

Material Transmitted:

HHS Instruction 610-3 (all)

Material Superseded:

HHS Instruction 610-3 (all)

Background:

This Instruction has been revised consistent with recent changes in the Office of Personnel Management (OPM) policy applicable to all executive agencies inside the Washington, D.C., Capital Beltway in the rare event that an early work dismissal or a late work arrival is required due to inclement weather or some other type of emergency situation. In these instances, OPM may authorize an Adjusted work dismissal policy or an Adjusted home departure policy. The Adjusted work dismissal policy permits Federal workers to leave work early, and it replaces both the Residential zone dismissal plan and the term Early dismissal.

The Adjusted home departure policy permits employees to purposefully report to work late, and it replaces the term Delayed arrival.

In both of the above policy situations, the time period an employee will be excused from work will be guided by his or her normal departure times from work or home. For example, if an employee works from 8:00 a.m. to 5:00 p.m. and OPM announces an adjusted work dismissal of 2 hours, that employee would leave work at 3:00 p.m. If OPM announces an adjusted home departure of 2 hours, the same employee who would normally leave home at 7:00 a.m. would now leave home at 9:00 a.m.

The former policy for early dismissal depended upon the location of workers' homes, rather than their work hours.

Facilities outside the Beltway may prefer to develop their own plans, since they normally are subject to different emergency and traffic conditions than those inside the Beltway.

Any reference to AOPDIV in this Instruction now includes AHCPR, ATSDR, CDC, FDA, HRSA, IHS, NIH, SAMHSA, the Office of the Secretary, the Program Support Center, HCFA, ACF, and AoA.

This issuance is effective immediately. Implementation of this issuance must be carried out in accordance with applicable

policy, regulations, laws, and bargaining agreements.

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Evelyn M. White  
Deputy Assistant Secretary for  
Human Resources, OASMB

INSTRUCTION 610-3

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HHS PERSONNEL INSTRUCTION 610-3  
TEMPORARY CLOSING OF WORK PLACES AND TREATMENT OF ABSENCES

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Exhibit 610-3-A Temporary Closings Inside the Washington  
Capital Beltway

Exhibit 610-3-B Treatment of Absences and Charges to Leave

610-3-00 PURPOSE

This Instruction sets forth the Department's policy and procedures concerning temporary closings of the work place and treatment of absences during these closings.

610-3-10 COVERAGE

All employees who are subject to the leave provisions under Subchapter 1, Chapter 63, 5 U.S. Code, are covered by this Instruction.

610-3-20 REFERENCES

- A. U.S. Code, Chapter 61 (law - hours of work)
- B. 5 U.S. Code, Chapter 63 (law - leave)
- C. 5 CFR, Part 610, Subpart C (regulations - administrative dismissals of daily, hourly, and piecework employees)
- D. 5 CFR, Part 630 (regulations - absence and leave)
- E. HHS Instruction 630-1 (leave and excused absences)
- F. OPM Memorandum for Directors of Personnel (CPM 97-2), dated January 21, 1997

610-3-30 DEFINITIONS

For purposes of this Instruction, the following terms have the meanings indicated:

- A. Adjusted Home Departure - Permits employees to leave their homes later than their normal departure times. For example, if OPM announces that an "adjusted home departure" policy is

in effect and employees should delay their normal departure time for 2 hours, employees who normally leave for work at 7 a.m. would delay departure until 9 a.m. Employees who arrive late will be excused without loss of pay or charge to leave. Individuals designated as emergency employees are expected to report to work on time.

- B. Adjusted Work Dismissal - Permits employees to leave work early relative to their normal departure times. For example, if a 3- hour early dismissal is authorized by OPM as a result of inclement weather, employees who would normally leave work at 5 p.m. would be authorized to leave at 2 p.m. Individuals designated as emergency employees are expected to remain at work until their scheduled times of departure.
  
- C. Alternative Work Schedules (AWS) - Work schedules other than designated fixed work schedules. For purposes of this Instruction, this definition also includes flexitime and all other variations. For employees on gliding schedules, adjusted home departure would typically be based on the employee's most typical or frequent home departure time. Adjusted work dismissal would be based on the time the employee had planned to leave work on that day had the employee worked a full day.
  
- D. Administrative Order - An order issued by an authorized official that, in administrative or emergency situations:
  - 1. relieves personnel, except those identified as "emergency employees" to provide critical services, from active duty and excuses their absences without charge to leave or loss of pay; or
  - 2. authorizes employees to take "unscheduled" annual leave or, if they have no annual leave, leave without pay (LWOP). (Where annual leave is permitted, the taking of compensatory time and credit hours is also authorized.)
  
- E. Administrative Situations - Situations usually relating to failure of building services (e.g., electricity, heat, air conditioning) or local unforeseen circumstances (e.g., fire, broken water main, bomb scare) that require relieving employees temporarily from active duty on a localized basis.
  
- F. Disabled Employees - Employees who have medical impairments that adversely affect their mobility. These impairments can be permanent or temporary.

- G. Emergency Employees - Employees who have been designated by management as necessary, during an administrative or emergency situation, to perform critical functions.
- H. Emergency Situations - Situations that may result in commuting delays, prevent employees in significant numbers from reporting to work, or necessitate the closing of several Federal activities in the same geographical area (e.g., heavy snow, severe icing conditions, floods, earthquakes, hurricanes, air pollution, power failures, interruption of public transportation).
- I. Fixed Work Schedule - A work schedule that does not change, has specific beginning and ending times, and usually represents the hours the work place conducts public business.
- J. Temporary Closing - The closing, in whole or in part, of a work place and the excusing of the employees' absences for short periods of time because of an emergency or administrative situation.
- K. Unscheduled Leave Policy - A policy of allowing generous use of unscheduled leave so that employees who truly find it impossible or unsafe to report to work or who arrive late can use annual leave or LWOP without receiving advance approval from their supervisors.

610-3-40 OFFICIALS AUTHORIZED TO ISSUE ADMINISTRATIVE ORDERS

A. Emergency Situations

1. Inside the Washington Capital Beltway

See Exhibit 610-3-A for policy in this area.

2. Outside the Washington Capital Beltway

- a. In general, the head of a work place (e.g., an OPDIV Head, an Area Director of IHS; Director of a Food and Drug Administration (FDA) District Office; or the Regional Director, Office of the Secretary (OS)) is authorized to issue administrative orders.
- b. In locations with several Federal installations, a Federal Executive Board (FEB) or similar association of Federal agencies develops specific procedures to

assure equitable treatment of all Federal employees in the area. In such cases, the chairperson of the association usually issues administrative orders through the media or through a "cascade" procedure similar to the one described in Exhibit 610-3-A.

- c. Occasionally, there may be a widespread situation affecting several HHS work places and no central heads of HHS installations located in close proximity to assure consistency. In those cases, heads of HHS work places (e.g., an OPDIV Head, a Regional Director for OS and a Director of an FDA District Office located in the same commuting area) are expected to consult with each other, so that Department employees in similar situations are treated in the same manner.

B. Administrative Situations

1. Inside the Washington Capital Beltway

See Exhibit 610-3-A for policy in this area.

2. Outside the Washington Capital Beltway

Heads of work places (see 610-3-40A.2a above) are authorized to issue administrative orders when they determine that local conditions prevent employees from working or reporting to work. Heads of work places shall develop appropriate procedures for issuing and implementing administrative orders. They will also take steps, when necessary, to assure that corrective actions are taken by the responsible organizations, such as the General Services Administration, to correct the condition that caused the emergency.

C. Reporting Issuance of Administrative Orders

When an administrative order is issued by the head of a work place or a local FEB or similar organization, the head of the work place must report that fact through line management channels to the head of the OPDIV.

610-3-50 POLICY

- A. If there is no announcement, all employees are to assume that their work place will be open each regular work day regardless of any conditions that may develop. They are also to assume

that they are expected to report for duty on time and remain through their scheduled work hours unless they are on previously approved leave. Employees working on shifts are to operate on these same assumptions, unless they are notified that their specific shifts are affected.

- B. All employees are expected to report to work and depart from work at their regularly scheduled times in spite of weather conditions and traffic and transportation disruptions, unless an administrative order is issued by an authorized official. Each employee is expected to take whatever steps are necessary (e.g., leaving home early or using public transportation rather than a personal car) to cope with disruptive conditions.
- C. The authority to close the work place is to be used sparingly and only for short periods of time not exceeding three consecutive work days. If it becomes necessary to extend that period, the extension must be approved at a higher line management level.
- D. Sound management judgment must always be exercised in determining when to close, how long to remain closed, and how much excused absence to approve. Although the Department's unscheduled leave policy is encouraged during emergency situations, decisions in individual cases may vary depending on the specific circumstances in each case. Following are a couple of examples:
  - 1. It is not inequitable to excuse one group of employees from work prior to the normal time (or to allow excused absence) because of a localized situation and not make the same provision(s) for other groups who are not similarly affected.
  - 2. It is not inequitable to excuse the absence or approve the leave of an employee for more than the number of hours generally approved for other employees if the individual circumstances warrant it and the same treatment is accorded other employees in the same circumstances. This is particularly applicable in the treatment of disabled employees but may be applicable to other employees as well. (See 610-3-50H below.)
- E. Annually, officials authorized to issue administrative orders should advise all employees under their jurisdiction about how closings will be handled due to emergency or administrative situations. These annual notices should include the following

information:

1. What constitutes an official announcement
2. When possible, which television and radio stations will issue official announcements
3. What hours constitute the fixed work schedule
4. How shifts will be handled
5. How employees working AWS hours are affected
6. Usual wording of announcements and what that wording means
7. Anything else that will help them know what to do when such situations occur

Exhibit 610-3-A describes the procedures and media announcements used inside the Washington Capital Beltway, including OPM's Worldwide Web site. Authorized officials outside this area may use these procedures as guidance for the kinds of procedures they need to develop in their own work places.

- F. Administrative orders may be issued orally but must be confirmed in writing to provide documentation and to justify excusing absences.
- G. When emergencies arise based on administrative orders that require adjusted home departures, employees are expected, nevertheless, to arrive according to the requirements of the administrative orders and their assigned schedules. Higher line management approval is usually required to excuse tardiness longer than that authorized by the administrative order.
- H. In emergency situations, supervisors should be aware that individuals with disabilities have specific needs. The employee may have different needs before, during, and after inclement weather, depending on environmental conditions both in the air and on the ground. For example, snow removal equipment may make travel by mobility-impaired individuals even more difficult by creating insurmountable snow drifts at curb cuts. Individual employees, even those with the same disability, may have different needs. Further, an employee's needs may change each time, even under similar weather and environmental conditions. Even seemingly mild weather or



environmental conditions could be hazardous to a person with a disability.

During those times when the "Washington, D.C., Area Emergency Dismissal or Closure Procedures" are operative, employees with disabilities should be dismissed as early as possible, rather than at normal departure times. In case circumstances exist that are not covered by previously determined agreements, supervisors should rely heavily on the feelings of employees with disabilities and be flexible when making decisions. There may be conditions or circumstances not related to weather that could adversely affect persons with disabilities. These include, but are not limited to, unusually large numbers of people being discharged at the same time, public transportation emergencies, and police and safety emergencies.

- I. Management must identify in writing individuals who are designated as emergency employees to perform critical functions and indicate the conditions under which they are considered to be emergency employees. Management will advise these employees of their emergency status annually. If management determines that a situation requires nonemergency personnel to report to or remain at work, management should establish a procedure for notifying such persons individually.
- J. Occasionally, some individual employees may face special family situations that will not be covered by an announcement in the media or on OPM's web site (e.g., when employees are expected to report to work, but the schools opened late or are closed). Management should notify employees of procedures to be followed when this occurs and should be flexible and understanding as possible in approving leave in these situations.

#### 610-3-60 EXCUSED ABSENCES AND CHARGES TO LEAVE

In general, when it is necessary for an official to issue an administrative order to close the work place temporarily, employee absences are excused. Exhibit 610-3-B describes a variety of specific situations and their effect on charges to leave. Officials must recognize that when they issue administrative orders authorizing an unscheduled leave policy during temporary emergency situations, they are authorizing all employees, except those designated as emergency employees, to take annual leave or LWOP without prior approval from their supervisors. While employees should call, if possible, to

resolve any doubt about their intentions to report for duty, supervisors may not deny that leave once an administrative order policy has been issued. Therefore, authorized officials should be sparing in issuing administrative orders that permit the taking of annual leave or LWOP during temporary emergency situations.

Exhibit A - TEMPORARY CLOSINGS INSIDE THE WASHINGTON CAPITAL  
BELTWAY

A. Emergency Situations

An early work dismissal, late work arrival, excused tardiness, leave, and closure based on emergency situations (usually hazardous weather) for Federal organizations and employees inside the Washington Capital Beltway are permitted only as authorized by the Office of Personnel Management (OPM).

1. Adjusted Work Dismissal - If this decision occurs during work hours, official notification for this Department will be communicated by OPM to the Immediate Office of the Deputy Assistant Secretary for Human Resources through the Interagency Advisory Group. Such decisions will be communicated to the media by OPM's Director of Public Affairs. Information will also be made available on OPM's World Wide Web site at <http://www.opm.gov>.
  - a. Immediately upon receipt of official notification from OPM, the Deputy Assistant Secretary for Human Resources will notify the Personnel Directors of all the Operating Divisions (OPDIVs) of the number of hours authorized for adjusted home departure or adjusted work dismissal and remind them that each organization and/or OPDIV located outside of the beltway may dismiss employees in accordance with its own policies. The Personnel Directors will make sure that their organizations are informed. This is known as the "cascade" procedure. Organizations can contribute to the effectiveness of the Department's "cascade" operation by the following actions:
    - (1) Holding calls to a minimum before official notification is received
    - (2) Assuring employees that they will be notified as soon as possible
    - (3) Issuing a supplemental memorandum extending the "cascade" operation through their organizations
  - b. In regard to dismissal procedures among OPDIVs:
    - (1) The "Washington, D.C., Area Emergency Dismissal

or Closure Procedures" become operative during work hours for those employees whose work locations are inside the Washington, D.C., Capital Beltway. Employees covered by these procedures dismissed according to their normal departure times from work and home.

- (2) When OPDIVs inside the Washington Capital Beltway are notified during the work day that an adjusted work dismissal is authorized, the employees at those work locations, except those designated as emergency employees, may all be dismissed at their normal departure times to minimize disruption of the highway and transit systems, or OPDIV Heads outside the beltway may establish some other dismissal plan that is appropriate for accommodating the emergency and traffic conditions at their organization locations.

- c. Requests for exceptions to the "Washington, D.C., Area Emergency Dismissal or Closure Procedures" will generally be considered only if there are unique factors that may require deviation from the procedures, e.g., considerable variance in weather conditions or dismissing employees at a time much earlier than that authorized by OPM. The latter will be considered on a case-by-case basis. Such requests should be directed by the Head of the appropriate OPDIV or his/her designated representative) to the Deputy Assistant Secretary for Human Resources. The request will be reviewed in light of the basic OPM decision and, if warranted, the Deputy Assistant Secretary for Human Resources may grant the dismissal request.

## 2. During Non-Work Hours

- a. If an emergency arises before the work day begins, OPM will provide one of the following announcements to the media by 6:00 a.m. whenever possible:

- (1) "Federal agencies are open; employees are expected to report for work on time."

(Means Federal agencies will open on time, and employees are expected to report for work as scheduled.)

- (2) "Federal agencies are operating under an unscheduled leave policy; employees may take leave without prior approval."

(Means Federal agencies will open on time, but employees not designated as "emergency employees" may take annual leave or LWOP without the prior approval of their supervisors. Employees should inform their supervisors of their intentions.)

Individuals designated as "emergency employees" are expected to report for work on time.)

- (3) "Federal agencies are operating under an adjusted home departure policy. Employees are requested to leave home (\_\_\_) hours later than their normal departure time."

(Means Federal agencies will open on time, but nonemergency employees should adjust their normal home departure time consistent with the announcement, and nonemergency employees who arrive late will be excused without loss of pay or charge to leave. For example, if an employee normally leaves for work at 7 a.m. and is directed to delay departure for 2 hours the commuter would not leave for work until 9 a.m. The employee would be granted excused absence from the time he or she normally arrives at work until the time he or she actually arrives at work. Individuals designated as "emergency employees" are expected to report for work on time.)

- (4) "Federal agencies are operating under an adjusted home departure/unscheduled leave policy. Employees are requested to leave home (\_\_\_) hours later than their normal departure time, and employees may take leave without prior approval."

(Means Federal agencies will open on time, but nonemergency employees should adjust their normal home departure time consistent with the announcement, nonemergency employees who arrive late will be excused without loss of pay or charge to leave, and individuals not designated as

"emergency employees" may take annual leave or LWOP without the prior approval of their supervisors. Employees should inform their supervisors if they plan to take annual leave or LWOP. Individuals designated as "emergency employees" are expected to report for work on time.)

(5) "Federal agencies are closed."

(Means personnel not designated as "emergency employees" are excused from duty without loss of pay or charge to leave. Individuals designated as "emergency employees" are expected to report for work on time.)

- b. If the Department's dismissal or closure announcement differs from OPM's, the Deputy Assistant Secretary for Human Resources (or a designee), will notify OPM's Office of Communications of this fact at (202) 606-1800, FAX (202) 606-2264, or Internet email oc@opm.gov.

C. Administrative Situations

Heads of work places inside the Washington Capital Beltway may authorize temporary closings, adjusted home departures, adjusted work dismissals, and/or taking of leave to cope with administrative situations through procedures developed at the work place. Officials issuing administrative orders will report those closings through their line management channels to the head of the appropriate OPDIV. The head of the OPDIV will notify the Deputy Assistant Secretary for Human Resources.

Exhibit B - TREATMENT OF EXCUSED ABSENCES AND CHARGES TO LEAVE

When the work place is closed temporarily because of an emergency or an administrative situation, the table below shows how to charge leave or excused absences.

I. If an adjusted work dismissal policy is announced during work hours...

AND the employee is...	THEN the absence is charged to...
at work at the time of dismissal.	excused absence, even if the employee was scheduled to take leave later in the day.
on approve leave <u>but</u> is expected to return to work after the announcement of an adjusted work dismissal policy but before his or her authorized departure time.	<p>the approved leave up to the time of dismissal <u>and</u> excused absence following the employee's authorized departure time, even if the employee is scheduled to take leave later in the day.</p> <p><u>Example:</u> Employee usually works 8:30 a.m. to 5:00 p.m., takes 4 hours of annual leave from 8:30 a.m. to 12:30 p.m.</p> <p>A storm closes the work place at 11:30 a.m.</p> <p>The employee is charged 3 (<u>not</u> 4) hours of annual leave from 8:30 a.m. to 11:30 a.m. and excused absence from 11:30 a.m. to 5:00 p.m.</p>
is scheduled to report to work before the dismissal but fails to do so.	annual leave, sick leave, LWOP, or AWOL, as appropriate, for the entire work day.

AND the employee is...	THEN the absence is charged to...
<p>at work when the closing time is announced <u>and</u> goes on approved leave <u>before</u> the time is set for dismissal.</p>	<p>leave or LWOP <u>only</u> from the time the employee left until the announced dismissal time <u>and</u> excused absence for the rest of the day.</p> <p><u>Example A:</u> Employee usually works from 8:30 a.m. to 5:00 p.m. and is told at 9:30 a.m. that the work place will close at 11:30 a.m. Employee requests and goes on approved annual leave from 10:30 a.m. to 11:30 a.m. and is on excused absence for the rest of the day.</p> <p><u>Example B:</u> Conditions similar to <u>Example A</u> <u>except</u> the reason for requesting release at 10:30 a.m. is to avoid hardship due to: (a) car pool driver released earlier <u>or</u> (b) younger children are released early from school, and no alternate forms of child care are available to the employee; hence, the employee is on excused absence from 10:30 a.m. for the rest of the day.</p>



<p>at work and leaves before official word of the pending dismissal is received.</p>	<p>leave, LWOP, or AWOL for the rest of the day.</p> <p><u>Example:</u> Employee works from 8:30 a.m. to 5:00 p.m., and decides to leave work at 9:30 a.m. on approved leave, LWOP, or unapproved leave. The dismissal order is received by the agency after the employee has left. The employee is charged annual leave or carried in LWOP or AWOL status for the rest of the day from 9:30 a.m.</p>
<p>on approved leave when official dismissal is announced and is expected to be on leave for the rest of the day anyway (this includes employees on maxiflex credit hours day off).</p>	<p>the leave or maxiflex credit hours the employee is <u>already</u> on.</p> <p><u>Example:</u> Employee is on annual leave all of the pay period. A storm closes the work place early on Tuesday. The employee is charged annual leave.</p>
<p>II. If the emergency situation arises during non-work hours and forces the work place to close for the entire day...</p>	
<p>AND the employee is...</p>	<p>THEN the absence is charged to...</p>
<p>scheduled to work on that day. (This includes employees who arrive at work to discover the work place is closed.)</p>	<p>excused absence.</p> <p><u>Example:</u> Employee is scheduled to work on Friday. Due to a storm on Thursday night, the work place is closed all day Friday. The absence is excused.</p>

on previously authorized paid leave (such as sick leave, annual leave, or credit hours, etc.)	excused absence.  <u>Example:</u> Employee is on sick leave when the work place closes for the entire day. The employee's absence is charged to excused absence (not sick leave).
on maxiflex day off.	No absence is charged, since the employee was not scheduled to report to work.
on either LWOP or AWOL both the day before <u>and</u> the day after the day the work place closes.	LWOP or AWOL, depending on whether the employee is on LWOP or AWOL.
III. If the emergency situation arises prior to or early in the work hours and excused tardiness is authorized...	
AND the employee is...	THEN the absence is charged to...
already at work.	nothing. Work hours are reported as usual. No excused absence is necessary.
en route or still at home.	excused absence authorized by the administrative order or approved by leave approving official.
on approved leave.	leave the employee is <u>already</u> on.

ADDITIONAL PROVISIONS FOR AWS EMPLOYEES

Employees on AWS are subject to the absence and leave provisions covered in the preceding pages of this Exhibit. They are also subject to the following provisions:

A. Adjusted Work Dismissal

When an adjusted work dismissal policy is authorized for a:

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1. specific time, AWS employees are dismissed at the end of their tour of duty or at the specific time, whichever is earlier;
2. specific number of hours, AWS employees are dismissed that number of hours earlier than the end of the specific tours they are working that day.

B. Adjusted Home Departure

1. Tardiness of AWS employees who do not revert to a fixed schedule during emergencies is treated in accordance with procedures established by the heads of their respective work places.
2. Tardiness of AWS employees who are required to revert to a fixed schedule during emergencies is treated consistent with that of employees in the same organization who are on a fixed work schedule.
3. AWS employees who start work before the excused tardiness is authorized to work their regular tour-of-duty and do not receive extra compensation or credit hours for being on duty earlier than other employees whose tardiness is excused.

C. Closure

1. AWS employees whose tour-of-duty commence before the closure of the work place is announced and who reported to work prior to the time of the closure announcement return home and do not receive compensation or credit hours for having come to work.
2. AWS employees on compressed work schedules who are in a scheduled non-work day status on a day the work place is closed are not entitled to another day off, any compensation, or credit hours for the closure day.