UPDATE
Human Resources Flexibilities and Force Health Protection Guidance
2019 Novel Coronavirus Outbreak (COVID-19)

1. This bulletin contains additional guidance, as well as, changes from Civilian Personnel Bulletin 20-08.

2. The following questions and answers are provided to assist supervisors and employees with understanding the updated and/or additional flexibilities provided.

A. Telework

Q1. 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.

A1. Use of weather and safety leave would be subject to the normal conditions. A telework program participant would generally be expected to perform telework at home and would not be granted weather/safety leave. If a telework program participant needs time off for personal reasons, then the employee would be expected to take leave or paid time off (e.g. annual leave or sick leave to care for a family member). However, 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.

Q2. How should agencies manage telework during incidences of quarantinable communicable disease, such as COVID-19?

A2. For an employee covered under 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 plans. 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.
Q3. 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?

A3. In emergency circumstances, such as the COVID-19 situation, agencies may choose to adjust the telework policy to allow, as a special exception, for employees to telework when there are young children or other persons requiring care and supervision at home. Under such an exception to 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).

Q4. 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?

A4. In emergency circumstances, such as the COVID-19 situation, agencies may choose to adjust the telework policy to allow, as a special exception, for employees to telework when there are young children or other persons requiring care and supervision at home. Under such an exception to 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).

Q5. Does an agency possess the authority to have their telework program participants work from home during an agency closure due to COVID-19?

A5. Yes. During an agency closure due to COVID-19, telework participants will generally be expected to continue working from home. Telework program participants will not be granted weather and safety leave during a closure. A telework program participant 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.

Q6. Can an agency order and employee to telework during a COOP (Continuity of Operations) event?

A6. 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”, and allow greater flexibility to expand telework to a larger segment of the workforce to support agency operations so that as many employees as possible are working during a COOP activation.

B. Weather and Safety Leave

Q7. Can agencies approve weather and safety leave for an employee who has been exposed to a quarantinable communicable disease, such as COVID-19?
A7. 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.

Q8. 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. (Please see Section A. Telework, for more information regarding general restrictions on the use of weather and safety leave for telework program participants.)

A8. An agency may authorize weather and safety leave to an employee exposed to COVID-19, even if asymptomatic, if the local health authority determines the employee would jeopardize the health of other if allowed to return to work. Employees should refer to CDC guidance at https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidancebusiness-response.html for more information. (Please see Section A. Telework, for more information regarding general restrictions on the use of weather and safety leave for telework program participants.)

Q9. 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?

A9. 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 who is covered by a telework agreement may also request to telework. (See section A, 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.)

C. Sick Leave and Other Time Off

Q10. 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?

A10. No. Sick leave would be used to cover such periods 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.
Q11. 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?

A11. 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.

Q12. 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?

A12. 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.

Q13. 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?

A13. 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.

Q14. 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?

A14. 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 A, Telework for more information.)

Q15. If an employee is sick and comes to work, can the supervisory direct him or her to take sick leave?

A15. No, however, other options are available to the supervisor. Please contact the CPAC for additional assistance.

3. Please contact the CPAC at (845) 938-3943 if you have any questions about the information provided.

//SIGNED//
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