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Office of the
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Office of Human
Resources
Management

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TO: Mission Area Chief Operating Officers and Staff Office Equivalents
Mission Area Chief Human Capital Officers

FROM: Mary Pletcher Rice
Chief Human Capital Officer

SUBJECT: Weather and Safety Leave and Evacuation Payments for Hurricane Ida

This memorandum provides guidance on the use of Weather and Safety Leave and evacuation payments as the result of Hurricane Ida. Hurricane Ida was an active and a very powerful hurricane that made landfall in Louisiana on August 29, 2021. USDA employees who are in the affected area may be unable to work because they have been adversely affected by Hurricane Ida (i.e., power outages, loss of cellular/internet connectivity, flooding, evacuated, etc.). These employees may be granted Weather and Safety Leave. Additionally, some of these employees may also be eligible for advance payments.

Weather and Safety Leave may be granted when employees are prevented from safely traveling to or safely performing work at their normal worksite, a telework site, or other approved location due to an Act of God, a terrorist attack, or other emergency situation (see [5 U.S.C. 6329c](#)). Evacuation payments may be made when an employee has been ordered to evacuate because of a natural disaster (see [5 CFR 550, subpart D](#)).

If an employee is unable to safely work at an alternative worksite, or is unable to safely work at their telework site due to the severe weather or emergency situation (e.g., power failure, flooding, unsafe working conditions, ordered to evacuate, etc.), the senior management official at the location has delegated authority to grant Weather and Safety Leave on a case-by-case basis. Leave must be granted in accordance with [5 U.S.C. 6329c](#) and [5 CFR 630, subpart P](#). The amount of Weather and Safety Leave the senior management official may grant is at their discretion based on the emergency.

In accordance with the major disaster declared by the President on August 29, 2021, (DR-4611), the following parishes are declared a major disaster, including Individual Assistance: Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana.

Employees located in the above affected Parishes are officially ordered or authorized to evacuate and the Department is authorized to provide payments (57 FR 40070, September 1, 1992).

To assist agencies, included are some, but not all inclusive frequently asked questions. For additional information, refer to [CPM 2021-18](#), Human Resources Flexibilities and Procedures for Disasters and Other Emergency Situations. If you have any follow-on questions about this guidance, please contact Lisa Swenka at lisa.swenka@usda.gov or Matt Green at matthew.green@usda.gov.

FREQUENTLY ASKED QUESTIONS

Power Outages

1. There are widespread power outages due to Hurricane Ida. Can I be granted Weather and Safety Leave?

Yes. If you are prevented from safely working at your telework or remote worksite because of the severe weather or other emergency event (e.g., power outage, flooding, evacuated, etc.), you may be granted Weather and Safety Leave. Unfortunately, intermittent employees may not receive Weather and Safety Leave because intermittent employees do not have an established regular tour of duty during the administrative workweek and cannot earn or use leave. The time is coded as “66 – Weather and Safety Leave” (WebTA) or “DC-34 + TC-66” (Paycheck8).

2. If my organization did not deploy me under the provisions of their Continuity of Operations Plan, and I am unable to work from my home but am able to work from another remote worksite, am I required to work?

Yes. During a weather or safety-related event that affects a Federal duty station, employees who are not activated under an agency’s Continuity of Operations Plan but are able to safely telework at an alternative telework or functional remote worksite may be required to telework, or request to be absent from duty (either paid leave or leave without pay) if they choose not to perform work, unless one of OPM’s regulatory exceptions permitting the use of Weather and Safety Leave applies. Agencies may only provide Weather and Safety Leave if an employee is prevented from safely working due to the severe weather or emergency situation. (See 5 CFR 630.1605(a)(2)(ii).)

Home Was Flooded

3. My employee’s home was flooded due to Hurricane Ida and is unable to telework. Can I grant Weather and Safety Leave?

Yes. If an employee was ordered to evacuate their home due to Hurricane Ida or an employee lost their home due to flooding and is unable to safely work at an alternative worksite, the senior management official at the agency worksite has delegated authority to grant Weather and Safety Leave where it would be unsafe to work at an alternative worksite.

Example. Hurricane Ida caused significant flooding in parts of Louisiana. An employee’s home flooded causing them to seek alternate shelter. The senior management official at the agency worksite granted 80 hours of Weather and Safety Leave because the employee was personally impacted by the emergency and unable to safely work at their telework or remote

location. If the employee is able to safely work at the alternate work location (e.g., the hotel) then they would be expected to telework and the agency may not grant Weather and Safety Leave.

Timesheets

4. If there is a power outage and timesheets are due, will I still get paid?

Yes. If you are unable to submit your timesheet due to the effects of Hurricane Ida, your agency will submit your timesheet on your behalf to ensure you receive payment by the official pay date.

Child's School Closed

5. If my child's school was closed due to flooding and power outages, can I receive Weather and Safety Leave?

No. You may not be granted Weather and Safety Leave because your child's school is closed. Weather and Safety Leave may only be granted when the agency official determines the employee is prohibited from safely traveling to or safely performing work at an approved work location.

If your telework or remote work location was adversely affected by Hurricane Ida (flooding, power outages, etc.) and you are unable to safely perform work at your location, then you may be granted Weather and Safety Leave. If you are able to safely perform work at your telework or remote work location then Weather and Safety Leave may not be granted.

Example. An employee's child's school was closed due to flooding and the child is unable to attend school. The employee's home was also flooded, and they are unable to safely perform work at their telework site. The employee is granted weather and safety leave.

Preapproved Leave

6. I was scheduled to be on preapproved paid leave this week, but the power is out at my home. Do I code annual leave or Weather and Safety Leave?

If you were scheduled to be on paid leave but were unable to take your preapproved leave because you were adversely affected by Hurricane Ida and unable to work, you would charge Weather and Safety Leave. If you are not affected by Hurricane Ida and able to still take your preapproved paid leave, then you would continue to charge leave.

Example. A teleworker is scheduled to be on annual leave from August 30 to September 3 to visit their family (flight scheduled on August 30). Hurricane Ida affected the area and their flight was cancelled. The employee requests to cancel their annual leave on August 30, since the hurricane caused their travel plans to change. The employee was not affected by

the hurricane (able to telework, no power outages, no flooding, etc.) and may not be granted Weather and Safety Leave. The employee cancels their leave on August 30 and teleworks.

Leave Without Pay

7. I was scheduled to be on Leave Without Pay (LWOP). Can I receive Weather and Safety Leave?

No. If you were scheduled to be on LWOP you may not receive Weather and Safety Leave because you were on preapproved LWOP and not expected to perform work or travel to an approved worksite.

Advance Payments

8. If I have been ordered to evacuate, can I receive an advance on my pay to help with the expenses related to the evacuation?

Yes. If employees have been ordered to evacuate from an area because of imminent danger to their lives because of Hurricane Ida, the senior management official at the agency worksite may authorize up to 30 days of advance payments of pay, allowances, and differentials to help meet immediate expenses related to the evacuation. Advance payments may not exceed 30 days.

Advance payments are computed based on the projected workdays and work hours in the selected time period and on the rate of pay (including any applicable allowances, differentials, or other authorized payments) to which the employee was regularly entitled immediately before the issuance of the evacuation order. To determine the amount of pay an intermittent employee may receive, estimate the days and hours the employee would have been expected to work during the selected time period (not to exceed 80 hours in a biweekly pay period). If possible, the estimate should be based on an intermittent employee's projected days and hours of work based on a 6-week average.

An advance payment is equivalent to a loan and must be treated as a debt owed to the Federal Government. Employees should work with their servicing Human Resources Office to set up a Repayment Agreement for collection of the debt. Agencies have authority to waive overpayments when collection would be against equity or good conscience or against the public interest (5 U.S.C. 5522(c)) and in accordance with [DR 2570-002](#), Waiver of Employee Overpayments.

Example. An employee was ordered by the State to evacuate their home due to Hurricane Ida. The employee evacuated their family and relocated to a motel for 30 days. The agency approved 30 days of advance payments. The payment was made at the employee's regular rate of pay and issued on the normal pay day. The employee signed a Repayment Agreement with their agency and repayment began 3 pay periods after issuance and collected at 15% of their basic pay each pay period until the debt was collected in full.

Evacuation Payments

9. Can agencies authorize evacuation payments?

While an evacuation order is in effect due to Hurricane Ida, agencies may authorize evacuation payments to employees who have been ordered to evacuate because of imminent danger to their lives and are unable to safely work at an alternate worksite. Agencies may authorize evacuation payments or they may authorize Weather and Safety Leave but they may not authorize both. Evacuation payments are not treated as a debt owed to the Federal Government.

Evacuation payments must be made in accordance with 5 CFR part 550, subpart D. An agency may require employees to perform any work considered necessary or required to be performed during the period of the evacuation without regard to the grades or titles of the employees. Failure or refusal to perform assigned work is a basis for terminating evacuation payments.