

Archived Information

U.S. DEPARTMENT OF EDUCATION PERSONNEL MANUAL INSTRUCTION	PMI <u>610-1</u> DATE: <u>May 25, 1981</u> APPROVED: <u>Marsha Scialdo</u> for Director of Personnel 05/08/02
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**SUBJECT: DISMISSALS AND AGENCY CLOSINGS DURING
EMERGENCY SITUATIONS**

I. AUTHORITY

Section 6104 title 5, United States Code (U.S.C.), provides the basic statute governing administrative dismissals of employees.

Federal Personnel Manual (FPM) chapters 610 S3 and 630 S11 and FPM Supplement 990-2, books 610 S3 and 630 S11, provide the Office of Personnel Management (OPM) guidelines governing administrative and group dismissals.

ED PMI 630-1 and 630-7 provide Departmental policies and procedures on absence and leave as well as administrative and group dismissals.

II. POLICY

It is the policy of the Education Department (ED) that administrative dismissals and agency closings during emergency situations will be authorized only in accordance with the FPM, Departmental policies and the provisions of this Instruction.

The provisions of FPM supplement 990-2, Book 610, Appendix A are to be applied as Departmental policy.

As a general rule, all employees are to presume, unless otherwise notified that their office or activity will be open each regular workday regardless of any weather or other emergency conditions which may develop.

III. APPLICABILITY

This Instruction establishes the Education Department's policy and procedures on dismissal and agency closings during emergency situations, including hazardous weather.

IV. DEFINITIONS

A. **Administrative Leave.** See Excused Absence.

B. **Closure**

The closing of Federal offices when hazardous weather conditions dictate that most Government offices should be closed for an entire workday. Only those employees in critical positions will be expected to report to work. Those employees may be granted a reasonable amount of excused absence if they experience commuting delays. All other employees will be granted excused absence for the day.

C. **Delayed Arrival and Liberal Leave**

When weather conditions reduce or delay the flow of morning traffic, supervisors may grant a reasonable amount of excused absence to those employees who report to work late because of commuting delays. Supervisors should consider road conditions and public transit in deciding how much excused absence is reasonable. Employees, except those in critical positions, may choose to take a reasonable amount of annual leave or leave without pay without receiving advance approval from their supervisors. This is widely known as a "liberal leave" policy.

D. **Early Dismissal**

An excused absence granting Federal employees an early release when weather and street conditions are expected to create serious and hazardous afternoon and evening traffic conditions.

E. **Excused Absence** (commonly called administrative leave)

An absence from duty administratively authorized without loss of pay and without charge to leave.

F. **Emergency Situation**

An emergency situation is one which may prevent employees in significant numbers from reporting for work, or may necessitate the closing of Federal activities in whole or in part. The emergency situation must be general rather than personal in scope and impact. It may be caused by such developments as heavy snow or severe icing conditions, flood, earthquakes, hurricanes, or other natural disasters; air pollution; massive power failure; major fires; bomb threats; or serious interruptions to public transportation caused by such incidents as strikes of local transit employees or mass demonstrations.

G. **Essential Personnel Providing Critical Services**

Essential employees are those who perform duties which are vital to the continuity who are required to be at work regardless of emergency situations or any general dismissal.

H. **Liberal Leave.** See delayed arrival.

V. **RESPONSIBILITY**

A. In Washington, D.C., the Deputy Director, Office of Personnel Management (OPM) in consultation with the Mayor of the District of Columbia is responsible for deciding to close agencies or authorize early dismissals or delayed arrivals and to communicate this decision to agency Personnel Directors and to the news media.

B. The Assistant Secretary for Management is responsible for:

1. Issuing administrative orders that close all or part of the Headquarters operation and relieve from duty those employees who are not needed to perform essential services.
2. Staggering the time of dismissal to reduce traffic congestion.
3. Coordinating with other agencies in advance, and to the maximum extent possible, the release of employees as well as appropriate leave policies, so as to avoid confusion and promote equitable treatment of employees.

- C.** Assistant Secretaries and Heads of Program Offices are responsible for:

 - 1. Identifying and informing employees who are essential for providing critical services during emergency situations in accordance the criteria provided in FPM supplement, Book 610, Appendix A, paragraph A-3.
 - 2. Notifying subordinate supervisors of an early dismissal of employees as determined by the Assistant Secretary for Management.
- D.** Leave approving officials are responsible for authorizing excused absences and liberal leave policies during hazardous weather conditions
- E.** The Director of Personnel is responsible for:

 - 1. Notifying the Assistant Secretary for Management of the OPM decision to close agencies or to authorize early dismissal or delayed arrival of employees.
 - 2. Identifying positions throughout the Department that are essential for providing critical service and for annotating the position description cover sheet (OF-8) and the Official Personnel Action (SF-50) of newly assigned employees of this special requirement placed on them for reporting to, or remaining at, their worksites in emergency situations.
 - 3. Notifying all essential personnel providing critical services in writing, at the start of the fiscal year (October).
- F.** Head of regional and field establishments are responsible for issuing administrative orders that close all or part of the activity and relieve from duty those employees who are not needed to perform essential services
- G.** Employees are responsible, when storms or other hazardous conditions develop during nonwork hours, to listen to news broadcasts and follow the OPM's and/or Department's specific instructions related to the situation described.

VI. PLAN OF ACTION

A. Determination that an Emergency Condition Exists

1. The determination made by OPM on hazardous weather or emergency conditions affecting all Federal offices and employees in the Washington, D.C. metropolitan area will be followed by the Department.
2. In those instances where only Departmental activities and employees are affected, the Assistant Secretary for Management is responsible for making a final decision on early dismissal, delayed arrival/liberal leave or closure of the Department.
3. Heads of regional and field establishments will make the final decision for their respective organizations.

B. Decisions on Impact of the Condition on the Federal Populations

1. The guidelines provided in FPM supplement 990-2, Book 610, appendix A-4, will be applied to all ED Headquarters and regional and field activities.
2. These guidelines discuss the appropriateness of either charging leave or excusing employees without charge to leave, based on various considerations and circumstances. Emphasis will be placed on assuring that employees are treated equitably during emergency situations.
3. The decision on the impact of the situation will depend on whether the emergency condition arises during work or nonworking hours.
 - a. **During working hours.** An emergency condition arising during the normal workday or shift presents the following three alternatives to the deciding official:
 - 1). ED offices should remain open as normal.
 - 2). ED offices should suspend work to the extent feasible and all employees, except those providing critical

services, should be dismissed on a staggered basis to avoid traffic congestion and tieups.

- 3) The Department should suspend work to the extent feasible and all employees, except those providing critical services, should be dismissed immediately.
 - a) If the employee was on active duty and was excused, there is no charge to leave for the remaining hours of the work shift.
 - b) If the employee was on duty and departed on leave after official word was received but before the time set for dismissal, leave is charged only for the time the employee departed until the time set for dismissal. (Employees should not be permitted to depart before the time set for dismissal without a charge to leave.)
 - c) If the employee was scheduled to report for duty after an initial period of leave and dismissal is given before the employee can report, leave is charged until the time set for dismissal.
 - d) If the employee was absent on approved leave for the entire work shift, the entire absence is charged to appropriate leave (e.g., annual, sick, or LWOP, as applicable).

(Note: Earned compensatory time may be used; as appropriate, in lieu of leave.

- b. **During nonworking hours.** Emergency situations during nonworking hours also present the following courses of action:
 - 1) ED offices open as usual and tardiness may be excused. This decision is based on conditions developing during nonworking hours which make it difficult for employees to arrive at work on time. This situation might arise, for example, as a result of an ice storm which has made roads treacherous

and delayed transportation. In such a situation, the leave approving official within agency policy, may excuse short periods of tardiness (usually up to two hours) without charge to leave. Tardiness of longer periods may also be excused without charge to leave in cases which are personally reviewed and authorized by the next higher level of management. Annual leave or leave without pay should be charged for absences in excess of the authorized tardiness, unless management determines, after reviews of the facts in each case, that the employee made every reasonable effort to get to work but was unable to do so. In such cases, the absence may be excused without charge to leave. Determining factors in this decision include: Distance between the employee's residence and place of work; mode of transportation normally used; efforts by the employee to get to work; and success other employees similarly situated had in being able to report for work.

- 2) ED offices open as usual but, due to the varying impact of the situation, a liberal leave policy applies. This is a situation in which the emergency conditions are not uniform in their effect on the area. That is, the entire Federal sector is not severely impacted, but there are areas so seriously affected that employees are prevented from getting to work. Because of the scattered effect on the situation, a liberal annual leave or leave without pay policy is in effect. This course of action will be applied as Departmental policy in addition to the following:
 - a) **Early Dismissal.** Employees on flexitime will be treated the same as employees on fixed work schedules.
 - b) **Delayed arrival/ Liberal Leave.** Where the opening of an ED office is delayed for a specified number of hours and is generally applicable to employees in a given location, the traditional fixed schedule hours will normally be

used as a reference point and all employees on flexitime will be treated the same as all other employees. In unusual cases, employee arrivals and delays due to hazardous weather will be treated on a case-by-case basis. Leave approving officials should exercise administrative discretion in granting excused absence.

- c) **Closure.** Employees on flexitime will be treated the same as employees on fixed work schedules.

C. **Dissemination of Instructions to Employees**

1. When an emergency situation develops, it is essential that all employees receive prompt and clear information about the effect of the emergency situation on their work or leave status.
2. Procedures should be established by each Assistant Secretary and Heads of Program Offices, regional or field establishments which will effectively disseminate this information. This is easily accomplished during working hours through an established network of key officials.
3. When the situation develops during nonworking hours, there is considerable greater difficulty in informing the entire work force, and reliance must be placed on the news media, including radio, television, and newspapers.
4. Employees are advised that, when storms or other hazardous conditions develop during nonworking hours, they should listen to radio or TV news and follow the specific instructions related to the situation described.

VII. **GENERAL REQUIREMENT**

- A. All administrative actions covered by this Instruction must be carried out in accordance with applicable statutory, regulatory, policy, procedural, and program requirements, including any applicable collective bargaining agreements.
- B. The Servicing Personnel Office should be consulted on any unusual or exceptional cases.