



23 July 2020

JBSA Teammates,

- References: (a) DoDI1400.25V610_AFI 36-807, Hours of Work and Holiday Observances, Enclosure 3
(b) AF/A1 Weather and Safety Leave During COVID-19 (Self Certification Guidelines, 3 Apr 20
(c) USD (P&R) Memorandum, "Civilian Duty Status and Use of Weather and Safety Leave during COVID-19 Pandemic, 30 Mar 20

I am delegating authority to approve Weather and Safety Leave (WSL) related to COVID-19 to Mission Partner commanders and senior leaders or their designee. The intent of the guidance is to aid commanders and supervisors when assessing and using WSL for civilian employees.

Supervisors and commanders must assess the nature of the employee's work, risk to the mission, and risk to the individual when making the decision to approve WSL.

WSL is not an entitlement. It is non-chargeable administrative leave for civilian employees who may not be showing COVID-19 symptoms, but are subject to restriction of movement, quarantine, or isolation due to exposure or potential exposure. High-risk employees have the potential to self-certify Weather and Safety Leave with medical documentation. Please note, WSL is extremely limited for employees designated as mission essential or mission critical.

Further delegation of WSL is limited to no further than squadron commander/deputy level and service component equivalent on a case-by-case basis, for instances that prevent employees from safely traveling to or performing work at an approved location due to circumstances related to COVID-19. Approved leave under these circumstances is to be considered administrative leave (LN) for the purpose of Weather and Safety sub code (PS).

Our civilian workforce is instrumental in providing the critical installation support and services in enabling the vital mission sets conducted by our 266 mission partners. For questions concerning Weather and Safety Leave related to COVID-19, please contact Ms. Corrie Mayer at (210) 808-7571 for JBSA-Fort Sam Houston, Ms. Lourdes Martinez at (210) 671-2817 for JBSA-Lackland, or Mr. Jesse Solano at (210) 652-3864 for JBSA-Randolph.

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COVID-19: Weather & Safety Leave

Scenarios		Telework	Report to Work	Weather & Safety Leave
If:	And:	Then:		
The employee is asymptomatic for COVID-19	is directed by a medical professional, public health authority, or commander to stay home	✓	✗	✓
	is NOT directed by a medical professional, public health authority, or commander to stay home	✓	✓	✗ Use annual leave
	prefers not to come to an otherwise open worksite	✓	✓	✗ Use annual leave
	is at high risk of COVID-19 as defined by the CDC	✓	✗	✓
	has children at home due to school system or childcare center closures	✓ Use annual or sick leave for hours of care	✓	✗ Use annual or sick leave
	has a family member(s) who requires care, and the family member is:	not ill ✓ Use annual leave for hours of care	✓	✗ Use annual leave
		ill ✓ Use sick leave for hours of care		✗ Use sick leave
	returns from travel and is directed by a medical professional, public health authority, or commander to stay home	✓	✗	✓
	is designated as an emergency employee and ordered to the worksite	✗	✓	✗
The employee is symptomatic of COVID-19, is ill, and cannot work		Use leave (sick, annual, leave without pay, EPSL*, or any other paid leave) *Emergency Paid Sick Leave if related to COVID-19		



COVID-19: Weather & Safety Leave

Self-Certification Guidelines



In accordance with JBSA COVID-19 Guidance Memo #6, **Mission Partner Commanders and Senior Leaders or their designee may approve WSL for civilian employees in the following situations** (when telework is not an option):

1. Asymptomatic & subject to movement restrictions (i.e. quarantine or isolation) under the direction of public health authorities.
2. Asymptomatic and directed not to report to the worksite by a medical professional, public health authority or commander/supervisor.
3. Other circumstances when an employee is not able to safely travel to or perform work at an approved duty location.
4. Asymptomatic and at higher risk to COVID-19 under the criteria identified by the Center for Disease Control.



Self-Certification Guidelines:

- WSL is not an entitlement and must be pre-approved by Mission Partner Commanders and Senior Leaders or their designee.
- Given the evolving nature and considering the health and safety of our employees, the DoD has provided individual employees the ability to self-identify as "high-risk" from COVID-19 (situation #4 above).
- Upon self-identification, employees will be required to document in writing and "self-certify" that they meet the CDC requirements as "high-risk".
- This self-certification is sufficient to allow the employee to be placed on WSL.



Employees will be required, at their own expense, to provide substantiating documentation confirming their condition meets CDC high-risk criteria from a licensed medical practitioner.

Commands and individuals must ensure the required documentation is IAW individual Privacy Act and Rehabilitation Act rules.



COVID-19: Weather & Safety Leave

Emergency Employees

WSL is extremely limited for employees designated as emergency employees. This includes mission essential or mission critical functions, positions or duties critical to agency operations.

Emergency employees critical to agency operations must continue to report to work at their regular worksite unless otherwise directed.

Agencies should consider the mission-critical nature of their work in making their telework and leave decisions. Special precautions must be enacted to support the health and welfare of emergency employees and especially those at high-risk to COVID-19 while ensuring accomplishment of critical mission.



Commands are encouraged to approve WSL for high-risk emergency employees when their condition prevents the employee or group of employees from safely traveling to or performing work at an approved location and when they are unable to complete their duties via telework or an alternate duty location.



Management may recall high-risk emergency employees from WSL in circumstances where critical, urgent, or mission-essential functions, including: essential maintenance and production tasks or services needed to support the warfighting mission, or to protect people and property, cannot be supported without high-risk emergency employees returning to work. Consistent with the mission, commands should seek to minimize the number of high-risk emergency employees required to work, by deliberately identifying the required skills, assessing mission impact and considering alternative approaches (such as whether those not at high-risk possess similar skills).

Commanders retain ultimate decision authority with respect to mission criticality and safety when there is a disagreement between management and individual employees with respect to their recall.



Leaders must assertively safeguard the health and safety of their workforce. Effective safeguards and measures must be put into place to ensure that all high-risk emergency employees who are required to work, or recalled from WSL, are able to safely travel to and from work and perform their jobs on site in a safe manner.



https://mypers.af.mil/app/answers/detail/a_id/46971

<https://www.jbsa.mil/coronavirus/>



COVID-19: Weather & Safety Leave

Common Questions and Answers



My employee just returned from an affected area and I do not want them to come into the office until I know they do not present a safety risk. As a supervisor, what can I do?

Supervisors should identify whether the employee is telework-ready and offer the employee the option to telework. If the employee is not telework-ready because, for example, they cannot perform their duties at an alternate location, then the supervisor should consider utilizing Weather and Safety Leave (please review the section below on the appropriate use of WSL), administrative leave, or other leave flexibilities (paid or unpaid) available. DoD Components may also combine telework and various leave flexibilities when the employee may perform some of his or her duties at an alternate worksite.



I have an employee on Weather and Safety Leave who is immunocompromised and cannot telework due to the nature of their position. I need them to come back to work. Can I mandate them to return?

Supervisors should avoid mandating the return of employees who are in the higher risk categories prior to Phase 3, except in the most urgent mission-needs situation. Although these guidelines do not impact the authority to recall civilian employees to traditional worksites to meet urgent, mission-essential requirements, per DAF guidance, effective safeguards and mitigation measures must be put into place to ensure civilian employees are able to travel safely to and from work and perform their jobs in a safe manner. Before requiring a higher risk employee to return to the traditional worksite, a supervisor should work collaboratively with the employee in developing a plan, and seek creative, flexible, and tailored solutions. A supervisor should consider and try to find a balance between the risk to the employee and the mission need.

Are there any yearly limitations to Weather and Safety leave?

No, there is no cap on the number of hours that may be granted for WSL.



If a supervisor determines to recall a civilian employee back to the traditional worksite, can an employee refuse?

Supervisors are encouraged to take a collaborative approach to develop a plan for each civilian employee's transition to optimized operations and seek creative, flexible, and tailored solutions. Where duties can be performed by telework, supervisors should maximize telework whenever possible. Where mission needs cannot be met by telework, other new work arrangements should be considered. Ultimately, a supervisor can mandate an employee's return to the traditional worksite. An employee may also request leave under a variety of leave entitlements. Also, even at a stage/phase when most civilian employees have transitioned to optimized operations and/or returned to the traditional worksites (Phase 3/HPCON A), a civilian employee who is at higher risk of serious complications from COVID-19, as defined by the CDC, may be legally entitled (under the Rehabilitation Act) to reasonable accommodation, including full-time telework.



Can supervisors question the reason for which their employees are requesting annual leave?

Since supervisors must balance the work of the agency against the interest of the employee in using annual leave, supervisors may find it necessary from time to time to ask employees how they will use the requested annual leave so that the supervisors may make informed decisions about scheduling the leave. In such cases, employees are not required to provide the supervisor with this information, but their request for annual leave may be denied based on mission requirements. DoD Components should also be mindful of requirements under their collective bargaining agreements.

Can a supervisor deny leave to a civilian who is traveling outside the local commuting area?

Depending on the type of leave, a supervisor can deny or cancel leave to a civilian who is traveling outside the local commuting area based on mission requirements. A supervisor may not deny personal leave solely because an employee is traveling outside of the local commuting area or to a COVID-19 "hot spot."