

# Civilian Personnel Guidance: Questions and Answers the Novel Coronavirus Outbreak (COVID-19)

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Note: This guide is intended to be used by Department of Defense (DoD) human resources practitioners when responding to COVID-19 at their local installations. Because of the dynamic nature of the COVID-19 pandemic, all other DoD personnel should consult their supervisor or local human resources office before relying on the information contained within this guidance. Additionally, DoD Components are advised to follow their applicable collective bargaining agreements and consult with their labor relations specialist when seeking to follow the guidance contained within.

## **A. GENERAL**

**\*Q1. Can I order an employee into the official worksite even if the installation or office is generally closed?**

**\*A1.** Yes. Under 5 C.F.R. 630.1605(b), a supervisor can order employees who are identified as emergency employees to the official worksite if the installation or office is generally closed. Normally, the supervisor should identify and inform the employees in advance that they occupy positions that have been identified as emergency essential and that they may need to return to the official worksite to carry out mission critical functions of the DoD Component. Components should be mindful of their collective bargaining obligations when doing so.

## **B. TELEWORK**

### **Q1. What should DoD Components do to prepare the workforce to telework?**

A1. The Telework Enhancement Act of 2010 states that “each executive agency shall incorporate telework into the continuity of operations plan (COOP) of that agency.” If an agency COOP is in operation, that plan “shall supersede any telework policy.” Therefore, DoD Components 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. DoD Components should also review position eligibility for telework to ensure they are maximizing the number of employees who can continue mission essential functions.

Please see Question 2 below on updated telework flexibilities.

### **Q2. My employee just returned from an affected area and I do not want them to come into the office until I know they do not present a safety risk. As a supervisor, what can I do?**

A2. Supervisors should identify whether the employee is telework-ready and offer the employee the option to telework. If the employee is not telework-ready because, for example, they cannot perform their duties at an alternate location, then the supervisor should consider utilizing Weather and Safety Leave (please review the section below on the appropriate use of Weather and Safety Leave), administrative leave, or other leave flexibilities (paid or unpaid) available. DoD Components may also combine telework and various leave flexibilities when the employee may perform some of his or her duties at an alternate worksite.

Additionally, the [Office of Management and Budget \(OMB\) memorandum, “Updated Guidance on Telework Flexibilities in Response to Coronavirus,” dated March 12, 2020](#), encourages supervisors to extend telework flexibilities broadly to accommodate state and local responses to the COVID-19 outbreak, particularly to those persons susceptible to COVID-19.

In rare cases, an employee may not have a telework agreement or wish not to telework. See Question 8 below for information on when an agency may order an employee to telework.

Additionally, civilian personnel returning from locations identified by the CDC as Level 2 or 3 are strongly recommended to follow the procedures identified in [DoD’s Force Health Protection Guidance \(Supplement 4\)](#). Please see Question 2 under Travel: OCONUS below. See also [Question 10 from the DoD FAQ – Travel Restrictions](#).

### **Q3. What options are available for civilian personnel if schools are closed and parents run out of annual leave?**

A3. Civilian personnel may telework even when a child or dependent requiring supervision is present at the alternative worksite. DoD granted a temporary waiver of policy until December 31, 2020, to allow employees to telework in this situation, and encourages DoD Components to make similar adjustments to their policies. Where an employee is teleworking and providing care to a child or dependent during duty hours, the employees must account for this time using appropriate leave as approved by his or her supervisor. For example, an employee who feeds and supervises a young child multiple times during the day will need to take leave or, if on a flexible work schedule, adjust his or her hours. The OMB memorandum noted above encourages supervisors to extend telework flexibilities more broadly to accommodate state and local responses to the outbreak, including, but not limited to, school closures.

DoD Components may also authorize alternative work schedules that allow employees to complete their tour of duty in less than 10 days if applicable. For example, a maxiflex schedule would allow an employee to meet his or her basic work requirement for a biweekly pay period on fewer than 10 days and vary the number of hours worked on a given workday. Note that changes to alternative work schedules is subject to collective bargaining.

Additional tools available to Components include advance annual leave, compensatory time, credit hours, and other leave flexibilities. Weather and safety leave would not be appropriate under these facts alone.

**Q4. Can an Agency continue to drug test their employees while they are on telework status if drug testing is a condition of their employment?**

A4. Continued drug testing is at the DoD Component's discretion. Please consult your drug testing coordinator for additional information.

**Q5. If a supervisor instructs employees to telework due to the COVID-19, how is time and attendance recorded?**

A5. Situational Telework (TS) is the type of telework to be coded for Time and Attendance purposes.

**Q6. Can an agency mandate an employee to telework who is not on a telework agreement?**

A6. Under the following scenarios an agency may order an employee to telework whether or not the position is telework eligible or the employee voluntarily enters into a telework agreement:

- The agency includes in their COOP that employees are required to telework and the agency activates the COOP.
- A pandemic has been declared by the World Health Organization and the DoD Component issues an evacuation order to an alternative worksite (e.g. home).

**Q7. If employees mandated to be on telework do not have enough work because duties also include working with classified information and systems, how should they report time and attendance for the actual telework time as well as the time when there is no work available?**

A7. Hours spent actually teleworking would be coded as Situational Telework for the hours or days worked. When employees are unable to telework, Weather and Safety Leave would be appropriate.

**Q8. I would like to direct telework for an asymptomatic employee. Do I have the authority to do so?**

A8. If the employee's telework agreement does not include an option for the supervisor to direct the employee to telework, then the supervisor may only direct an employee to telework under the situations identified in Question 6 above.

**\*Q9. When is telework mandatory for employees without a telework agreement?**

A9. Employees who are telework program participants may be required to telework in the event of an emergency. Employees, including those who are not telework program participants may be required to telework program when a pandemic is declared and the agency has issued evacuation orders and/or activated their COOP. Emergency employees as described in 5 C.F.R. 630.1605(b)(1) may be ordered to telework.

**\*Q10. Is DoD waiving the prohibition on allowing both employees who have been disciplined and employees on PIPs to telework during this pandemic emergency?**

A10. Employees who are ineligible to telework should be allowed to telework in a pandemic situation to the extent consistent with statute and individual agency policy and/or available waivers of that policy. If an agency activates its COOP, then employees can be ordered to telework irrespective of participation in, or eligibility for, a telework program unless prohibited by the Telework Enhancement Act. Flexibility in the application of telework policy is encouraged.

## **C. TRAVEL: GENERAL**

**Q1. OMB released a memorandum, [“Updated Federal Travel Guidance in Response to Coronavirus,” on March 14, 2020](#), that provides recommended guidance on limiting all government travel to mission-essential travel. How should DoD Components apply this guidance and stop movement orders issued by the Secretary of Defense and Deputy Secretary of Defense?**

A1. Both the [Secretary of Defense](#) and [the Deputy Secretary of Defense](#) issued memoranda (click the links for access to each) placing firm limitations on travel for DoD personnel. Generally, DoD personnel should only travel by exception even if the travel

is determined mission-essential. Exceptions are to be approved by the appropriate official (Secretaries of the Military Departments; the Chief Management Officer for the Office of the Secretary of Defense and the Defense Agencies and Field Activities; Combatant Commanders for their personnel and Chairman of the Joint Chiefs of Staff), and limited to: mission-essential, necessary for humanitarian reasons, or warranted due to extreme hardship. The OMB memorandum provides [helpful examples](#) of the types of mission-essential travel.

**Q2. Should DoD Components allow civilian employees travel to or within areas where this is community spread of COVID-19?**

A2. DoD Components are strongly discouraged to allow such travel and limit travel when there is an urgent need (e.g., protection of life and property). DoD Components should also consider the latest guidance from the CDC and local health authorities when limiting travel to persons at higher risk to COVID-19.

**Q3. How do I know where community transmission of COVID-19 is taking place?**

A3. DoD Components should review [the CDC's website Coronavirus Disease 2019 \(COVID-19\) in the U.S.](#), and information published by their state and local public health authorities. The CDC website contains links embedded in the map of the U.S. to all state public health authorities.

**\*Q4. Are civilians restricted from personal travel?**

A4. The memoranda identified in Question 1 above do not apply to civilian employees' personal travel.

**\*Q5. Have there been any exceptions to the rental car rules for PCS for travelers who have shipped their vehicles but now cannot travel due to DoD's Stop Travel order and now have no transportation to and from work?**

A5. There is no authority to provide employees with a rental car at their permanent duty station at the expense of the government.

**\*Q6. If due to the COVID-19 Pandemic and guidance issued by the DOS and DoD suggest to not use public transportation, can individuals receive reimbursement for expenses incurred such as taxis required to travel to their assigned duty station? These individuals are not in a travel status.**

A6. There is no authority for reimbursing employees for taxis for travel between their home and permanent duty station under this situation. Per GSA, the only authority for reimbursing taxis for employees who normally use public transportation is if they are directed to work outside their normal duty hours and must travel "during darkness or hours of infrequently scheduled public transportation."

**\*Q7. How does the stop movement affect employees who are TDY? Are we supposed to bring them home or extend them?**

A7. If their PDS is in a CDC designated Level 3 country, the Secretary of Defense has ordered a stop movement. As such, they should have their TDY orders extended unless an exception is granted due to mission essentiality, hardship, or humanitarian reasons. For employees within the Continental United States, employees currently on TDY may complete their travel to their final destination.

**D. TRAVEL: OCONUS**

**Q1. What if civilian employees traveling OCONUS fall ill while on temporary duty travel (TDY)? Would the Office of the Under Secretary of Defense memorandum, “Delegation of Authority to Prepay Costs of Emergency Health Care and Support Services for Civilian Employees of the Department Defense and their Authorized Dependents Outside the United States, its Territories, and Possessions”, dated February 12, 2016, delegating authority to prepay the costs of emergency healthcare apply? Can civilian employees utilize their Government Travel Charge Card (GTCC) to cover these costs while on TDY?**

A1. DoD Components have been delegated the authority 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 the Component funds to prepay any medical needs. The GTCC cannot be used to prepay the costs of emergency healthcare. Furthermore, if the employee does test positive for COVID-19, the employee may be eligible to apply for workers compensation in the event that the exposure occurred as a result of the TDY.

**Q2. What is the current guidance on travel for employees returning from countries identified by the CDC as Travel Health Notice Level 2 or 3?**

A2. Civilian personnel returning from locations identified by the CDC as Level 2 or 3 are strongly recommended to follow the procedures identified in [DoD's Force Health Protection Guidance \(Supplement 4\)](#). Employees should notify their supervisors or chain of command and seek medical advice if they get sick with fever, cough, or difficulty breathing. Supervisors should consider placing the employee on telework, and/or any appropriate leave flexibility. Please refer above to Question 2 under Telework.

For more information about DoD's travel restrictions, please review [DoD's FAQ – Travel Restrictions](#).

**Q3. I am civilian employee located at an OCONUS duty station, and am scheduled to return to CONUS on my last move home. Am I still entitled to my last move home?**

A3. Yes, individuals pending retirement or separation within the next 60 day are exempt, and, if entitled to a government-funded last move home, may proceed in accordance with [Office of the Secretary of Defense memorandum, "Travel Restrictions for DoD Components in Response to Coronavirus Disease 2019," dated March 11, 2020.](#)

**Q4. Are locally hired employees without transportation agreements authorized departure allowances for dependents?**

A4. No. Under Department of State regulations, locally hired American citizens without transportation agreements and their dependents are not authorized departure allowances. For more information, please visit [the Department of State's Standardized Regulations website.](#)

## **E. LEAVE**

**\*Q1. When is Weather and Safety Leave authorized?**

\*A1. A DoD Component may authorize Weather and Safety Leave to a civilian employee under the following circumstances:

- The employee is asymptomatic of COVID-19 and subject to movement restrictions (i.e. quarantine or isolation) under the direction of public health authorities.
- The employee is asymptomatic and directed by a medical professional, public health authority, commander, or supervisor, to not report to the worksite. Note that a commander or supervisor may direct the employee to stay home because of possible exposure or because the employee shows symptoms that might be COVID-19.
- The employee is asymptomatic and at higher risk to COVID-19 as identified by the CDC and not telework eligible. Please review the [OMB memorandum, "Updated Guidance on Telework Flexibilities in Response to Coronavirus," dated March 12, 2020,](#) for more information about this scenario.
- Other circumstances when an employee is not able to safely travel to or perform work at an approved location.

Weather and Safety Leave is not an entitlement and must be approved by a supervisor. Where an employee is telework-ready, weather and safety leave is generally not appropriate. Additionally, weather and safety leave is extremely limited for employees designated as emergency employees under 5 C.F.R. 630.1605(b).

**Q2. Are there any yearly limitations to weather and safety leave?**

A2: No, there is no cap on the number of hours that may be granted for weather and safety leave.

**Q3. Can supervisors question the reason for which their employees are requesting annual leave?**

A3. Since supervisors must balance the work of the agency against the interest of the employee in using annual leave, supervisors may find it necessary from time to time to ask employees how they will use the requested annual leave so that the supervisors may make informed decisions about scheduling the leave. In such cases, employees are not required to provide the supervisor with this information, but their request for annual leave may be denied based on mission requirements. DoD Components should also be mindful of requirements under their collective bargaining agreements.

**Q4. Can a supervisor deny leave to a civilian who is traveling outside the local commuting area?**

A4. Depending on the type of leave, a supervisor can deny or cancel leave to a civilian who is traveling outside the local commuting area based on mission requirements. A supervisor may not deny personal leave solely because an employee is traveling outside of the local commuting area or to a CDC-designated level 2 or 3 area.

**\*Q5. Can a civilian employee take sick leave when they are ill or to care for a sick family member?**

\*A5. Civilian employees should take sick leave when they are ill and may do so to care for a family member as prescribed under the Office of Personnel Management's (OPM) sick leave regulations. For additional information on the appropriate use of sick leave and other leave flexibilities, please review the memorandum published by [the Office of the Under Secretary of Defense, Personnel and Readiness, "Civilian Personnel Guidance for DoD Components," March 8, 2020.](#)

**\*Q6. Are intermittent employees eligible for weather and safety leave?**

\*A6. No, intermittent employees are not eligible for weather and safety leave.

## **F. PAY**

**Q1. Are employees eligible for Standby/On Call Pay if under quarantine?**

A1. No.

**Q2. Do supervisors need authorization from DoD to waive the biweekly limitation on premium pay for overtime work performed related to the COVID-19?**



A2. No. It is not necessary for DoD to waive the biweekly limitation on premium pay for employees performing work related to the Coronavirus. Authority to waive the limitation is delegated to individuals who exercise personnel appointing authority as provided by Enclosure 3.1.a of Department of Defense Instruction 1400.25, Volume 550, "DoD Civilian Personnel Management System: Pay Administration (General).

**Q3. Can a DoD Component implement shift work? If so, what are the pay implications?**

A3. Yes. DoD Components may initiate a change in work schedule to allow its workforce to work shifts as a means to mitigate community transmission of COVID-19. In doing so, DoD Components should consult with their human resources office to evaluate entitlements to premium pay (e.g. night pay), scheduled and unscheduled overtime, and other compensation requirements. A change to shift work may also need to be adjusted in the Component's time and attendance system. Additionally, a change in work schedules may require the DoD Components to bargain with its labor unions, if applicable.

**\*Q4. Due to COVID-19, we are concerned employees may hit the annual premium pay and aggregate pay cap. Is there any authority to waive the pay limitations?**

\*A4. Currently, there is no authority to waive the premium pay or aggregate pay limitations for work related to COVID-19. This would require a change in legislation and the Department is exploring relief.

## **G. TRAINING**

**Q1. What is the current operating status of DoD Leader Development Programs (LDPs), to include the Defense Senior Leader Development Program (DSLDP), Executive Leadership Development Program (ELDP), and Defense Civilian Emerging Leader Program (DCELP)?**

A1. All programs which were scheduled to execute between now and through mid-May have been postponed or cancelled. Any potential rescheduling of postponed activities is currently TBD.

Current **postponements** include:

- DCELP Cohort 11 Seminars 1b through 3b planned at Southbridge, MA
- DSLDP Cohort 2018 Seminar 3 and Graduation planned 21-24 April in Washington, DC.
- Vanguard Senior Executive Development Program planned for 3-8 May at the Bolger Center in Potomac, MD.

Current **cancellations** include:

- ELDP's deployment to the Texas National Guard planned for 11-17 April, and the deployment to Ft Bragg, NC planned for 2-8 May. These will not be rescheduled.

**Q2. How will programs planned to execute beyond mid-May be impacted?**

A2. At present, any postponement of future programs beyond the 60-day travel restriction is to be determined, and further decisions to either further postpone, reschedule, or cancel will be made as the situation evolves.

**H. HIRING**

**Q1. What restrictions on hiring of civilian personnel exist during the COVID-19 pandemic health crisis?**

A1. DoD placed restrictions on hiring of civilian personnel to reduce the risk of transmission of COVID-19, and protect military and civilian personnel and their families, and our contract workforce from exposure. These restrictions last through May 11, 2020.

For OCONUS hiring, [the Secretary of Defense's memorandum, "Travel Restrictions for DoD Components in Response to Coronavirus Disease 2019," dated March 11, 2020](#), DoD Components may continue civilian hiring actions involving Permanent Change of Station to CDC Travel Health Notice Level 2 countries for essential personnel. Hiring actions for CDC Travel Health Notice Level 2 countries for non-essential personnel who have not yet begun travel are postponed. All hiring actions for CDC Travel Health Notice Level 3 countries are postponed. DoD Components may continue hiring civilian personnel in both CDC Travel Health Notice Level 2 and 3 countries, but must not establish entrance on duty (EOD) dates if hiring for those positions are postponed. DoD Components may also continue merit promotion and other actions not requiring travel (e.g. career ladder promotions, reassignments, details)

For hiring within CONUS, [the Deputy Secretary of Defense's memorandum, "Stop Movement for all Domestic Travel for DoD Components in Response to Coronavirus Disease 2019," dated March 13, 2020](#), DoD Components may only onboard civilian employees within the local commuting area. However, DoD Components may continue hiring actions but must not establish an EOD date for any actions recruiting outside the local commuting area. DoD Components may also onboard civilian employees who work remote to the installation or office provided that the neither the gaining organization nor new employee conducts any travel during the stop movement consistent with the memorandum.

However, DoD Components may request an exception to these restrictions as described in both memoranda. DCPAS is not the appropriate authority to receive requests for to grant exceptions.

**Q2. If an overseas Priority Placement Program (PPP) registrant has a reporting date to a position in CONUS, but is unable to report due to COVID-19 travel restrictions, what actions should be taken by the CONUS activity?**

A2. For CDC Travel Health Notice Level 3 countries, all permanent change of station (PCS) actions should be placed on hold until the COVID-19 travel restrictions are lifted. For CDC Travel Health Notice Level 2 countries, the DoD Component may continue with travel because travel back to CONUS is not restricted by either memoranda identified in Question 1 above.

**Q3. If an overseas PPP registrant who is subject to COVID-19 travel restrictions has accepted a job offer through the PPP and a reporting date has not been established, what actions should be taken?**

A3. For CDC Travel Health Notice Level 3 countries, all permanent change of station (PCS) actions should be placed on hold until the COVID-19 travel restrictions are lifted. For travel from CDC Travel Health Notice Level 2 countries to CONUS locations, the DoD Component may continue with travel because travel back to CONUS is not restricted by either memoranda identified in Question 1 above. For travel from CDC Travel Health Notice Level 2 countries to another Level 2 country, the DoD Component must postpone travel for non-essential civilian personnel.

**Q4. If a PPP job offer has been tendered to an overseas PPP registrant who is subject to COVID-19 travel restrictions, but it has not yet been accepted or declined, what actions should be taken?**

A4. If the PPP registrant accepts the job offer, a reporting date will be established after the COVID-19 travel restrictions are lifted unless an exception is granted. If the PPP registrant declines, the DoD Component may proceed with the hiring actions consistent with the guidance above.

**Q5. If an overseas PPP registrant matches a CONUS position, should the match be worked?**

A5. The match should be worked in accordance with standard PPP policy, including extension of the PPP job offer. If the job offer is accepted, a reporting date will be established after the COVID-19 travel restrictions are lifted unless an exception is granted. Note that travel from a CDC Travel Health Notice Level 2 country to CONUS location is permitted, and DoD Components may commence with travel arrangements.

**Q6. If a CONUS vacancy has been committed to a PPP registrant who is unable to report due to COVID-19 travel restrictions, what options do I have to fill my vacancy?**

A6. The CONUS vacancy cannot be filled with another candidate on a permanent basis, however, the CONUS activity may contact the Workforce Shaping Office for approval to fill the vacancy on a temporary basis without further PPP clearance.

## **I. REASONABLE ACCOMMODATION**

**Q1. Is there any guidance regarding Reasonable Accommodation requests in connection with COVID-19? Our agency started receiving several requests for 100% telework because of health reasons and social distancing.**

A1. Because the facts and circumstances of each request are different from another, it is impracticable to provide broad guidance applicable to each request. DoD Components should consult their reasonable accommodation coordinator and general counsel when engaging in the interactive process.

Each DoD Component's Computer/Electronic Accommodation Program (CAP) point of contact may provide additional information regarding your employee's accommodation. For additional information regarding the CAP program, please visit:

<https://www.cap.mil/>

## **J. NATIONAL EMERGENCY DECLARATION**

**\*Q1. On March 13, 2020, President Trump declared a national emergency concerning COVID-19. How does this impact DoD civilian personnel?**

\*A1. Upon President Trump's declaration of a national emergency, the following authorities are applicable:

- Military Leave

5 U.S.C. 6323(b) provides 22 workdays of military leave which may be given to an employee for emergency duty as ordered by the President, the Secretary of Defense, or a state governor. This leave is provided for employees who perform military duties as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

- Reservist Differential

DoD civilian employees who are members of the Reserve or National Guard called to active duty are entitled to reservist differential payment under

certain conditions. The reservist differential payment will be equal to the amount by which an employee's projected civilian basic pay for a qualifying period exceeds the employee's actual military pay and allowances allocable to that pay period.

- Robert T. Stafford Disaster Relief and Emergency Assistance Act

DoD Components may make appointments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act which allows hiring of temporary staff, experts, and consultants to provide disaster relief during emergencies declared by the President.

**\*Q2. As a national emergency has been declared, is the hiring of military members within 180 days immediately following retirement to DoD positions waived?**

\*A2. No. Section 1111 of National Defense Authorization Act for Fiscal Year 2017 amended 5 USC 3326 by deleting the national emergency waiver exception for the appointment of retired members of the armed forces to civil service positions in or under the DoD, within 180 days immediately following retirement. Therefore, the only exceptions to the 180-day provision is an approved waiver by the appropriate authority or the position is covered by a special salary rate under 5 USC 5305.

## **ADDITIONAL INFORMATION**

**Q1. Where can I find the latest information regarding the Coronavirus Disease 2019 (COVID-19)?**

A1:

- Centers for Disease Control and Prevention (CDC) Website: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- CDC Worker Resources: [https://www.cdc.gov/niosh/emres/2019\\_ncov.html](https://www.cdc.gov/niosh/emres/2019_ncov.html)
- CDC Prevention and Treatment Actions: <https://www.cdc.gov/coronavirus/2019-ncov/about/prevention-treatment.html>
- Occupational Safety and Health Administration (OSHA) Guidance: <https://www.osha.gov/SLTC/covid-19/>
- OPM's Coronavirus Guidance: <https://www.opm.gov/policy-data-oversight/covid-19/>
- DCPAS Emergency Preparedness: <https://www.dcpas.osd.mil/OD/EmergencyPreparedness>
- DoD Public Affairs Coronavirus Portal: <https://www.defense.gov/Explore/Spotlight/Coronavirus/>