

WEATHER AND SAFETY LEAVE

The U.S. Department of Veterans Affairs (VA) is the nation's largest healthcare system. The American Federation of Government Employees National VA Council (AFGE/NVAC) represents approximately 260,000 bargaining unit employees at the VA. As a result of the VA's response to the COVID-19 pandemic, AFGE/NVAC received a substantial number of inquiries from front-line employees concerning Weather and Safety Leave (WSL). We understand your concerns and have developed this guide to summarize the issue of WSL and address some of your frequently asked questions.

What Is WSL?

The Administrative Leave Act of 2016 created four types of administrative leave, one of which is WSL.¹ There are also government-wide regulations² and VA policy³ regarding the use of WSL.

WSL is a form of discretionary, paid leave that may be provided to eligible federal employees when weather or safety-related conditions prevent them from safely traveling to or safely performing work at an approved location due to an act of God, terrorist attack, or other applicable condition.

Does COVID-19 Qualify As An Applicable Condition?

Yes, federal agencies may grant WSL in connection with the COVID-19 pandemic.⁴

Who Is Eligible For WSL?

The law permits the VA to grant WSL to most employees. However, "intermittent employees" are not eligible and those designated by the VA as "emergency employees" (i.e., critical to VA operations) may not be eligible. The VA must notify "emergency employees" of this designation as far in advance as possible.⁵ Please note the designation of "emergency employees" is distinct from the designation of "essential employees."

When Should The VA Grant WSL?

The VA's decision to grant or deny WSL is discretionary. For example, WSL may be granted when:

- An asymptomatic employee is subject to movement restrictions or quarantine;
- An asymptomatic employee is "at risk for serious illness from COVID-19" per CDC guidance;
- An asymptomatic employee is ordered, by the VA, not to report to work.

What About Telework?

If you participate in a telework program, the VA may direct you to telework and deny a request for WSL.⁶ Please consult your AFGE Local President to ensure you have adequate telework resources.

Further Assistance & Additional COVID-19 Resources

On behalf of AFGE/NVAC, we thank you for all that you do to support the mission of the VA. If you need further assistance, please contact your AFGE Local President. Additional COVID-19 resources:

- AFGE members-only website: www.afge.org/coronavirus.
- OSHA: <https://www.osha.gov/SLTC/covid-19/>
- CDC: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

¹ 5 U.S.C. §6329c.

² 5 C.F.R. Part 630, Subpart P (Weather and Safety Leave).

³ VA Handbook 5011/34 (Hours of Duty and Leave), Part III, Chapter 2.

⁴ OMB Memorandum M-20-13 (March 12, 2020).

⁵ 5 CFR 630.1605(b).

⁶ 5 CFR 630.1605(a).