings or threats of, severe or hazardous weather such as hurricanes, earthquakes, tornadoes, floods, or wildfires.

Here are references for key emergency information such as weather updates, safety and survival tips, locating a shelter, and FEMA disaster recovery center locations:

- [Ready.gov](#)
- 911
- [National Weather Service](#)
- [US Hospital Finder](#)
- [The Safe and Well List](#)
- [Find an Open Shelter](#)
- [American Red Cross](#)  
1 800 RED CROSS  
1-800-733-2767
- [NOAA Weather State Channel Listings](#)
- The [FEMA Social Hub](#) or [FEMA Mobile App](#)
- [Disaster Distress Help Line](#)  
1-800-985-5990  
Text: TalkWithUs to 66746
- [disasterassistance.gov](#)  
1-800-621-3362  
TTY 800-462-7585  
VRS: 800-621-3362
- [Disaster Recovery Centers](#)  
Text SHELTER and your ZIP CODE to 4FEMA
- [State Emergency Management Agencies](#)

## I. Changes in Operating Status

An employee's official duty station will determine the appropriate authority responsible for making the decision to change the operating status. SBA employees are required to follow specific SBA announcements and guidance. The following provides information on how changes of operating status are determined and communicated.

### A. Washington, DC, Metropolitan Area

For events affecting various Federal agencies in the Washington, DC Metropolitan Area, the U.S. Office of Personnel Management (OPM) is the authority for changes in operating status

decisions. OPM determinations will be posted on its website at <http://www.opm.gov/status/>.

## **B. SBA Headquarters Impact**

For events affecting only employees located at Headquarters changes in operating status will be determined by SBA's Administrator, Deputy Administrator/Chief Operating Officer, or their designee(s) when conditions warrant. Internal notification regarding the Agency operating status will generally be made through electronic mail, phone calls, the SBA website, and/or the [Emergency Notification System \(ENS\)](#).

## **C. District Offices/Service Centers/Disaster Centers/Branch Offices**

For events affecting SBA offices *other than* Headquarters, heads of the affected SBA field offices (e.g., Management Board Members, Regional Administrators, District Directors, Service Center Directors, and Disaster Center Directors) or their designees have the authority to determine the operating status when conditions warrant.

The findings and recommendations of local police, highway authorities, and any Federal Executive Board (FEB) should guide the determination. FEB determinations will be posted on the FEB website at <http://www.feb.gov/>.

Announcements regarding the operating status of a field office will generally be made through SBA internal notification systems such as email, phone calls, the SBA Intranet, and/or ENS. Heads of field offices, district offices or centers must document the specific conditions resulting in the changed operating status and send a written notice of the approval and justification to their Management Board Member in Headquarters within 24 hours of approving the action.

## **II. Preparedness**

The general expectation, particularly for employees with approved telework agreements, is for employees to take appropriate steps to ensure they are "telework ready" when there is a reasonable possibility of a change in operating status due to severe weather or hazardous conditions. Employees are considered to be "telework ready" when they have an approved telework agreement, approved telework space, information technology items needed to telework, sufficient quantity of work, and access to work materials. Questions regarding remote access to SBA computer systems should be directed to the OCIO Helpdesk at (855) 620-4780 or [ITSC@sba.gov](mailto:ITSC@sba.gov).

The requirement for an authorized telework agreement is waived during a health pandemic or activation of the COOP plan. If the COOP plan is activated, employees will be notified via the ENS.

Employees should review and update their emergency contact information within [the ENS](#).

### III. Weather and Safety Leave

Weather and Safety Leave is a new category of paid leave authorized by [5 USC § 6329c](#). When weather or other safety-related conditions prevent employees from *safely* traveling to, or *safely* performing work at, an approved worksite due to an act of God, terrorist attack, or other applicable condition, affected employees will be granted Weather and Safety Leave.

- An “Act of God” means an act of nature, including hurricanes, tornadoes, floods, wildfires, earthquakes, landslides, snowstorms, and avalanches (5 CFR 630.1602)
- “Other applicable conditions” may include weather-related damage to a home that makes occupying the home unsafe, loss of power at home (which makes the home not an approved location under agency telework policies), and employees not being prepared for teleworking when the conditions could not be anticipated (tornado or earthquake) (83 FR 15291 pg 15295).

Under the new statute, an agency will be unable, in most circumstances, to grant Weather and Safety Leave to an employee who is on an approved telework agreement and able to safely perform work at an approved telework site. This new provision will apply regardless of what is stated (or not stated) in the employee’s telework agreement, SBA policies and negotiated agreements such as the Master Labor Agreement. When Weather and Safety Leave is applicable, it must be documented in the employee’s official Time and Attendance record. Consult with your designated Timekeeper for the appropriate timekeeping code. Justifications may be required.

Circumstances when Weather and Safety Leave will generally be granted include:

- A.** When Government offices are closed for a full or partial day because of weather or safety conditions and the employee is prevented from working at an alternative worksite. This would cover situations where working at an alternative worksite is unsafe, the employee is unable to safely travel to the alternative worksite, the employee is ineligible for telework, or the employee is not participating in a telework program.
- B.** The unusual situation when a teleworker is unprepared to telework because the event could not be readily anticipated (*e.g.*, the normal workplace is rendered unsafe following a fire, earthquake, or flash flood) and the employee does not have equipment or materials needed to perform work.
- C.** When employees who are not on an approved telework agreement are prevented from traveling safely to the official duty station due to weather or other safety-related conditions.

- D. When employees on approved telework agreements *are* able to safely travel to or from, or safely perform work at, the official duty station, telework site, or other approved location, but are required to provide primary dependent care (e.g., child or elder) responsibilities due to a disruption to normal dependent care services caused by the weather event (83 FR 15291 page 15295).
- E. When activities such as clearing snow are *necessary* to ensure the employee can safely travel to, or safely perform work at, an approved work location. In this instance Weather and Safety Leave would be provided for the reasonable period of time needed.

#### **IV. Options Based Upon Operating Status During Severe Weather and Safety-Related Emergencies**

When Weather and Safety Leave cannot be granted, employees should reference the current operating status for their location and use the following guidance to determine the work status option they will elect and properly notify the supervisor. Employees designated as emergency personnel will generally report for work or remain at work when government operations are disrupted, unless otherwise specified by your immediate supervisor or other authorized management official.

##### **A. When the Operating Status is *Closed*:**

The following applies regardless of bargaining unit status.

1. Employees with approved telework agreements may:
  - a. Telework with normal start and end times; OR
  - b. Use unscheduled paid leave (e.g., earned annual leave or sick leave) or other paid time off (e.g., compensatory time off, earned credit hours, or hours granted as a time-off award) for the entire work day; OR
  - c. Use unscheduled leave without pay (LWOP); OR
  - d. Combine telework with unscheduled leave.
2. Employees without approved telework agreements will be granted Weather and Safety Leave.
3. Employees on preapproved leave will continue to be charged leave or other paid time off, and will not receive Weather and Safety Leave.
4. Administrative Leave may apply for extenuating circumstances as outlined in Section V. below.

## **B. When the Operating Status is Open with Unscheduled Leave or Unscheduled Telework:**

The following applies regardless of bargaining unit status.

1. Employees on approved telework agreements may:
  - a. Report to the regular work location in accordance with their regular work schedule;  
OR
  - b. Telework with normal start and end times; OR
  - c. Use unscheduled leave (paid or unpaid) or other paid time off for the entire work day; OR
  - d. Use a combination of any of the above.
2. Employees without approved telework agreements may:
  - a. Report to the regular work location in accordance with their regular work schedule;  
OR
  - b. Use unscheduled leave (paid or unpaid) or other paid time off for the entire work day; OR
  - c. Use a combination of the above.
3. Employees on preapproved leave will continue to be charged leave or other paid time off, and will not receive Weather and Safety Leave.
4. Other Administrative Leave may apply for extenuating circumstances as outlined in Section V. below regardless of participation in the Telework Program.

## **C. When the Operating Status is Open with Delayed Arrival (Staggered or Fixed Arrival Time):**

1. Employees on approved telework agreements may:
  - a. Report to the regular duty location by the specified delayed arrival time and remain in a work status until the regularly-scheduled departure time, receiving Weather and Safety Leave for the period between the employee's typical arrival time and the employee's delayed arrival time or the final reporting time specified for the directed delay, whichever is earliest; OR
  - b. Telework with normal start and end times; OR
  - c. Use unscheduled leave (paid or unpaid) or other paid time off for the entire work day; OR

d. Use a combination of unscheduled leave, paid time off, and unscheduled telework, as appropriate.

e. Employees on preapproved leave will continue to be charged leave or other paid time off, and will not receive Weather and Safety Leave.

2. Employees without approved telework agreements may:

a. Report to the regular duty location by the specified delayed arrival time and remain in a work status until the regularly-scheduled departure time, receiving Weather and Safety Leave for the period between the employee's typical arrival time and the employee's delayed arrival time or the final reporting time specified for the directed delay, whichever is earliest; OR

b. Use unscheduled leave (paid or unpaid) or other paid time off for the entire work day.

3. Employees on preapproved leave will continue to be charged leave or other paid time off, and will not receive Weather and Safety Leave.

4. Administrative Leave may apply for extenuating circumstances as outlined in Section V. below regardless of participation in the Telework Program.

**D. When the Operating Status is Early Departure (Immediate, Staggered, or Pre-Determined/Fixed Departure Time):**

1. Employees on approved telework agreements who were working in the office when an early departure is announced must:

a. Leave the regular duty location at the specified early departure time and complete the remainder of the regularly-scheduled work day teleworking, receiving Weather and Safety Leave only for the period of time required to commute to an approved telework location; OR

b. Use unscheduled leave (paid or unpaid), or other paid time off for the remainder of the work day; OR

c. Use a combination of the above options, as appropriate.

d. Employees who depart *prior to* the specified early departure time may request to use unscheduled leave (paid or unpaid) or other paid time off. Such employees will not be granted Weather and Safety Leave for any part of the work day.

**NOTE:** When an Immediate Departure is announced (e.g., due to a fire in the regular work location), employees on approved telework agreements may not have an opportunity to

retrieve the work materials necessary to telework. In this circumstance, they will be granted Weather and Safety Leave for the remainder of the regularly-scheduled work day.

2. Employees at an approved telework location when an early departure is announced must:
  - a. Continue to telework for the entire work day with normal start and end times; OR
  - b. Use unscheduled leave (paid or unpaid) or other paid time off; OR
  - c. Use a combination of the above.
  - d. Employees who depart *prior to* the specified early departure time may request to use unscheduled leave (paid or unpaid) or other paid time off. Such employees will not be granted Weather and Safety Leave for any part of the work day.
3. Employees without approved telework agreements must:
  - a. Remain in work status until the specified departure time, then receive Weather and Safety Leave for the remainder of the scheduled work day; OR
  - b. Employees who depart *prior to* the specified early departure time may request to use unscheduled leave (paid or unpaid) or other paid time off. Such employees will not be granted Weather and Safety Leave for any part of the work day.
4. Employees on preapproved leave will continue to be charged leave or other paid time off, and will not receive Weather and Safety Leave.
5. Administrative Leave may apply for extenuating circumstances as outlined in Section V. below.

**NOTE:** The establishment of the new Weather and Safety leave category renders most references to administrative leave within the SOP 33 59 Telework Program policy obsolete; however some provisions remain in effect. For clarification, please send an inquiry to [HR4U@sba.gov](mailto:HR4U@sba.gov) using **#Policy in the subject line**. You may direct timekeeping questions to your organization's timekeeper.

#### **E. When the Operating Status is Shelter in Place/Closed to the Public:**

1. Employees located at the SBA office must follow Agency emergency procedures for shelter-in-place. Employees should remain in their designated safe area until they are notified by agency officials that they may return to the office or leave the worksite.
2. Employees on approved telework agreements and working at an approved telework location when shelter in place is announced will continue working unless the telework

location is affected by the emergency or they are otherwise notified by an SBA official or resource.

## V. Other Authorized Paid Leave

*Administrative leave* is a specific category of authorized paid leave, separate and distinct from Weather and Safety Leave, granted at the discretion of the Agency when no other paid leave category (e.g., military leave, investigative leave, notice leave, or Weather and Safety leave) applies. This is an excused absence from duty with pay and without charge to leave which may be granted on an individual basis under circumstances which:

- A. Are in the public interest;
- B. Align with prevailing practices of other Federal agencies in the local area;
- C. Delay or prevent the employee from reporting to work (e.g, travel hazards); or
- D. Involve a personal emergency (e.g., significant flooding of the employee's home).

There is no *entitlement* to administrative leave. The amount of administrative leave an employee may be granted must not exceed 10 workdays in any given calendar year (5 U.S.C. 6329a(b)(1)).

SBA permits supervisors to grant administrative leave to employees dealing with the aftermath of natural disasters such as hurricanes, earthquakes, tornadoes, floods, etc. Supervisors may also grant administrative leave to employees who serve affected communities by providing emergency law enforcement, relief, or clean-up efforts authorized by Federal, State, or local officials having jurisdiction.

When administrative leave is approved for the stated situations, it must be documented in the employee's official Time and Attendance record as "Other Leave" without a timekeeping code descriptor (TD). Justifications may be required.

## VI. Military Leave

Members of the National Guard or Reserves called up to assist in disaster relief and recovery efforts may be eligible for Military Leave. Due to the complexities of military leave please consult with your Servicing Human Resources Office.

## VII. Requesting Leave

As with any absence, supervisory approval is required. Employees must submit leave requests to the appropriate approving official prior to using leave if possible, or at the earliest opportunity, and in accordance with SBA policies and timekeeping requirements.

Questions regarding this guidance should be directed to [HR4U@sba.gov](mailto:HR4U@sba.gov), #Policy.

## **VIII. Work Schedules**

Supervisors may exercise flexibility in scheduling hours of work in response to requests from employees. Supervisors should document their schedule agreements and expectations in writing and work within SBA's approved schedule types and hours. SBA schedule types include: regular straight 8, flexi-tour, flexi-time (gliding 8), compressed 5-4/9, compressed 4/10, and for bargaining unit employees only, a flexible 5-4/9.

## **IX. Voluntary Leave Transfer Program (VLTP)**

Qualifying employees may request donated leave from the Voluntary Leave Transfer Program (VLTP) for their own or a family member's medical emergency. A medical emergency is a medical condition of either the employee or the employee's family member that is likely to require the employee to be absent from duty for a prolonged period and will result in a substantial loss of income because of the employee's lack of available paid leave. Questions concerning the VLTP Program should be directed to Robin Jones, SBA's Volunteer Leave Transfer Coordinator, [robin.jones@sba.gov](mailto:robin.jones@sba.gov) or (202) 205-6779. ODA employees should contact JoAnn Wallace in the Office of Disaster Assistance (ODA) at [joann.choate@sba.gov](mailto:joann.choate@sba.gov) or (703) 487-8100, x6727.

## **X. Emergency Leave Transfer Program (ELTP)**

If severe weather or an emergency warrants activation of the Emergency Leave Transfer Program (ELTP) by OPM, further information will be provided to allow SBA employees to donate unused annual leave for transfer to other employees adversely affected by the event. Authorization to use ELTP requires a declaration by the President that the event is a major disaster or emergency. ELTP is granted for use when a declared event results in loss of life or property, serious injury, or mental illness by a substantial number of Federal employees directly impacted by the activity. ELTP is separate and distinct from the Voluntary Leave Transfer Program (VLTP).

## **XI. Loan Assistance**

SBA may be able to assist in obtaining a loan to address uninsured damage incurred on a primary residence. For more about SBA's disaster assistance program and how to apply for a loan, visit <https://disasterloan.sba.gov/ela>, call 1-800-659-2955, or e-mail [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov).

## XII. Employee Assistance Program (EAP)

SBA makes the Employee Assistance Program (EAP) available to its employees. EAP services are provided by Federal Occupational Health (FOH). EAP services include valuable information, educational materials, resources, and self-assessments on key behavioral health topics, including depression, anxiety, relationship issues, alcohol abuse, and health and wellness. The purpose is to help employees live healthy and work well. Employees may seek confidential assistance from EAP by calling 1-800-222-0364 (888-262-7848 TTY) to receive immediate assistance, or online at [www.FOH4You.com](http://www.FOH4You.com).

SBA's Work-Life Coordinator in the Office of Human Resources Solutions, Nicole Simpson, can provide additional EAP information. She may be reached at [Nicole.Simpson@sba.gov](mailto:Nicole.Simpson@sba.gov).

## XIII. Additional Resources

- A. Disaster Assistance: <https://disasterloan.sba.gov/ela>, call 1-800-659-2955, or e-mail [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov)
- B. [5 U.S.C. 6329c](#), Weather and Safety Leave legislation
- C. [5 CFR 630, Subpart P](#), Weather and Safety Leave regulation
- D. [83 Federal Register 15291 pgs 15291-15298](#)
- E. [Handbook on Pay and Leave Benefits for Federal Employees Affected by Severe Weather Conditions or Other Emergency Situations](#)
- F. SBA Telework Program Policy, [SOP 33 59](#)
- G. SBA Attendance and Leave Policy, [SOP 36 00](#)
- H. AFGE/SBA [Master Labor Agreement](#) (for employees covered by a bargaining unit)
- I. SBA Office of Human Resources Solutions (OHRS): [HR4U@sba.gov](mailto:HR4U@sba.gov)
- J. SBA Office of the Chief Information Officer (OCIO) Helpdesk: (855) 620-4780 or [ITSC@sba.gov](mailto:ITSC@sba.gov)
- K. Employee Assistance Program (EAP): 1-800-222-0364 (888-262-7848 TTY) to receive immediate assistance, or online at [www.FOH4You.com](http://www.FOH4You.com)