



REGION 6 REGIONAL OFFICE CLOSURE PROCEDURES

MEMORANDUM OF UNDERSTANDING

Between US Forest Service and NFFE FL-1968, IAMAW



This Memorandum of Understanding (MOU) made by and between the National Federation of Federal Employees (NFFE), Local FL-1968, (Union) and the USDA Forest Service, Region 6 Regional Office (Management) collectively "the parties".

The purpose of this MOU is to document the final agreement between the National Federation of Federal Employees (NFFE) FL-1968 (Union) and the Forest Service on negotiable matters for the Region 6 Regional Office (RO) Closure Procedures.

This RO Closure Policy will adhere to the applicable policy, procedures, and provisions in effect at the time of the office closure, early release, and/or delayed opening including the OPM Governmentwide Dismissal and Closure Procedures, Master Agreement, Supplemental MOUs, Telework and/or Leave and Attendance Policy.

1. The Forest Service R6 Regional Office is one of several agencies co-located in the Edith Green-Wendell Wyatt (EGWW) building located at 1220 SW 3rd Avenue, Portland, Oregon 97204.
 - The decision of whether to close the building during a significant emergency or life-threatening incident will be made by the Designated Official (DO) in coordination with GSA. The DO has the ultimate authority to close the EGWW building but it is rarely done. In the case of hazardous weather, each agency within the EGWW building will make its own determination for closing their office(s) but the building normally remains open.
 - Employees are encouraged to maintain current contact information with their supervisors to ensure timely notification in the event the building or office is closed due to hazardous weather or other emergency condition. In addition, supervisors should ensure telework-ready employees are prepared to effectively telework and have access to agency IT systems and networks should an emergency or weather condition so warrant.
 - Routine telework, situational telework, unscheduled telework, and unscheduled leave will be used in the implementation of the RO Office Closure Policy. Definitions and details may be found in the FS-NFFE Telework and Remote Work MOU and are also referenced in the Appendix of this document.
2. Employees should presume the office is open (for FS staff) and be individually responsible for assessing weather and road conditions associated with the risk of driving to work. Employee health and safety is the top-priority.

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3. Generally, employees with Telework Agreements are not eligible to receive Weather and Safety Leave, while employees that do not have telework agreements are eligible. Consistent with 5 USC §6329(c), OPM Governmentwide Dismissal and Closure Procedures, and the Master Agreement, employees will be granted weather and safety leave when weather or other safety-related conditions prevent them from safely traveling to or safely performing work at their normal worksite, their telework site, other approved location.
4. Telework-eligible employees who are scheduled to work in the office on a day when the office is closed or opening is delayed due to hazardous weather or other emergency will notify their supervisor to discuss appropriate options if they reasonably anticipate that the severe weather event or emergency situation could impact their ability to safely commute to the office. Supervisors and employees are encouraged to discuss this policy and plan how they will communicate when situational telework is approved.
 - Employees scheduled to telework on the day the office is closed will continue to telework as scheduled unless their ability to connect to FS network(s) is impacted by the hazardous weather or emergency event. In that case, the employee will notify their supervisor to discuss other options which may include weather and safety leave.
5. Office Closure Notices to Employees:
 - Management will determine the need for office closure or delayed opening and promptly notify employees using the most efficient means available. The parties acknowledge that the Forest Service is currently planning to implement an automated emergency notification system across the agency. In the interim, management will utilize a dedicated phone line and make every effort to post a recorded message by 6:00 AM. Additional methods of notification such as Forest Service email or other available methods are encouraged to give employees multiple sources to check for office closures prior to commuting. The parties agree once an agency-wide automated emergency notification system is available, if applicable, they will negotiate the implementation for having it as the primary method of notification to employees.
 - Employees driving to work before an announcement of office closure or delayed opening is posted on the phone line (or broadcast by the automated emergency notification system once implemented) will use their own judgement to assess if weather and road conditions are safe enough for travel and will contact their supervisor to discuss the need to request use of flex time, available leave, or discuss telework options if available.

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6. If hazardous weather conditions, emergency, and/or employee safety concern at the office develop after a workday begins, management will assess conditions and make an appropriate early release decision. Once a decision is made, all employees will be notified immediately. Employees already scheduled for telework on an early release day are expected to continue telework as planned as long as conditions at the telework location will allow. Employees under approved Telework Agreements who are working in the office when an early departure is announced due to weather or safety generally may receive weather and safety leave for the amount of time required to commute home, if they complete the remaining time (if any) in their workday either by teleworking or taking leave or other paid time off once they arrive home.
7. For employee specific issues or circumstances resulting from an emergency and/or weather event when the office is open, supervisors should exercise a liberal leave policy that supports unscheduled leave and approve the use of annual leave, leave without pay, credit leave, or flex time when an employee is unable to telework and chooses to avoid the risk of commuting to the office. Examples include transportation issues, hazardous commute route, or child/elder care issues resulting from emergency and/or weather event. Employees under flexible work schedules may also adjust their hours to complete their basic work requirements. Employees must contact their respective supervisors and request leave in accordance with leave request procedures.

This MOU remains in effect, unless either Party requests to modify or terminate this agreement using the procedures in Article 11 of the Master Agreement.

A copy of this MOU will be posted to the R6 intranet webpage entitled "Office Closure Policy" and the HRM FS Web Site under NFFE "Local Agreements".

Agreed to:

For the Agency:
James Demaagd - Lead Negotiator
USDA Forest Service

For the Union:
Dennis Lapcewich - Lead Negotiator
NFFE-Forest Service Council

Appendix

Definitions

The definitions below are from USDA Department Regulation 4080-811-002 and the FS-NFFE Telework and Remote Work MOU and provided herein for reference when applying the Office Closure MOU.

- **Routine Telework:** Regularly scheduled telework that occurs on a recurring basis and is part of an approved telework schedule.
- **Situational Telework:** (Also referred to as ad hoc, episodic, unscheduled, and intermittent.) Telework that is approved on a case-by-case basis, where the hours worked were not part of a previously approved, ongoing, and regular, telework schedule.
- **Telework:** A work arrangement in which an employee performs and completes official duties and responsibilities from an alternate worksite. Telework may be authorized for an entire duty day or a portion of one. Telework does not include the following:
 - a) Work performed while on official travel status;
 - b) Work performed while commuting to or from work;
 - c) Remote work; or
 - d) Mobile work.
- **Unscheduled Telework:** Telework that is authorized in response to specific duty status announcements issued by Office of Personnel Management (OPM) or authorized USDA officials for use during period of inclement weather or other emergency situations, or with prior supervisory approval, telework used to maintain productivity during short-term disruptions to normal operating procedures.

The following definition is taken from Forest Service Handbook, FSH 6109.11 - Pay Administration, Attendance and Leave Handbook, Chapter 30 – Absence and Leave:

- **Unscheduled Leave:** Leave taken due to an unforeseen circumstance, such as extreme weather, accident or illness, unavailability of childcare, transportation breakdown, and so forth, which prevents an employee from arriving to or departing from work as planned.

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The following excerpt is taken from the FS-NFFE Master Agreement (2019), Article 20 Leave:

Weather and Safety Leave: Weather and Safety Leave may be granted, in accordance with 5 U.S.C. 6329c, 5 CFR Part 630, Subpart P, and consistent with the OPM Government-wide Dismissal and Closure Procedures. This type of leave may be appropriate when weather or other safety-related conditions prevent employees from safely traveling to, or safely performing work at an approved location due to an act of God, terrorist attack, or other applicable condition.

1. Ensuring employee safety is the primary consideration when determining whether to close a Forest Service office. Management retains the right to determine the operating status of its facilities. Office closure procedures will be in accordance with Office of Personnel Management (OPM) "Government Wide Dismissal and Closure Procedures."
2. The status of Government operations outside the Washington, DC, area will be communicated to employees in the affected area using methods commonly employed by the Agency for this purpose.
3. Generally, employees who are telework program participants will not receive weather and safety leave, since they are not usually prevented from performing work at an approved location due to a weather or other safety-related emergency. When determining Weather and Safety Leave eligibility, specifically, whether a Telework Participant should have "reasonably anticipated" a severe weather event and/or emergency, management considerations may include, but are not be limited to the following:
 - a) Whether or not the Agency issued any advanced notice of severe weather event and/or emergency;
 - b) Availability of severe weather event, emergency, and/or operating status announcements through local news broadcasts/forecast;
 - c) The availability and access to agency notification systems (phone recordings, emails, and websites) which provide operating status announcements; and
 - d) The availability and access to social media for advanced notice of severe weather or other emergency situation.
4. The agency may not provide weather and safety leave to a telework participant who is not prevented from working safely at an approved telework site.

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5. Employees with situational/ad hoc telework agreements, but who might not telework on a regular basis, will be encouraged to telework periodically, as scheduled with their supervisor, to ensure that the employee is able to maintain their telework readiness if they are expected to work in the event of an office closure due to inclement weather or other safety issue.
6. Employees will not be required to complete ad hoc/situational telework agreements simply to avoid granting weather and safety leave during office closures.

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