



PERSONNEL AND  
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

8 March 2020

MEMORANDUM FOR CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF  
DEFENSE  
SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARIES OF DEFENSE  
CHIEF OF THE NATIONAL GUARD BUREAU  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
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INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE  
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CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF  
DEFENSE  
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE  
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ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC  
AFFAIRS  
DIRECTOR OF NET ASSESSMENT  
DIRECTORS OF DEFENSE AGENCIES  
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Civilian Personnel Guidance for DoD Components in Responding to Coronavirus  
Disease 2019

References:

- (a) Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, "Force Health Protection (Supplement 2) – Department of Defense Guidance for Military Installation Commanders' Risk-Based Measured Responses to the Novel Coronavirus Outbreak," February 25, 2020 (Attachment 1)
- (b) Office of Personnel Management (OPM), "Coronavirus Disease 2019 (COVID-19): Additional Guidance," March 7, 2020 (Attachment 4)
- (c) OPM, "Federal Workforce Preliminary Guidance during Coronavirus Disease 2019 (COVID-19)," March 3, 2020 (Attachment 5)
- (d) OPM, "Human Resources Flexibilities Available for Federal Employees Impacted by the 2019 Novel Coronavirus," February 7, 2020 (Attachment 6)
- (e) Defense Civilian Personnel Advisory Service, Emergency Preparedness website, <https://www.dcpas.osd.mil/OD/EmergencyPreparedness>
- (f) DoD Instruction 6200.03, "Public Health Emergency Management within the DoD," March 28, 2019
- (g) Department of Defense Instruction 1035.01, Telework Policy, April 4, 2012
- (h) Defense Civilian Personnel Advisory Service Memorandum, "Guidance for the Novel Coronavirus Outbreak," February 11, 2020 (hereby rescinded)

As provided in reference (a) at Attachment 1, the Department of Defense (DoD) has outlined a specific risk-based framework to guide planning, posture, and actions needed to protect DoD personnel and support mission assurance in response to the novel coronavirus disease (COVID-19). DoD Component Heads and military commanders should follow these risk-based measures, with appropriate consultation and coordination, to protect the health and safety of the workforce. These measures are flexible, tailored, and incremental depending on the level of exposure in the community. They include a wide range of mitigating actions available to DoD Component Heads and military commanders ranging from practicing good hygiene to restriction of movement.

In support of these efforts, the attached civilian workforce guidance identifies authorities and best practices to help the Department minimize risk to its civilian personnel and their families, as well as to ensure the readiness of our force to continue to execute our missions and support our domestic and international partners. DoD Component heads must take the steps outlined in Attachment 2 to ensure continuity of operations, assess readiness for effective telework, and communicate to the workforce good health and hygiene habits in the workplace. Attachment 2 also provides an overview of available human resources flexibilities supervisors have the discretion to utilize for their civilian workforce. Attachment 3 provides questions and answers to illustrate various work flexibility scenarios. Component heads should ensure this guidance is clearly communicated to all echelons throughout your respective organizations. Supplemental military workforce guidance is forthcoming.

Additionally, effective on the date of this Memorandum, DoD Components are granted a limited exception to policy under Enclosure 3, paragraph 3.j.(2) of Department of Defense Instruction 1035.01, Telework Policy, through December 31, 2020. DoD Components may allow their civilian employees to telework during an emergency (e.g., continuity of operations event, office closure due to adverse or inclement weather, or pandemic health crisis) with a child or other persons requiring care or supervision present at home. Employees must still account for work and non-work hours during his or her tour of duty and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g., to care for a child or dependent).

DoD Components with questions concerning civilian personnel human resources flexibilities should submit them to the Defense Civilian Personnel Advisory Service (DCPAS), not OPM, at: <mailto:dodhra.mc-alex.dcpas.list.employment-and-compensation@mail.mil>. DCPAS will coordinate directly with the Office of the Under Secretary of Defense for Policy and, as appropriate, with OPM and distribute responses and any other updated information to all DoD Components through the DCPAS Emergency Preparedness website. The DCPAS guidance at reference (h) is hereby rescinded.

For more information, my point of contact is Mr. Allen Brooks, Technical Director, DCPAS, whom you may reach at (571) 372-1540, or by email at [allen.r.brooks2.civ@mail.mil](mailto:allen.r.brooks2.civ@mail.mil).

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Alexis Lasselle Ross  
Performing the Duties of the Under Secretary of  
Defense for Personnel and Readiness

Attachments: As stated



PERSONNEL AND  
READINESS

**OFFICE OF THE UNDER SECRETARY OF DEFENSE**  
4000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-4000

25 FEB 2020

MEMORANDUM FOR CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF  
DEFENSE  
SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARIES OF DEFENSE  
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ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC  
AFFAIRS  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Force Health Protection (Supplement 2) - Department of Defense Guidance for  
Military Installation Commanders' Risk-Based Measured Responses to the Novel  
Coronavirus Outbreak

Novel coronavirus disease (COVID-19) continues to spread and is an increasing force health protection (FHP) threat in areas where Department of Defense (DoD) personnel live and work. As the leading U.S. Government public health agency, the U.S. Centers for Disease Control and Prevention (CDC) continues to assess the risk of COVID-19 and provide guidance for those residing in the United States and traveling abroad. Some CDC COVID-19 guidance may have limited applicability for military installation commanders (hereafter "military commanders"), particularly those outside the United States, because CDC guidance is principally directed toward persons residing in the United States and does not apply to other sovereign nations. While the DoD continues to follow CDC's lead, additional military specific measures are authorized by current policy when needed to mitigate risk to U.S. forces stationed around the world and to protect Service members, DoD civilian employees and contractor personnel, and family members.

DoD Instruction (DoDI) 6200.03 "Public Health Emergency Management Within the DoD," dated March 28, 2019, provides military commanders with policy applicable to an outbreak of this kind. This memorandum serves as a COVID-19 specific supplement to the DoDI 6200.03 and outlines a risk-based framework to guide planning, posture, and actions under DoDI 6200.03 needed to protect DoD personnel and support mission assurance.

A risk-based framework for geographic areas with COVID-19 transmission is organized by areas exhibiting the following characteristics: (a) Community transmission beginning, (b) Increased community transmission, (c) Sustained community transmission, and (d) Widespread community transmission. DoD commanders may use this risk-based framework to help guide their response to COVID-19. This outbreak is dynamic and manifests differently by location,

setting, population, and individual. As a result, responses to COVID-19 will need to be flexible, tailored, and incremental.

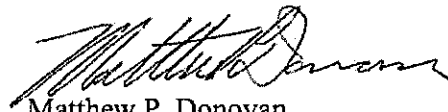
Military commanders outside the United States have unique geographic constraints and operational considerations for FHP. They must act in accordance with relevant host nation (HN) and allied forces standards as applicable. CDC country specific Travel Health Notice (THN) levels for COVID-19 may be found at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>.

Consistent with DoDI 6200.03, the following risk-based measures may be considered by military commanders in consultation with CDC and with consideration of THNs, Department of State Travel Advisories, and applicable HN disease mitigation actions:

- Prior to community transmission.
  - a. Review and update the installation health protection condition (HPCON) framework per DoDI 6200.03 and align with appropriate response measures below.
  - b. Maximize proportion of workforce that can perform their duties via telework.
  - c. Identify mission essential personnel who must report to duty during an outbreak.
- Community transmission beginning.
  - a. Re-emphasize avoiding contact with sick people, practicing proper hand hygiene, and cough/sneeze etiquette.
  - b. Communicate to personnel how and when to report illness and seek care for potential influenza-like illness.
- Increased community transmission.
  - a. Continue all measures from previous risk level, and consider adding the following:
  - b. Restrict Service member travel to affected communities and advise civilian employees and family members of risk.
  - c. Re-scope or modify exercises in affected areas to limit risk to DoD personnel.
  - d. Institute clearly defined personal protective equipment (PPE) posture for high risk personnel.
- Sustained community transmission.
  - a. Continue all measures from previous risk level, and consider adding the following:
  - b. Consider declaring a local Public Health Emergency.
  - c. Consider limiting access to the installation.
  - d. Consider cancelling large public gathering events on the installation.
  - e. Re-scope, modify, or potentially cancel exercises.
  - f. Approve leave and travel to this area on a case-by-case basis.
  - g. If outside the United States and considering authorized and ordered departure actions, coordinate through their respective Combatant Command (CCMD) or Military Department headquarters, and the Joint Staff and OSD to align with Department of State (DoS), which is the approval authority.

- Widespread community transmission.
  - a. Continue all measures from previous risk level, and consider adding the following:
  - b. Strongly consider declaring a local Public Health Emergency.
  - c. Consider restriction of movement consistent with DoDI 6200.03 (potentially to include quarantine, isolation, canceling public gatherings, avoiding congregate settings, and practicing social distancing)
  - d. Consider limiting access to the installation.
  - e. Distribute PPE as appropriate.
  - f. Cancel non-mission essential activities.
  - g. Re-scope, modify, or potentially cancel exercises.
  - h. Maximize telework.
  - i. Cancel all non-essential leave and travel to this area.
  - j. Coordinate authorized and ordered departure actions through their respective CCMD or Military Department headquarters, and the Joint Staff and OSD to align with the DoS.
  - k. Implement quarantine, consistent with applicable procedures, for persons/units returning from this area to a lower risk area.
  - l. Consider other restrictions of movement for persons critical to national security functions.

These potential military commander response measures are included in the attached Table 1. My point of contact for this guidance is COL Jennifer M. Kishimori who may be reached at (703) 681-8179 or [jennifer.m.kishimori.mil@mail.mil](mailto:jennifer.m.kishimori.mil@mail.mil).



Matthew P. Donovan  
Performing the Duties of the Under Secretary of  
Defense for Personnel and Readiness

Attachment:  
As stated

**Table 1**

Level	Description	Recommended Military Commander Response Measures
Routine	<b>Prior to community transmission.</b>	<ul style="list-style-type: none"> <li>a. Review and update the installation HPCON framework per DoDI 6200.03 and align with appropriate response measures below.</li> <li>b. Maximize proportion of workforce that can perform their duties via telework.</li> <li>c. Identify mission essential personnel who must report to duty during an outbreak.</li> </ul>
Limited	<b>Community transmission beginning.</b> There are instances of people who have been infected, including some who may not be sure how or where they became infected.	<ul style="list-style-type: none"> <li>a. Re-emphasize avoiding contact with sick people, practicing proper hand hygiene, and cough/sneeze etiquette.</li> <li>b. Communicate to personnel how and when to report illness and seek care for potential influenza-like illness.</li> </ul>
Moderate	<b>Increased community transmission.</b> People have been infected with the virus in more than one location, but how or where they became infected may not be known.	<ul style="list-style-type: none"> <li>a. Continue all measures from previous risk level, and consider adding the following:</li> <li>b. Restrict Service member travel to affected communities and advise DoD civilian employees and contractor personnel, and family members of risk.</li> <li>c. Re-scope or modify exercises in affected areas to limit risk to U.S. personnel.</li> <li>d. Institute clearly defined PPE posture for high risk personnel.</li> </ul>
Substantial	<b>Sustained community transmission.</b> People have been infected with the virus, but how or where they became infected may not be known, and the spread is ongoing.	<ul style="list-style-type: none"> <li>a. Continue all measures from previous risk level, and consider adding the following:</li> <li>b. Consider declaring a local Public Health Emergency.</li> <li>c. Consider limiting access to the installation.</li> <li>d. Consider cancelling large public gathering events on the installation.</li> <li>e. Re-scope, modify, or potentially cancel exercises.</li> <li>f. Approve leave and travel to this area on a case-by-case basis.</li> <li>g. If outside the United States and considering authorized and ordered departure actions, coordinate through their respective CCMD or Military Department headquarters, and the Joint Staff and OSD to align with the DoS, which is the approval authority.</li> </ul>
Severe	<b>Widespread community transmission.</b> People have been infected with the virus, but how or where they became infected may not be known; the spread is ongoing and includes the majority of regions.	<ul style="list-style-type: none"> <li>a. Continue all measures from previous risk level, and consider adding the following:</li> <li>b. Strongly consider declaring a local Public Health Emergency.</li> <li>c. Consider restriction of movement consistent with DoDI 6200.03 (potentially to include quarantine, isolation, canceling public gatherings, avoiding congregate settings, practicing social distancing).</li> <li>d. Consider limiting access to the installation.</li> <li>e. Distribute PPE as appropriate.</li> <li>f. Cancel non-mission essential activities.</li> <li>g. Re-scope, modify, or potentially cancel exercises.</li> <li>h. Maximize telework.</li> <li>i. Cancel all non-essential leave and travel to this area.</li> <li>j. Coordinate authorized and ordered departure actions through their respective CCMD or Military Department headquarters, and the Joint Staff and OSD to align with the DoS.</li> <li>k. Implement quarantine, consistent with applicable procedures, for persons/units returning from this area to a lower risk area.</li> <li>l. Consider other restrictions of movement for persons critical to national security functions.</li> </ul>

## Civilian Personnel Guidance for DoD Components in Responding to Coronavirus Disease 2019

The Office of the Under Secretary of Defense for Personnel and Readiness (OUSDP&R)), provides this civilian personnel guidance for DoD Components in responding to coronavirus disease 2019 (COVID-19). This guidance is intended to identify human resources flexibilities to help DoD minimize risk to its civilian and other personnel and their families, as well as to ensure the readiness of our force to continue to execute our missions and our ability to support our domestic and international partners. Separate local rules and policies should be consulted for foreign national personnel. More comprehensive guidance from the Office of Personnel Management is attached. The latest information will be available at: [https:// www.dcpas.osd.mil/OD/EmergencyPreparedness](https://www.dcpas.osd.mil/OD/EmergencyPreparedness).

Supervisors have the discretion to utilize the following human resources flexibilities:

- **Telework.** Employees must occupy telework-ready positions and have a current telework agreement. DoD Components should immediately review their current telework policies and ensure that written telework agreements are in place for as many employees as possible. DoD Components are strongly encouraged to sign situational (ad hoc) telework agreements with all telework eligible employees currently without a signed telework agreement.
- **Alternative Work Schedules.** Alternative work schedules (i.e., compressed and flexible work schedules) must be authorized by DoD Component policy. Where civilian employees are represented by a labor union, a collective bargaining agreement must authorize such schedules.
- **Weather and Safety Leave.**
  - Supervisors must authorize weather and safety leave when:
    - An asymptomatic employee is subject to movement restrictions and is not a telework program participant.
    - An asymptomatic employee who is otherwise unable to safely travel to or perform duties at the worksite, as determined by their supervisor, and is not a telework program participant.
  - Supervisors generally may not authorize weather and safety leave to employees who are telework program participants.
- **Other Leave Flexibilities.**
  - Sick leave. If an employee is symptomatic and unable to perform official duties, the employee must use accrued sick leave. Weather and safety leave would not be appropriate. Employees may also use sick leave up to 104 hours to provide care for a family member who is ill. Advanced sick leave may be authorized.
  - Annual leave. Employees may use accrued annual leave for any reason, subject to management's discretion to approve and schedule such time. Advanced annual leave may be authorized.

- Family and Medical Leave Act (FMLA). Employees may take FMLA leave up to a total of 12 workweeks of leave without pay for a serious health condition to care for themselves or a qualifying family member. Certain eligibility and restrictions apply.
- **Early Return of Dependents.** This is an effective tool that allows broad flexibility to allow dependents to move to a more favorable environment for their particular circumstances. The judicious use of this authority enhances quality of life and reduces support requirements in the affected area. Check with Component headquarters to determine appropriate approval authority.

Heads of DoD Components must take the following steps now:

- ✓ Review your continuity of operation (COOP) plan to ensure mission essential functions continue during the mass spread of illness or other health related conditions adversely affecting the population.
- ✓ Ensure the contact information for employees is assembled and up to date.
- ✓ Adjust DoD Component telework policy to allow employees to telework during an emergency (e.g., COOP event, office closure due to adverse or inclement weather, or pandemic health crisis) with a child or other persons requiring care or supervision at home.
- ✓ Review all civilian positions to determine if they are eligible to telework, update telework agreements, and conduct tests to determine technology and processes are in place for effective telework.
- ✓ Determine whether alternative work schedules are authorized, and how best to utilize the variety of types of schedules available to continue operations.
- ✓ Establish methods to exercise good health habits in the workplace at all times.
- ✓ Communicate best practices to the workforce, including:
  - regular hand washing (for at least 20 seconds, using soap and water);
  - avoid touching their eyes/nose/mouth,
  - avoid large gatherings;
  - avoid close contact with people who are sick;
  - contact their healthcare provider if they believe they are becoming sick; and
  - clean and disinfect frequently touched surfaces and objects (e.g., counters, desktops, coffee pots) using regular household spray or wipes.
- ✓ Only those personnel identified in DoD guidance as requiring personal protective equipment (e.g., masks, gloves, etc.) are authorized to procure these items with government funds. Government funds may be used to procure hand sanitizer for placement in a common office location and to procure office cleaning supplies.



## **Questions and Answers for Civilian Personnel on the Novel Coronavirus Outbreak (COVID-19)**

Q1: What if civilian employees traveling abroad fall ill while on temporary duty travel (TDY)? Our agency obtained Department of Defense approval to prepay the costs of emergency healthcare. Please advise if the civilian employees can utilize their Government Travel Charge Card (GTCC) to cover these costs while on TDY.

A1: The GTCC cannot be used to prepay the costs of emergency healthcare. However, the DoD Component does have the flexibility to prepay the cost of emergency healthcare if the situation warrants it. Please reach out to your budget office as they will be able to advise you on how to properly apply DoD Component funds to prepay any medical needs. Furthermore, if the Department of Labor determines the illness is work-related, the employee may be eligible for workers' compensation benefits.

Q2: If a base (or office) closes due to COVID-19 and employees cannot report to the worksite, may an agency authorize Weather and Safety Leave?

A2: Yes, an agency could authorize Weather and Safety leave to non-telework program participants whose office or base is closed. Telework program participants would be expected to continue working and may not receive weather and safety leave.

Q3: What should DoD Components do to prepare to implement social distancing strategies which increase the physical distance among employees and between employees and others?

A3: To mitigate community transmission and protect vulnerable populations, DoD Components may be advised to implement social distancing strategies. Such strategies include the use of telework, teleconferences, and flexible work schedules (e.g., schedules that provide for flexible work days and/or work hours). To prepare to implement such strategies, DoD Components should review their continuity of operation plans. In addition, DoD Components may want to encourage employees eligible to telework but who are not current telework program participants to participate. DoD Components may periodically exercise their telework capabilities to ensure that program participants have the information technology, infrastructure, and procedures needed to support simultaneous telework by multiple employees. In addition, DoD Components could determine how they will conduct operations with high absenteeism rates. For example, it may be appropriate to cross-train personnel on key functions.

Q4: What options are available for DoD civilian employees, whether in the United States or at an overseas location, if schools and child care facilities that their

children attend are closed but the employees are healthy and their workplaces are open?

A4: Employees in these circumstances are not eligible for weather and safety leave. DoD Components may authorize telework participants to telework when there are young children or other persons requiring care and supervision in the case of an emergency. Employees under these circumstances must still account for work and non-work hours during his or her tour of duty and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g., to care for a child or dependent). Employees who are not telework program participants may use annual leave or other paid time off, such as accrued compensatory time or credit hours. If authorized by DoD Component policy, supervisors may authorize alternative work schedules (compressed or flexible work schedules) that provide for flexible work days and/or work hours.

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[Home](#) > Coronavirus Disease 2019 (COVID-19): Additional Guidance

## Coronavirus Disease 2019 (COVID-19): Additional Guidance

Saturday, March 7, 2020

CPM 2020-05



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

### **MEMORANDUM FOR: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES**

**From:** DALE CABANISS, DIRECTOR

**Subject:** Coronavirus Disease 2019 (COVID-19): Additional Guidance

This memorandum and attached questions and answers provides additional guidance for Federal agencies on how to respond to the impacts of Coronavirus Disease 2019 (COVID-19) on the Federal workforce.

The Centers for Disease Control and Prevention (CDC) continues to remind the American public that the immediate health risk from COVID-19 is considered low. (See <https://www.cdc.gov/coronavirus/2019-ncov/summary.html>.) However, it remains critically important that the Federal Government continues to strengthen its efforts to protect the Federal workforce and ensure continuity of operations (COOP).

Therefore, the U.S. Office of Personnel Management (OPM) is providing additional guidance on COVID-19 to the Federal workforce to supplement our previously issued guidance. (See CPM 2020-01, CPM 2020-02, and CPM 2020-04 at [www.opm.gov/covid19](http://www.opm.gov/covid19).)

The questions and answers attached to this memorandum reflect the various inquiries OPM has received from agencies and employees regarding COVID-19 and human resources policies. The topics discussed include:

- Determination of COVID-19 as a Quarantinable Communicable Disease;
- Telework;
- Sick Leave and Other Time Off;
- Weather and Safety Leave;
- Evacuation Payments;
- Employee Relations;
- Hazardous Duty Pay;
- Workplace Protections; and
- Office of Workers Compensation Programs (OWCP).

Agencies are strongly encouraged to continue reviewing and updating their emergency and COOP plans, as needed. The successful incorporation of telework and “social distancing” in COOP and emergency planning will allow the Federal Government to continue functioning efficiently and effectively, while ensuring the health and safety of employees. Agency COOP plans should have telework fully incorporated so that as many employees as possible are working during a COOP activation.

Agencies should immediately review their current telework policies and ensure that written telework agreements are in place for as many employees as possible. Agencies are strongly encouraged to sign situational (ad hoc) telework agreements with all telework eligible employees currently without a signed

telework agreement. Further, agencies should reassess their factors for determining telework eligibility to determine if additional categories of employees may be classified as telework eligible. Finally, OPM encourages agencies to take steps to prepare all telework-ready employees to effectively telework and have access to agency IT systems and networks, as may be necessary, should the conditions from COVID-19 so warrant a Federal office closure. For additional information, please see OPM's Governmentwide Dismissal and Closure Procedures (<https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/dcdismisal.pdf>).

As this is a rapidly evolving situation, OPM will continue to assist and inform agencies and employees regarding the potential impacts of and available responses to COVID-19. OPM will also update our website on a frequent basis to provide the latest guidance and additional questions and answers. The latest guidance and question and answers will be posted here: [www.opm.gov/covid19](http://www.opm.gov/covid19). To sign up for alerts on OPM guidance, please visit: <https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/#url=Listserv>.

### **Additional Information**

Agency headquarters-level human resources offices may contact OPM at [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov) with additional questions or clarifications. Agency field offices should contact their appropriate headquarters-level agency human resources office. Individual employees should contact their agency human resources office. OPM and the Office of Management and Budget will continue to host periodic interagency calls concerning questions and issues that arise about relevant human resource issues.

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, Human Resources Directors, Work-Life Coordinators, Telework Managers, and Federal Executive Boards

Attachment: *See 508-conformant PDF below.*

**Attachment(s):**  [COVID-19 Additional Guidance Questions and Answers 3-7-2020.pdf](#)

## **Questions and Answers on Human Resources Flexibilities and Authorities for Coronavirus Disease 2019 (COVID-19)**

- A. Determination of COVID-19 as a Quarantinable Communicable Disease
- B. Telework
- C. Sick Leave and Other Time Off
- D. Weather and Safety Leave
- E. Evacuation Payments During a Pandemic Health Crisis
- F. Employee Relations
- G. Hazardous Duty Pay Related to Exposure to COVID-19
- H. Workplace Precautions to Prevent Exposure to COVID-19
- I. Office of Workers Compensation Programs (OWCP)

### **A. Determination of COVID-19 as a Quarantinable Communicable Disease**

#### **(1) Is COVID-19 a quarantinable communicable disease pursuant to Executive Order (E.O.) 13295?**

The Centers for Disease Control and Prevention (CDC) has determined that COVID-19 meets the definition for “severe acute respiratory syndromes” set forth in E.O. 13674. Therefore, this novel coronavirus is a “quarantinable communicable disease,” as defined by E.O. 13295, as amended by E.O.s 13375 and 13674.

Additional information on quarantinable communicable diseases is available from the CDC at <http://www.cdc.gov/quarantine/AboutLawsRegulationsQuarantineIsolation.html>.

### **B. Telework**

#### **(1) Should an agency authorize weather and safety leave to a telework program participant who was exposed to a confirmed case of a quarantinable communicable disease, such as COVID-19?**

Use of weather and safety leave would be subject to the normal conditions—for example, weather and safety leave may be granted only if an employee is not able to safely travel to or perform work at an approved location. Thus, an employee who is not a telework program participant would be granted weather/safety leave for quarantine periods under the direction of local or public health authorities. However, in the case of telework program participants, the employee’s home is generally an approved location. Thus, the employee would generally be expected to perform telework at home as long as the employee is asymptomatic. (See 5 CFR 630.1605.) If a telework program participant in these circumstances needs time off for personal reasons, then the employee would be expected to take other personal leave or paid time off (e.g., annual leave or sick leave to care for a family member).

**(2) Generally, how should agencies manage telework during incidences of quarantinable communicable disease, such as COVID-19?**

For an employee covered by a telework agreement, ad hoc telework arrangements can be used as a flexibility to promote social distancing and can be an alternative to the use of sick leave for exposure to a quarantinable communicable disease for an employee who is asymptomatic or caring for a family member who is asymptomatic. An employee's request to telework from home while responsible for such a family member may be approved for the length of time the employee is free from care duties and has work to perform to effectively contribute to the agency's mission. The Telework Enhancement Act of 2010 requires agencies to incorporate telework into their continuity of operations plan. Agencies should have written telework agreements in place with as many employees who are willing to participate and communicate expectations for telework in emergency situations.

It is important for an agency to have a solid technology infrastructure established to support a high level and volume of connectivity, so employees can work seamlessly from their alternate locations (e.g., home) and maintain established records and security requirements. Managers, employees, and organizations must remain flexible and adapt to the changing environment.

**(3) In the event that local school systems are closed due to COVID-19, but Federal offices remain OPEN, is it permissible for a telework program participant to perform telework with a child in the home?**

An agency that has a general bar on teleworking when there are young children or other persons requiring care and supervision may choose to adjust its policies to allow, as a special exception, telework in those circumstances in the case of an emergency, such as the COVID-19 situation. Under such an exception policy, a teleworking employee would be expected to account for work and non-work hours during his or her tour of duty and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g., to care for small children).

Agencies should address in their telework policies potential situations that may prevent or impact an employee's ability to effectively perform his or her duties at home. This includes policies regarding the conditions under which employees may telework, even if they have a young child or other person requiring the presence of a caregiver in the home. (For additional information please see OPM Guidance on Telework and Dependent Care at: <https://www.telework.gov/guidance-legislation/telework-guidance/telework-and-dependent-care/>.)

If an agency policy bars an employee from teleworking at his or her home when there is a child or elder care situation, then the home is not an approved location under OPM's regulations. Since Federal offices remain OPEN, agencies may not authorize weather and safety leave to employees who cannot telework with children in the home. Employees should either report to their worksite or request annual leave or other paid time off if they are unable to report to the worksite.

**(4) In the event that local school systems are closed due to COVID-19 and Federal offices are CLOSED, is it permissible for a telework program participant to perform telework with a child in the home?**

An agency that has a general bar on teleworking when there are young children or other persons requiring care and supervision may choose to adjust its policies to allow, as a special exception, telework in those circumstances in the case of an emergency, such as the COVID-19 situation. Under such an exception policy, a teleworking employee would be expected to account for work and non-work hours during his or her tour of duty and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g., to care for small children).

Agencies should address in their telework policies potential situations that may prevent or impact an employee's ability to effectively perform his or her duties at home. This includes policies regarding the conditions under which employees may telework, even if they have a young child or other person requiring the presence of a caregiver in the home. (For additional information please see OPM Guidance on Telework and Dependent Care at: <https://www.telework.gov/guidance-legislation/telework-guidance/telework-and-dependent-care/>.)

If an agency policy bars an employee from teleworking at his or her home when there is a child or elder care situation, then the home is not an approved location under OPM's regulations. Since Federal offices remain CLOSED, agencies may authorize weather and safety leave to employees who cannot telework with children in the home under agency policies and cannot safely travel to or perform work at the regular office location.

**(5) What happens if an employee does not have a sufficient amount of work to perform to cover the entire telework day during incidences of COVID-19?**

An employee must always have a sufficient amount of work to perform throughout the workday when he or she teleworks. An employee performing telework who does not have enough work must notify his or her supervisor and receive additional work or discuss leave options such as annual leave, advanced annual leave, other paid time off (e.g., earned compensatory time off, earned credit hours), or leave without pay.

**(6) Does an agency possess the authority to have their telework program participants work from home during an agency closure due to COVID-19?**

Yes. During an agency closure due to COVID-19, when an agency Continuity of Operation Plan (COOP) has not been initiated and the World Health Organization has NOT declared a pandemic, telework program participants will generally be expected to continue working from home. All telework program participants will be ineligible for weather and safety leave during a closure except in rare circumstances when one of the exceptions under 5 CFR 630.1605(a)(2) applies. They must telework for the entire workday, take other leave (paid or unpaid) or other time off, or use a combination of telework and leave or other paid time off. (Note: A telework program participant may also be referred to as a "telework-ready" employee.) For more information, please see:

<https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/dcdissmissal.pdf>.

**(7) Can an agency order an employee to telework during a COOP event?**

Yes. The Telework Enhancement Act of 2010 states that “each executive agency shall incorporate telework into the continuity of operations plan of that agency.” Employees participating in an agency telework program can be leveraged during a COOP activation. If an agency COOP plan is in operation, that plan “shall supersede any telework policy,” (see 5 U.S.C. 6504(d)(2)) and allow greater flexibility to expand telework to a larger segment of the workforce in support of agency operations) so that as many employees as possible are working during a COOP activation.

**C. Sick Leave and Other Time Off**

**(1) If an employee, who has been receiving weather and safety leave due to exposure to COVID-19, becomes symptomatic (ill), should he or she continue to receive weather and safety leave?**

No. Sick leave would be used to cover such a period of sickness, as provided in 5 CFR 630.401(a)(2). Agencies must grant sick leave when an illness, such as COVID-19, prevents an employee from performing work.

**(2) If an employee runs out of sick leave, can the agency grant advanced sick leave to an employee who is ill (symptomatic) due to a quarantinable communicable disease, such as COVID-19, or must care for a family member who is ill?**

Yes. However, while sick leave may be advanced at an agency’s discretion, it is not an employee entitlement. The sick leave regulations allow an employee to be advanced sick leave for exposure to a quarantinable communicable disease, subject to the limitations below:

- 240 hours (30 days) may be advanced if the employee would jeopardize the health of others by his or her presence on the job because of exposure to a quarantinable communicable disease;
- 104 hours (13 days) may be advanced if the employee is providing care for a family member who would jeopardize the health of others by his or her presence in the community because of exposure to a quarantinable communicable disease.

**(3) Must an employee have a doctor’s note if requesting to use sick leave for 3 days or more due to an illness from a quarantinable communicable disease, such as COVID-19?**

Not necessarily. Under OPM’s regulations (5 CFR 630.405(a)), an agency may grant sick leave only when the need for sick leave is supported by administratively acceptable evidence. An agency may consider an employee’s self-certification as to the reason for his or her absence as administratively acceptable evidence, regardless of the duration of



the absence. An agency may also require a medical certificate or other administratively acceptable evidence as to the reason for an absence for any of the purposes for which sick leave is granted for an absence in excess of 3 workdays, or for a lesser period when the agency determines it is necessary. Supervisors should use their best judgment and follow their agency's internal practices for granting sick leave. Agencies should also be mindful about the burden and impact of requiring a medical certificate.

**(4) If an employee is healthy but chooses to stay home because he or she has been in direct contact with an individual exposed to a quarantinable communicable disease, such as COVID-19, in what pay/leave status is the employee placed?**

An employee, covered by a telework agreement, may request to telework with the permission of the supervisor. Agencies could also consider expanding telework to any telework eligible employees to provide additional flexibility for employees. For employees who are not currently covered by a telework agreement, agencies may also consider whether an employee has some portable duties (e.g., reading reports; analyzing documents and studies; preparing written letters, memorandums, reports and other correspondence; setting up conference calls, or other tasks that do not require the employee to be physically present), that would allow him/her to telework on a situational basis. An ad-hoc telework agreement should be signed to cover the period the employee is permitted to work from the approved alternate location (e.g., home).

An employee may also request to take annual leave, advanced annual leave, other paid time off (e.g., earned compensatory time off, earned credit hours), or leave without pay. An agency may not authorize weather and safety leave to an employee under this scenario. The use of sick leave would be limited to circumstances where an employee has become symptomatic (ill) due to a quarantinable communicable disease, such as COVID-19.

**(5) If an employee is healthy but stays home because his or her asymptomatic family member has been quarantined due to exposure to COVID-19, in what pay/leave status is the employee placed?**

Currently, an employee may use annual leave, advanced annual leave, other paid time off (e.g., earned compensatory time off, earned credit hours), or leave without pay to care for a family member who is healthy but has been quarantined due to COVID-19. An employee, covered by a telework agreement, may be able to telework pursuant to an ad hoc arrangement with the permission of the supervisor during the quarantine period. Provided the employee has telework capabilities and sufficient work to perform, the agency should be flexible in determining whether the employee can accomplish his or her duties from home while caring for a family member. An employee may telework during the time he or she is not responsible for caring for a family member and must request annual leave, advanced annual leave, other paid time off (e.g., earned compensatory time off, earned credit hours), or leave without pay while caring for a family member. (See section B, Telework for more information.)

## **D. Weather and Safety Leave**

### **(1) Can agencies approve weather and safety leave for an employee who has been exposed to a quarantinable communicable disease, such as Coronavirus Disease 2019 (COVID-19)?**

Agencies may authorize weather and safety leave for an asymptomatic employee who is subject to movement restrictions (quarantine or isolation) under the direction of public health authorities due to a significant risk of exposure to a quarantinable communicable disease, such as COVID-19. (See Section B, Telework, for more information regarding general restrictions on the use of weather and safety leave for telework program participants.)

### **(2) If an employee is healthy but stays at home because he/she has been in direct contact with an individual infected with a quarantinable communicable disease such as COVID-19, should an agency authorize weather and safety leave?**

An agency may authorize weather and safety leave to an employee exposed to COVID-19, even if asymptomatic, if a local health authority determines the employee would jeopardize the health of others if allowed to return to work. Employees should refer to CDC guidance (<https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-business-response.html>) for how to conduct a risk assessment of their potential exposure. (See Section B, Telework, for more information regarding general restrictions on the use of weather and safety leave for telework program participants.)

### **(3) If an employee must stay home to care for an asymptomatic family member who was exposed to a quarantinable communicable disease, such as COVID-19, should an agency authorize weather and safety leave?**

No. An agency should not authorize weather and safety leave in this instance. An employee who is healthy and is caring for an asymptomatic family member may request annual leave, advanced annual leave, other paid time off (e.g., earned compensatory time off, earned credit hours), or leave without pay for the period of absence from his or her job. In addition, an employee who is caring for an asymptomatic family member who has been exposed to a quarantinable communicable disease and who is covered by a telework agreement may also request to telework pursuant to an ad hoc arrangement to the extent possible. (See section B, Telework, for more information.)

If the employee's family member becomes symptomatic (ill) with a quarantinable communicable disease, such as COVID-19, sick leave to care for a family member with a serious health condition would be appropriate. (See section C, Sick Leave and Other Time Off, for more information.)

## **E. Evacuation Payments During a Pandemic Health Crisis**

- (1) If a local or state health office makes a determination that COVID-19 has become a public health emergency, could a Federal agency use the evacuation payment authority found at 5 CFR 550.409?**

No. OPM regulations permit this authority to be utilized in connection with communicable diseases only in the context of a declared pandemic health crisis. The World Health Organization (WHO) makes the determination of when a pandemic is occurring.

- (2) If the WHO declares COVID-19 to be a pandemic, can an agency order one or more employees to evacuate their worksite and work from home?**

Yes. 5 CFR 550.409(a) allows an agency to order its employees to evacuate their regular worksites and work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis.

- (3) During a pandemic health crisis, can an agency order an employee to work from home (or an alternative location mutually agreeable to the agency and the employee) if the employee does not have a telework agreement?**

Yes. An agency may order an employee to work from home (or an alternative location mutually agreeable to the agency and the employee) without regard to whether the agency and the employee have a telework agreement in place at the time the order to evacuate is issued. Agencies should consult with offices of human resources and general counsel to determine appropriate collective bargaining obligations where bargaining unit employees are impacted.

- (4) What type of work may an agency assign to an evacuated employee?**

Under OPM regulations, an agency may assign any work considered necessary without regard to the employee's grade or title. However, an agency may not assign work to an employee unless the agency knows the employee has the necessary knowledge and skills to perform the assigned work.

- (5) If an employee is forced to incur additional costs due to working from home (e.g., purchasing a computer or internet service), may an agency provide payments to offset those expenses?**

The agency head, in his or her sole and exclusive discretion, may grant special allowance payments, based on a case-by-case analysis, to offset the direct added expenses incidental to performing work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. (See 5 CFR 550.409(b).) An employee is **not** entitled to special allowance payments for increased costs during an evacuation unless specifically approved by the agency head.

## **F. Employee Relations**

**(1) If an employee comes to work and shows symptoms of illness, what should the supervisor do? May the employee be placed on excused absence (administrative leave), and if so, for how long? What is needed before the employee can return to work?**

When a supervisor observes an employee at the workplace exhibiting medical symptoms, he or she can express general concern regarding the employee's health and remind the employee of his or her leave options for seeking medical attention, such as requesting sick or annual leave. Supervisors may refer to CDC's Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) for some tips on how to handle employees showing symptoms of acute respiratory illness. See <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-business-response.html>. However, supervisors of federal employees should consider this guidance in conjunction with OPM guidance for the federal workforce.

If the employee has no leave available, supervisors are authorized to approve requests for advanced leave or leave without pay in certain circumstances. When these leave options are not practical, a viable alternative, when the employee is covered by a telework agreement, is for the employee to work from home for social distancing purposes pursuant to an ad hoc arrangement approved by the employee's supervisor. Of course, the feasibility of working from home is dependent on several factors, including the nature of the employee's duties, the availability of any necessary equipment (personal computer, etc.), and computer and communication connectivity.

If none of the above options are possible, agencies have the authority to place an employee on excused absence (administrative leave) and order him or her to stay at home or away from the workplace. The duration of any such excused absence (administrative leave) is dependent on the specific circumstances but is typically a short period. Placing an employee on excused absence (administrative leave) is fully within an agency's discretion and does not require the consent or request of the employee. Supervisors should not place an employee on excused absence (administrative leave) without first consulting with their human resources (HR) staff and general counsel to review agency policy, collective bargaining agreements, and applicable law with respect to any applicable collective bargaining provisions.

An employee who is quarantined under the direction of health care authorities should not be reporting to the normal worksite. The employee's supervisor should offer the quarantined employee the option of ad hoc telework to the maximum extent possible. The quarantined employee may be granted advanced sick leave for the quarantine period, at the employee's request. Other options include annual leave, advanced annual leave, or donated annual leave.

Before an employee returns to work, the employee's supervisor should consult with HR and general counsel regarding procedures for requesting administratively acceptable

medical documentation in accordance with applicable policies, collective bargaining agreements, and laws.

**(2) If no medical official is present at a Federal building, who assesses employees and orders them home if they appear ill?**

Supervisors may require an employee to take leave or stay away from the worksite based on objective evidence only (not suspicion). Supervisors should obtain assistance from HR staff or on-site employee health services (if available), as the action may require compliance with adverse action procedures.

Objective evidence will depend on the facts of each case. Objective evidence could consist of a statement from the health authorities having jurisdiction or from a health care provider that the employee is physically unable to work or poses a danger to other employees or knowledge the employee resides in an area that has been quarantined. Consultation with public health officials may be appropriate. Less definitive, but potentially sufficient, evidence would be the employee making specific comments about being exposed to pandemic influenza or to a quarantinable communicable disease such as COVID-19 (e.g., taking care of a sick relative or friend). If such comments are made, supervisors should consult with HR and general counsel to assess whether a determination from a public health official is appropriate and necessary.

Human resources offices and agency legal counsel should be contacted to determine the best course of action based on objective evidence. Employee relations specialists and agency legal counsel have the necessary knowledge to assist supervisors and managers with options, such as telework, and appropriate actions arising from an outbreak of a quarantinable communicable disease or pandemic influenza. HR staff should check OPM's website ([www.opm.gov](http://www.opm.gov)) and the CDC website ([www.cdc.gov](http://www.cdc.gov)) on a regular basis to stay current.

While consideration may be given to directing the employee to leave the workplace and either placing him or her on enforced leave or effecting an indefinite suspension after appropriate adverse action procedural requirements are satisfied, the human resources office and agency legal counsel should be contacted to ensure these types of adverse actions are permissible and defensible under the circumstances, and if appropriate, how to implement these types of actions. Excused absence (administrative leave) may be used if other options are exhausted and if it is necessary to prevent an employee from being at the worksite and putting other employees at risk before a supervisor can appropriately place an employee on enforced leave or indefinite suspension. (See additional discussion on enforced leave in question F3 below.)

**(3) Can an agency mandate an employee exposed to a quarantinable communicable disease or infected with COVID-19 to remain away from the workplace for a specified period?**

The CDC or other health agency will provide information related to the length of time an individual remains contagious, as well as current recommendations for social distancing,

etc. For information specific to COVID-19, please view CDC's web site at <https://www.cdc.gov/coronavirus/2019-ncov/index.html>. In the case of an epidemic or pandemic, agency personnel actions aimed at preventing the spread of a disease may be taken because of the guidance or directive of public health officials regarding the general danger to public health.

Generally, an agency should not prohibit an employee from reporting to work unless it has evidence or a reasonable concern that an employee is physically unable to perform his or her job, or their presence in the workplace poses a risk of infection to others. Whenever possible, sick employees should be encouraged to take leave, such as sick leave, annual leave, advanced leave, other paid time off (e.g., earned compensatory time off, earned credit hours), or leave without pay. Excused absence (administrative leave) may be used if other options are not feasible and it is necessary to prevent an employee from being at the worksite and possibly putting other employees at risk. Excused absence is a paid, non-duty status that does not require the employee's consent or request and does not trigger adverse action procedures. In addition, excused absence can provide time for the agency to seek appropriate evidence regarding the employee's health. In other cases, such as when an employee refuses to take leave voluntarily, a supervisor may find it appropriate to enforce the employee's use of leave. Supervisors should consult with appropriate HR staff and general counsel before taking such a step, because enforced leave is an adverse action that imposes procedural requirements (i.e., advance notice, an opportunity to reply, the right to representation, and an agency decision) before actually enforcing the use of leave. Enforced leave of 14 days or less may be subject to agency administrative grievance procedures or negotiated grievance procedures. In addition, enforced leave lasting longer than 14 days may be appealed to the Merit Systems Protection Board (MSPB) or potentially grieved under any applicable negotiated grievance procedure. Supervisors need to consult with their HR office and legal counsel when deciding to enforce the use of leave, to ensure that the action is permissible and defensible before a third party.

**(4) Does an agency have the right to solicit medical documentation when the employee is requesting sick leave? May an agency require all staff to be tested and treated for a quarantinable communicable disease, such as COVID-19?**

Agency policy and collective bargaining agreements may have provisions for requesting medical documentation from an employee. Accordingly, agencies should consult with their HR office and general counsel for guidance. An agency may grant sick leave only when supported by evidence administratively acceptable to the agency. For absences in excess of 3 days, or for a lesser period when determined necessary by the agency, an agency may require a medical certificate or other administratively acceptable evidence.

Under current rules, management may require medical evaluation or screening only when the need for such evaluation is supported by the nature of the work (see 5 CFR 339.301). Attempts on the part of a supervisor to assume a particular medical diagnosis based on observable symptoms is very problematic and should be avoided. However, when a supervisor observes an employee exhibiting symptoms of illness, he or she may express concern regarding the employee's health and remind the employee of his or her

leave options for seeking medical attention, such as requesting sick or annual leave. If the employee has no leave available, supervisors are authorized to approve requests for advanced leave or leave without pay in certain circumstances. Agencies should also note the provisions of 5 CFR 630.401(a)(5), which require the approval of requests for sick leave if an employee is determined by the health authorities having jurisdiction or by a health care provider, to “jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.”

**(5) Under what circumstances should an agency communicate to its employees that there is a confirmed case among one or more of its employees (without identifying the person/specific office)?**

The infected employee’s privacy should be protected to the greatest extent possible; therefore, his or her identity should not be disclosed. In an outbreak of quarantinable communicable disease or COVID-19, management should share only that information determined to be necessary to protect the health of the employees in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). Supervisors should consult with their agency general counsel to determine what information is releasable. Employees exposed to a co-worker with confirmed COVID-19 should refer to CDC guidance for how to conduct a risk assessment of their potential exposure at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/assess-manage-risk.html>.

If social distancing, information sharing, or other precautions to assist employees in recognizing symptoms or reducing the spread of the illness can be taken without disclosing information related to a specific employee, that is the preferred approach.

Managers should work with their workplace safety contacts and local health officials to stay apprised of information regarding transmission of the illness and precautions that should be taken to reduce the spread of influenza or any other contagious disease in the workplace. Managers should treat this as they would any other illness in the workplace and continue to protect employee privacy interests while providing sufficient information to all employees related to protecting themselves against the spread of illness.

**G. Hazardous Duty Pay Related to Exposure to COVID-19**

**(1) May an employee receive hazard pay differentials or environmental differential pay if exposed to COVID-19 through the performance of assigned duties?**

General Schedule (GS) employees may receive additional pay for the performance of hazardous duty or duty involving physical hardship. (5 U.S.C. 5545(d) and 5 CFR part 550, subpart I). Appendix A to subpart I of part 550 of title 5, Code of Federal Regulations, contains a list of approved hazard pay differentials. For example, a 25 percent hazard pay differential is authorized for employee exposure to “virulent biologicals, “ which is defined as ‘work with or in close proximity to...[m]aterials of micro-organic nature which when introduced into the body are likely to cause serious disease or fatality and for which protective devices do not afford complete protection.’

To be eligible for the hazard pay differential, the agency must determine that the employee is exposed to a qualifying hazard through the performance of his or her assigned duties and that the hazardous duty has not been taken into account in the classification of the employee's position. A hazard pay differential is not payable if safety precautions have reduced the element of hazard to a less than significant level of risk, consistent with generally accepted standards that may be applicable. (See 5 CFR 550.904-550.906 for further information and exceptions.) OPM does not determine when hazard pay differentials must be paid; agencies have the responsibility and are in the best position to determine whether duties performed by employees meet the regulatory requirements for hazard pay. Thus, agency managers, in consultation with occupational safety and health experts, must determine whether an employee is entitled to hazard pay on a case-by-case basis.

Prevailing rate (wage) employees may receive an environmental differential when exposed to a working condition, physical hardship, or hazard of an unusually severe nature. (See 5 U.S.C. 5343(c)(4) and 5 CFR 532.511.) A list of approved differentials is contained in Appendix A to subpart E of part 532, of title 5, Code of Federal Regulations. As with hazard pay differentials, determinations as to whether an employee qualifies for an approved environmental differential must be made by agencies on a case-by-case basis.

**(2) May an employee who has been exposed incidentally to COVID-19 (i.e., in a manner not directly associated with the performance of assigned duties) receive a hazard pay differential for exposure to “virulent biologicals”?**

No. OPM's regulations define exposure to “virulent biologicals” as “work with or in close proximity to . . . [m]aterials of micro-organic nature which when introduced into the body are likely to cause serious disease or fatality and for which protective devices do not afford complete protection.” (See Appendix A to subpart I of part 550 of title 5, Code of Federal Regulations.) Agencies may pay a hazard pay differential to a General Schedule employee for exposure to “virulent biologicals” only when the risk of exposure is directly associated with the performance of assigned duties. An employee may not receive a hazard pay differential under the “virulent biologicals” category if exposure to a qualifying virus was not triggered by the performance of assigned duties. The hazard pay differential cannot be paid to an employee who may come in contact with the virus or another similar virus through incidental exposure to the public or other employees who are ill rather than being exposed to the virus during the performance of assigned duties (e.g., as in the case of a poultry handler or health care worker). Also, the virus must be determined to be likely to cause serious disease or fatality for which protective devices do not afford complete protection.

Federal Wage System (FWS) employees may not receive an environmental differential for incidental exposure to the pandemic COVID-19. The environmental differential for FWS employees is additional pay for job-related exposure to hazards, physical hardships, or working conditions of an unusually severe nature which cannot be eliminated or significantly reduced by preventive measures. The environmental differential is not



intended to compensate employees for exposure to a safety risk unrelated to their assigned duties.

**(3) Where can I find the various hazardous duty pay and environmental differentials?**

For General Schedule (GS) employees, hazardous duty pay differentials are established under 5 CFR 550, Appendix A to subpart I. For Federal Wage System employees, pay administration rules for environmental differentials are found in 5 CFR 532.511. Environmental differential pay categories are listed in Appendix A to subpart E of 5 CFR part 532.

**(4) Can employees receive hazardous duty pay or environmental differential pay for potential exposure to COVID-19?**

No. There is no authority within the hazardous duty pay or environmental differential statutes to pay for *potential* exposure. To pay hazardous duty pay or environmental differential pay for an unusual physical hardship or hazard covered under the regulations, a local installation must find that there is credible evidence that an employee was actually exposed.

**H. Workplace Precautions to Prevent Exposure to COVID-19**

**(1) If an employee works in an occupation at risk for exposure to a quarantinable communicable disease such as COVID-19, what can he or she do to stay safe and prevent the spread of the disease to others?**

The Occupational Safety and Health Administration (OSHA) published guidance and recommended measures to help prevent occupational exposure to COVID-19 in Federal workplaces. See OSHA's COVID-19 guidance at <https://www.osha.gov/SLTC/covid-19/index.html>.

See also CDC guidance: <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-business-response.html>.

**I. Office of Workers Compensation Programs (OWCP)**

**(1) Where can Federal employees find information on workers compensation benefits related to COVID-19?**

Information on worker's compensation benefits for Federal employees related to COVID-19 can be found at <https://www.dol.gov/owcp/dfec/InfoFECACoverageCoronavirus.htm>.

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## Preliminary Guidance to Agencies during Coronavirus Disease 2019 (COVID-19)

Tuesday, March 3, 2020

CPM 2020-04



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

### **MEMORANDUM FOR: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES**

**From:** DALE CABANISS, DIRECTOR

**Subject:** Preliminary Guidance to Agencies during Coronavirus Disease 2019 (COVID-19)

On March 3, 2020, President Donald J. Trump announced the formation of the White House Coronavirus Task Force (the Task Force). The Task Force leads the Administration's efforts to monitor, contain, and mitigate the spread of the virus, while ensuring that the American people have the most accurate and up-to-date health and travel information.

At the direction of the Task Force, the U.S. Office of Personnel Management (OPM) provides the following preliminary guidance to the Heads of Executive departments and agencies to prepare the Federal workforce for the potential impacts of Coronavirus Disease 2019 (COVID-19). OPM coordinated this guidance with the National Security Council (NSC), Office of Management and Budget (OMB), Department of State (DoS), the Centers for Disease Control and Prevention (CDC), the Occupational Safety and Health Administration (OSHA), General Services Administration (GSA), Federal Emergency Management Agency (FEMA), and the Federal Protective Service (FPS). This preliminary guidance addresses Federal workforce posture, management of visitors to Federal facilities, and domestic and international travel by Federal employees.

### **Human Resources Flexibilities for Federal Employees**

Over the past month, OPM has released [CPM 2020-01](#) and [CPM 2020-02](#) reminding agencies of the various human resources flexibilities available to assist agencies.

#### Telework and Federal Mission Resilience

To be prepared for COVID-19, departments and agencies must incorporate telework in their continuity of operations (COOP) plans. The Telework Enhancement Act of 2010 states that "each executive agency shall incorporate telework into the continuity of operations plan of that agency." *See* 5 U.S.C. § 6504(d) (1). If an agency COOP plan is in operation, that plan "shall supersede any telework policy." *See* 5 U.S.C. § 6504(d) (2). Therefore, agencies should immediately review their current COOP plans to ensure that telework has been fully incorporated and that as many employees as possible have been identified as telework employees in the plan, and are telework capable (or "telework ready").

FEMA advises that departments and agencies continue to monitor and prepare for any circumstances that may hinder the performance of essential functions and continue to submit Continuity Status Reports (CSRs) in accordance with Federal Continuity Directive 1.

OPM and OMB plan to host periodic interagency calls concerning questions and issues that arise about relevant human resource issues. In the meantime, agency headquarters-level human resources offices may contact OPM at [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov) with questions about human resources flexibilities. Agency field offices should contact their appropriate headquarters-level agency human resources office. Individual employees should contact their agency human resources office.

### **CDC Guidance**

The CDC continues to update the American public that the immediate health risk from COVID-19 is low at this time. Nevertheless, Federal agencies should review their plans and continue their preparations since this is an emerging, rapidly evolving situation. CDC will provide updated information on the [CDC website](#). Additionally, CDC and the National Institute for Occupational Safety and Health (NIOSH) have created a page to highlight resources available for the protection of U.S. workers in all settings. *See [CDC/NIOSH worker resources](#)*

In addition, the CDC's interim guidance may help prevent workplace exposures to acute respiratory illnesses, including COVID-19, in non-healthcare settings, where it is unlikely that work tasks create an increased risk of exposure to COVID-19. The guidance also provides planning considerations for widespread, community outbreaks of COVID-19. *See [Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#)*

CDC also recommends everyday preventive actions to help mitigate the spread of respiratory diseases. Find a list of these preventive actions at [CDC Prevention and Treatment Actions](#).

Employees who have symptoms of acute respiratory illness are recommended to stay home and not come to work until they are free of fever (100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). Employees should notify their supervisor and stay home if they are sick.

CDC recommends that employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work or become sick during the day should be separated from other employees and be sent home immediately. Sick employees should cover their noses and mouths with a tissue when coughing or sneezing (or an elbow or shoulder if no tissue is available).

For further guidance on workplace safety and health for Federal agencies and employees, please visit: [OSHA.gov/covid-19](https://www.osha.gov/covid-19)

### **Domestic Travel for Federal Employees**

The intent of this travel guidance is not to be prescriptive, but to present a framework for decision making among the departments and agencies. All agencies shall review their travel policies and begin to reduce non-essential travel as appropriate.

Employees planning domestic travel should routinely check [COVID-19 Information for Travel](#) for information about COVID-19 for travelers and travel-related industries and take into consideration the location and purpose of their travel.

### **International Travel for Federal Employees**

Federal employees that have spent time in certain countries or specific regions within countries that have been designated by the U.S. Department of State as Level 4 (Do Not Travel) due to COVID-19 are advised to stay at home and monitor their health for 14 days after returning to the U.S. Federal employees should seek medical advice if they get sick with fever, cough, or difficulty breathing.

Level 4 designated locations can be found at [Department of State Destination Travel Advisories](#).

This guidance does not require immediate cancellation of pre-planned, conferences/large meetings that are not located in areas with a Level 4 travel advisory.

Federal employees planning to travel to other overseas destinations are advised to individually review the U.S. Department of State's [Travel.State.Gov](#) website for up-to-date overseas [travel information for destination countries](#) and the [Emergency Alert for Coronavirus](#) page. Approval for travel to any country outside the CONUS is approved by the Chief of Mission for that country. This is usually the Ambassador or his/her designee. Travel advisories are directly available at [Department of State Travel Advisories](#). All Federal employees seeking to travel overseas for official purposes should complete the Department of State's "eCountry Clearance" process. Once registered, users will receive up-to-date travel information. Final approval for travel to any country is at the discretion of the Chief of Mission. The "eCountry Clearance" system is available via "myServices" or at [myServices eCountry Travel Registration](#). Please start the process of requesting overseas travel as early as possible. All USG staff must also obtain all necessary Department of State clearances and attend required trainings.

Travelers should consult the CDC's [guidelines for the prevention of coronavirus](#) and visit the [CDC Travelers' Health Page](#) for information on specific country health conditions.

### **Guidance on Visitor Access to Federal Offices and Buildings**

The Interagency Security Committee has established standards for day-to-day risk management of Federal facilities. State and Federal health officials are providing ongoing guidance to Federal agencies regarding control and containment of COVID-19 exposure. Based on that health guidance, the Facility Security Committee (FSC) and/or Designated Official (DO) in each Federal facility has the authority and discretion to set requirements for admission to Federal property. See 41 CFR §102-74.375. Agencies should contact their respective FSC or DO for any further developments on visitor access.

At Federal Protective Services (FPS) protected facilities, FPS will work with the FSC and/or DO to implement and enforce any new requirements as necessary. At non-FPS protected facilities, this role is the responsibility of the individual facility security organization. Agencies should contact their respective FSC, DO, or security organization for any developments related to protection of facilities.

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, Human Resources Directors, Work-Life Coordinators, Telework Coordinators, and Federal Executive Boards

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## Human Resources Flexibilities Available for Federal Employees Impacted by the 2019 Novel Coronavirus

Friday, February 7, 2020  
CPM 2020-02



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

### **MEMORANDUM FOR: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES**

**From:** DALE CABANISS, DIRECTOR

**Subject:**

Human Resources Flexibilities Available for Federal Employees Impacted by the 2019 Novel Coronavirus

The U.S. Office of Personnel Management (OPM) is releasing additional guidance to assist agencies and employees in responding to any concerns about exposure to the 2019 Novel Coronavirus (2019-nCoV). As stated in [CPM 2020-01](#), OPM convened a working group of key agencies to determine what human resources guidance was needed in response to 2019-nCoV. After discussions with the working group, OPM determined that detailed guidance on human resources (HR) flexibilities was needed. The attachment to this memorandum provides information on various HR flexibilities that may be utilized by agencies and employees during periods when employees are subject to quarantine or isolation in connection with 2019-nCoV.

OPM will continue meeting with the working group to determine if further HR guidance on 2019-nCoV is needed. Agencies are strongly encouraged to monitor the Centers for Disease Control and Prevention (CDC) [2019-nCoV website](#) for updates. OPM will continue to coordinate with the CDC and the agency working group to identify Federal workforce impacts, direct agencies to the latest information on 2019-nCoV, and provide agencies with any necessary guidance on HR flexibilities and authorities.

### **Additional Information**

Agency headquarters-level human resources offices may contact OPM at [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov). Agency field offices should contact their appropriate headquarters-level agency human resources office. Individual employees should contact their agency human resources office.

Attachment (see 508-conformant PDF below)

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, Human Resources Directors, and Work-Life Coordinators

**Attachment(s):**  [Coronavirus Memo Attachment.pdf](#)

## Human Resources Flexibilities and Authorities for the 2019 Novel Coronavirus

The U.S. Office of Personnel Management (OPM) reminds agencies that a wide range of human resources (HR) flexibilities and authorities are available to assist employees and agencies in dealing with the 2019 Novel Coronavirus (2019-nCoV) or other quarantinable communicable diseases. 2019-nCoV, first detected in Wuhan, Hubei Province, China, has caused heightened public awareness about potential health impacts. This attachment provides agencies with information on leave and other workplace flexibilities and authorities that can be utilized during any potential outbreak of 2019-nCoV. Agencies are expected to implement policies consistent with laws, regulations, collective bargaining agreements, and OPM guidance.

Note: For purposes of this guidance, the term “quarantinable communicable disease” generally means a disease for which Federal isolation and quarantine are authorized. Isolation may be used to separate people with a contagious disease from people who are not sick in order to stop the spread of that illness. Quarantine may be used to separate and restrict the movement of people who were exposed to a contagious disease to see if they become sick and to prevent the possible spread of that disease to others. Agencies should refer to the list of quarantinable communicable diseases, which are defined by Executive Order 13295 and include “severe acute respiratory syndromes,” such as 2019-nCoV. (See <http://www.cdc.gov/quarantine/AboutLawsRegulationsQuarantineIsolation.html>.) Under certain circumstances, the Centers for Disease Control and Prevention (CDC) or a state or local health department may determine that exposure to a quarantinable communicable disease would jeopardize the health of others, and that quarantine of the exposed individual is warranted to protect the public’s health. If the disease is not a quarantinable communicable disease, as defined by Executive Order, and a health authority or health care provider has concerns that exposure to the disease could jeopardize the health of others, the health authority or health care provider should contact the CDC for evaluation of the risk factors and further recommendation.

### I. Leave and Other Paid Time Off

The Federal Government offers numerous leave and workplace flexibilities to assist employees during incidences of quarantinable communicable diseases (such as 2019-nCoV). Under current law and regulations, agencies may authorize weather and safety leave when certain criteria are met as discussed below. When appropriate, employees may also use sick leave, annual leave, advanced annual and/or sick leave, Family and Medical Leave Act leave, leave without pay, donated leave under the Voluntary Leave Transfer and Leave Bank Programs, and other paid time off such as compensatory time off and credit hours earned under flexible work schedules.

**Weather and Safety Leave.** OPM has determined that agencies may authorize weather and safety leave when an asymptomatic employee (i.e., healthy, not displaying symptoms of the given disease) is subject to movement restrictions (quarantine or isolation) under the direction of public health authorities due to a significant risk of exposure to a quarantinable communicable disease, such as 2019-nCoV. This determination is based on the significant safety risks for other employees and the general public that would be incurred if such an employee were allowed to

travel to and perform work at the employee's normal worksite. (NOTE: The use of weather and safety leave would not be appropriate in cases of communicable diseases that have not been designated as quarantinable by public health authorities, since they do not pose the same high degree of safety risks for the public.) Use of weather and safety leave would supersede the use of sick leave as would have otherwise been allowed in these circumstances under OPM's sick leave regulations at 5 CFR 630.401(a)(5). Use of weather and safety leave would be subject to the normal conditions—for example, weather and safety leave may be granted only if an employee is not able to safely perform work at an approved location. Thus, an employee who is not a telework program participant would be granted weather/safety leave for quarantine periods based on potential exposure. However, in the case of telework program participants, the employee's home is generally an approved location. Thus, the employee would generally be expected to perform telework at home as long as the employee is asymptomatic. (See 5 CFR 630.1605.) If a telework program participant in these circumstances needs time off for personal reasons, then the employee would be expected to take other personal leave or paid time off (e.g., annual leave or sick leave to care for a family member). If an employee (whether or not a telework program participant) is diagnosed as being infected, or likely has been infected, with a quarantinable communicable disease, such as 2019-nCoV, use of weather and safety leave would be inappropriate. Accrued or advanced sick leave would normally be used to cover such a period of sickness, as provided in 5 CFR 630.401(a)(2). Agencies must grant sick leave when an illness prevents an employee from performing work. If the employee exhausts the available sick leave, other paid leave or paid time off may also be available to an employee, as described in this guidance document.

**Sick Leave.** An employee is entitled to use an unlimited amount of accrued sick leave when he or she is unable to perform his or her duties due to physical or mental illness or is receiving medical examination or treatment. An employee who is symptomatic (ill) due to a quarantinable communicable disease, such as 2019-nCoV, is entitled to use his or her accrued sick leave. Sick Leave for Personal Needs fact sheet: (<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/personal-sick-leave/>)

**Sick Leave for General Family Care.** An employee is entitled to use a total of up to 104 hours (13 days) of sick leave each leave year to provide care for a family member who is ill or receiving medical examination or treatment. If an employee's family member is symptomatic (ill) due to a quarantinable communicable disease, such as 2019-nCoV, the employee may use his or her accrued sick leave for general family care. The amount of sick leave permitted for family care purposes is proportionally adjusted for part-time employees and employees with uncommon tours of duty in accordance with the average number of hours of work in the employee's regularly scheduled administrative workweek. Sick Leave for Family Care fact sheet: (<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/sick-leave-for-family-care-or-bereavement-purposes/>)

**Sick Leave to Care for a Family Member with a Serious Health Condition.** An employee is entitled to use up to 12 weeks (480 hours) of sick leave each leave year to care for a family member with a serious health condition. If an employee has already used 13 days of sick leave for general family care (discussed above), the 13 days must be subtracted from the 12 weeks. If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days in the same leave year for general

family care purposes. An employee is entitled to no more than a combined total of 12 weeks of sick leave each leave year for all family care purposes. If an employee's family member is symptomatic (ill) due to a quarantinable communicable disease, such as 2019-nCoV, that would generally constitute a serious health condition, which would allow use of up to 12 weeks of an employee's accrued sick leave to care for that family member. The amount of sick leave permitted for family care purposes is proportionally adjusted for part-time employees and employees with uncommon tours of duty in accordance with the average number of hours of work in the employee's regularly scheduled administrative workweek.

Sick Leave to Care for a Family Member with a Serious Health Condition fact sheet:

(<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/sick-leave-to-care-for-a-family-member-with-a-serious-health-condition/>)

**Annual Leave.** An employee may use any or all accrued annual leave for personal needs, such as rest and relaxation, vacations, medical needs, personal business, emergencies, or to provide care for a healthy or sick family member. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken.

Annual Leave fact sheet: (<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/annual-leave/>)

**Advanced Annual and/or Sick Leave.** An agency may advance annual leave in an amount not to exceed the amount the employee would accrue during the remainder of the leave year. An agency may advance a maximum of up to 30 days (240 hours) of sick leave, subject to limitations, to be used for the same reasons it grants sick leave. An employee may request advanced annual and/or sick leave irrespective of existing leave balances.

Advanced Annual Leave fact sheet: (<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/advanced-annual-leave/>)

Advanced Sick Leave fact sheet: (<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/advanced-sick-leave/>)

**Family and Medical Leave.** An employee may invoke his or her entitlement to **unpaid** leave under the Family and Medical Leave Act (FMLA) of 1993 in appropriate circumstances. Under FMLA, an employee is entitled to a total of up to 12 workweeks of leave without pay for a serious health condition that prevents an employee from performing his or her duties or to care for a spouse, son or daughter, or parent with a serious health condition. An employee may substitute his or her accrued annual and/or sick leave for unpaid leave in accordance with current laws and regulations governing the use of annual and sick leave. An employee or family member who contracts a quarantinable communicable disease, such as 2019-nCoV, and becomes ill would generally be considered to have a qualifying serious health condition.

Family and Medical Leave fact sheet: (<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/family-and-medical-leave/>)

**Leave Without Pay.** If an employee has exhausted his or her available annual or sick leave and other forms of paid time off, he or she may request leave without pay (LWOP). LWOP is a temporary nonpay status and absence from duty that, in most cases, is granted at the employee's request. In most instances, granting LWOP is a matter of supervisory discretion and may be limited by agency internal policy. While FMLA leave is limited to specific purposes, LWOP may be granted for any reason approved by the agency. In situations where LWOP is taken for a



purpose that would qualify under FMLA, granting LWOP without requiring the employee to invoke FMLA will preserve the employee's entitlement to 12 weeks of FMLA leave. An extended period of LWOP may have an effect on an employee's benefits including health benefits, retirement benefits, and life insurance.

Leave Without Pay fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/leave-without-pay>)

Effect of Extended Leave Without Pay (or Other Nonpay Status) on Federal Benefits and Programs fact sheet: (<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/effect-of-extended-leave-without-pay-lwop-or-other-nonpay-status-on-federal-benefits-and-programs/>)

**Donated Leave.** If an employee has a personal or family medical emergency related to a quarantinable communicable disease, such as 2019-nCoV, and is absent (or expected to be absent) from duty without available paid leave for at least 24 work hours, he or she may qualify to receive donated annual leave under the Voluntary Leave Transfer Program (VLTP) or Voluntary Leave Bank Program (VLBP).

- **Voluntary Leave Transfer Program** – The VLTP allows an employee to donate annual leave to assist another employee who has a personal or family medical emergency and who has **exhausted his or her own available paid leave**. All agencies must establish a VLTP.

Voluntary Leave Transfer Program fact sheet: (<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/voluntary-leave-transfer-program/>)

- **Voluntary Leave Bank Program** – The VLBP allows an employee who is a member of the agency's voluntary leave bank to receive donated annual leave from the leave bank if the employee experiences a personal or family medical emergency and has **exhausted his or her own available paid leave**. An agency is not required to establish a VLBP.

Voluntary Leave Bank Program fact sheet: (<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/voluntary-leave-bank-program/>)

**Other Paid Time Off.** An employee may use earned compensatory time off, compensatory time off for travel, and/or credit hours earned under a flexible work schedule to be absent from work, including reasons related to a quarantinable communicable disease, such as 2019-nCoV.

- **Compensatory Time Off** – Compensatory time off is earned time off with pay in lieu of overtime pay for overtime work.

Compensatory Time Off fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/compensatory-time-off/>)

- **Compensatory Time Off for Travel** – Compensatory time off for travel is earned time off with pay for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.

Compensatory Time Off for Travel fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/compensatory-time-off-for-travel/>)

- **Credit Hours** – Credit hours are hours an employee elects to work, with supervisory approval, in excess of the employee’s basic work requirement under a **flexible work schedule that provides for credit hours**.

Credit Hours fact sheet: (<http://www.opm.gov/policy-data-oversight/pay-leave/work-schedules/fact-sheets/credit-hours-under-a-flexible-work-schedule/>)

## II. Work Schedule Flexibilities

**Telework.** The Federal Government uses telework, among other things, to promote continuity of operations by allowing Federal employees to continue their work at an approved alternative worksite. The Telework Enhancement Act of 2010 defines “telework” or “teleworking” as a work flexibility arrangement under which an employee performs the duties and responsibilities of his or her position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. Telework is a critical tool during emergency situations.

OPM has strongly encouraged agencies to maintain a viable telework-ready workforce. This requires determining eligibility for employees to telework, encouraging employees to enter into written telework agreements, communicating expectations before an emergency situation occurs, and practicing and testing equipment and procedures regularly throughout the year, not just teleworking during emergencies that may occur infrequently. Telework arrangements may require collective bargaining obligations for employees represented by labor organizations. Agencies also need to implement and maintain a robust information technology system with the necessary infrastructure to accommodate widespread remote usage of agency systems as well as the accompanying technical support personnel to resolve remote connectivity issues.

Agencies should maximize their telework capacity by entering into telework agreements with as many telework-eligible employees as possible and by conducting exercises to test employees’ ability to access agency networks from home. Managers should ensure that there are effective processes in place for communicating efficiently with employees who are teleworking. For additional information on telework, please see [www.telework.gov](http://www.telework.gov).

**Alternative Work Schedules.** An agency may implement an alternative work schedule (AWS) for employees instead of a traditional fixed work schedule to help an employee balance work and personal responsibilities. Agencies may have to satisfy collective-bargaining obligations prior to implementing AWS for bargaining unit employees, if the applicable collective-bargaining agreement does not provide for flexible or compressed work schedules. Under many types of alternative work schedules, an employee can complete his or her biweekly work requirement in less than 10 workdays. Under other alternative work schedules, the employee may choose to adjust arrival and departure times to accommodate doctor appointments, childcare or eldercare issues, or other pressing issues surrounding the related emergency. Agencies should discuss options with their employees to help maximize productivity at work, while assisting them in meeting their family and personal needs.

For additional information on alternative work schedules, please see Handbook on Alternative Work Schedules at: <http://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/alternative-work-schedules/>.

### III. Hiring and Pay Flexibilities

**Emergency Critical Hiring.** Under 5 CFR 213.3102(i)(2), an agency may make 30-day appointments in the excepted service to fill a critical hiring need. An agency may extend these appointments for an additional 30 days. This authority may be used to fill senior-level positions as well as positions at lower grades. The agency determines what qualifications are required. Career Transition Assistance Plan (CTAP), Reemployment Priority List (RPL), and Interagency CTAP (ICTAP) requirements under 5 CFR part 330 do not apply to these appointments.

**Direct Hire Authority.** Agencies are reminded of current OPM-authorized Governmentwide direct hire authorities. These authorities allow agencies to appoint candidates directly for:

- Medical Officers (General Schedule (GS)-0602), Nurses (GS-0610 and GS-0620), Diagnostic Radiologic Technicians (GS-0647), and Pharmacists (GS-0660) at all grade levels and all locations.
- Information Technology Management (Information Security) (GS-2210), GS-9 and above at all locations.
- Veterinary Medical Officer positions at the GS-11 through GS-15 grade levels (or equivalent) nationwide to include overseas territories and commonwealths (e.g., Puerto Rico, Guam, and the U.S. Virgin Islands) may be used indefinitely or until OPM terminates this authority.
- Scientific, Technical, Engineering and Mathematics (STEM) positions at the GS-11 through GS-15 grade levels (or equivalent) nationwide. This authority expires October 10, 2023.
- Cybersecurity-related positions at the GS-12 through GS-15 grade levels (or equivalent) nationwide may be used indefinitely or until OPM terminates this authority.

Agencies may give individuals in the occupational series listed above competitive service career, career-conditional, term, or temporary appointments, as appropriate. In all cases, an agency must adhere to the public notice requirements in 5 U.S.C. 3327 and 3330 and all ICTAP requirements. For additional information on these authorities, please see OPM's Direct Hire Authority guidance: <https://www.opm.gov/policy-data-oversight/hiring-information/direct-hire-authority/> and <https://www.chcoc.gov/content/announcing-government-wide-direct-hire-appointing-authorities>.

An agency should contact [employ@opm.gov](mailto:employ@opm.gov) if it believes it has one or more occupations for which an agency-specific direct hire authority may be appropriate in support of relief and recovery efforts.

**Reemployed Annuitants.** Under specified circumstances (which include responding to an emergency), agencies may bring back retirees without applying the dual compensation salary

offset and without OPM approval as provided at 5 U.S.C. 8344(l) and 8468(i), which require that:

- Appointments are limited to 1 year or less;
- Hours worked by any annuitant reemployed under these provisions are limited to 520 during the first 6 months of retirement, 1,040 during any 12-month period, and 3,120 total hours worked during any period; and
- Reemployment may not exceed 2.5 percent of the full-time workforce at any time, and if 1 percent is exceeded, the agency must provide an explanation and justification to the Congress and OPM.

Agencies should contact [employ@opm.gov](mailto:employ@opm.gov) for reemployment that may be needed for longer time periods than allowable under this authority.

Agencies must contact [employ@opm.gov](mailto:employ@opm.gov) before reemploying a retiree who left the Federal Government with a Voluntary Separation Incentive Payment (VSIP) buyout. Depending upon the specific statute under which the buyout was received, the agency may request a buyout repayment waiver from OPM.

### **Other Hiring Flexibilities**

**Senior Executive Service (SES) limited appointments.** Agencies have the authority to make SES Limited Term or Limited Emergency appointments for career employees, provided the appointment is within the space allocations limit previously authorized by OPM. Agencies may seek a temporary allocation from OPM if space is not currently available. Agencies may also seek authority from OPM to make Limited Term or Limited Emergency appointments of non-career employees using an automated form generated through the Executive and Schedule C System (ESCS).

**Use of private-sector temporary employment firms.** An agency may contract with private-sector temporary employment firms for services to meet emergency staffing needs. These contracts may be for 120 days and may be extended for an additional 120 days, subject to displaced employee procedures.

**Temporary appointments less than 120 days.** An agency may make competitive service appointments for 120 days or less without clearing CTAP or ICTAP. However, these programs may help identify one or more well-qualified displaced Federal employees who are available for immediate employment.

**Reemployment priority lists.** Current and former employees on agency RPLs are another immediate source of qualified individuals available for temporary, term, or permanent

competitive service appointments. Conversely, in some cases, an agency may apply an exception under 5 CFR 330.211 of the RPL provisions to appoint someone else.

### **Pay Flexibilities**

Agencies have discretionary authority to provide additional compensation to address recruitment and retention difficulties. Short-term pay flexibilities such as recruitment, relocation, and retention incentives may assist agencies in meeting their emergency critical staffing needs. See <https://www.opm.gov/policy-data-oversight/pay-leave/pay-and-leave-flexibilities-for-recruitment-and-retention/> for additional information on available compensation flexibilities.