

Guidance & Updates from the Human Resources Office:

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. UTNG supervisors are strongly encouraged to sign 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 through the HRO adhering to current 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 leadership'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.

Questions and Answers for Personnel on the Coronavirus Outbreak (COVID-19)

Q1: 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?

A1: *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 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 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, supervisors 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 the human resources (HR) staff to review agency policy, collective bargaining agreements, and applicable laws 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** will consult with HR regarding procedures for requesting administratively acceptable medical documentation in accordance with applicable policies, collective bargaining agreements, and laws.

Q2: Who assesses employees and orders them home if they appear ill?

A2: 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 and/or on-site employee Occupational Health Nurse (OHN) - Carrie Papproth. 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 OHN to assess whether a determination from a public health official is appropriate and necessary.

Human resources offices, OHN, and the SJA should be contacted to determine the best course of action based on objective evidence. HRO specialists and the OHN have the necessary knowledge to assist supervisors with options, such as telework, and appropriate actions arising from an outbreak of a quarantinable communicable disease or pandemic influenza. HR staff and the OHN are checking OPM's website (www.opm.gov) and the CDC website (www.cdc.gov) on a regular basis to stay current.

Q3: What if employees traveling abroad fall ill while on temporary duty travel (TDY)? Can the employees utilize their Government Travel Charge Card (GTCC) to cover these costs while on TDY?

A3: The GTCC cannot be used to prepay the costs of emergency healthcare. However, the organization does have the flexibility to prepay the cost of emergency healthcare if the situation warrants it. Please reach out to the USPFO 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.

Q4: Does the UTNG 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?

A4: Supervisors should consult with the HR office for guidance. UTNG 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, a supervisor may require a medical certificate or other administratively acceptable evidence.

Under current rules through OPM, leadership 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."

Q5: Under what circumstances should the UTNG communicate to its employees that there is a confirmed case among one or more of its employees (without identifying the person/specific office)?

A5: *The infected employee's privacy will be protected to the greatest extent possible; therefore, his or her identity will not be disclosed. In an outbreak of quarantinable communicable disease or COVID-19, leadership 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 HRO and the SJA 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. Supervisors will work with their workplace safety contacts and the Occupational Health Nurse 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. Leadership will 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.

Q6: If an armory (or office) closes due to COVID-19 and employees cannot report to the worksite, may an agency authorize Weather and Safety Leave?

A6: *Yes, an agency could authorize Weather and Safety leave to non-telework program participants whose office or armory is closed. Telework program participants would be expected to continue working and may not receive weather and safety leave.*

Q7: What has the UTNG done to prepare to implement social distancing strategies which increases the physical distance among employees and between employees and others?

A7: *To mitigate community transmission and protect vulnerable populations, employees 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. In addition, supervisors will encourage employees eligible to telework, but who are not current telework program participants to participate. UTNG may periodically exercise our telework capabilities to ensure that program participants have the information technology, infrastructure, and procedures needed to support simultaneous telework by multiple employees. In addition, supervisors should determine how they will conduct operations with high absenteeism rates. For example, it may be appropriate to cross-train personnel on key functions.*

Q8: What options are available if schools and child care facilities that their children attend are closed but the employees are healthy and their workplaces are open?

A8: *Employees in these circumstances are not eligible for weather and safety leave. UTNG 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 policy, supervisors may authorize alternative work schedules (compressed or flexible work schedules) that provide for flexible work days and/or work hours.*

Q9: In the event that local school systems are closed due to COVID-19, but armories remain OPEN, is it permissible for a telework program participant to perform telework with a child in the home?

A9: *UTNG is currently addressing our telework policy to include 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/>.)*

Because our 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.

Q10: Should UTNG 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?

A10: *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).*

Q11: Generally, how will the UTNG manage telework during incidences of quarantinable communicable disease, such as COVID-19?

A11: *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”. The UTNG will have written telework agreements in place with as many employees who are willing to participate and communicate expectations for telework in emergency situations.*

Q12: 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?

A12: *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.*

Q13: Does the UTNG possess the authority to have their telework program participants work from home during an agency closure due to COVID-19?

A13: *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/dcddismissal.pdf>.

Q14: 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?

A14: 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.

Q15: If an employee runs out of sick leave, can the supervisor 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?

A15: Yes. However, while sick leave may be advanced at UTNG’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.

Q16: 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?

A16: 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. UTNG 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. The UTNG 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 internal policies for granting sick leave. Supervisors should also be mindful about the burden and impact of requiring a medical certificate.

Q17: 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?

A17: *An employee, covered by a telework agreement, may request to telework with the permission of the supervisor. UTNG (HRO) will 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, supervisors may also consider whether the 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.

Q18: **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?**

A18: *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 UTNG will 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.*

Q19: **Can the UTNG approve weather and safety leave for an employee who has been exposed to a quarantinable communicable disease, such as Coronavirus Disease 2019 (COVID-19)?**

A19: *The UTNG 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.*

Q20: **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 the UTNG authorize weather and safety leave?**

A20: *The UTNG 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.

Q21: 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 the UTNG authorize weather and safety leave?

A21: *No. the UTNG will 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 that arrangement to the extent possible.*

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.

Q22: During a pandemic health crisis, can the UTNG order an employee to work from home (or an alternative location mutually agreeable to both the UTNG and the employee) if the employee does not have a telework agreement?

Q22: *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. Leadership will consult with offices of human resources and SJA to determine appropriate collective bargaining obligations where bargaining unit employees are impacted.*

Q23: What type of work may a supervisor assign to an evacuated employee?

A23: *Under OPM regulations, the UTNG may assign “any work considered necessary without regard to the employee's grade or title”. However, the UTNG may not assign work to an employee unless the organization knows the employee has the necessary knowledge and skills to perform the assigned work.*

Q24: If an employee is forced to incur additional costs due to working from home (e.g., purchasing a computer or internet service), may the UTNG provide payments to offset those expenses?

A24: *The agency head (USPFO), “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 through proper leadership channels.*

Q26: 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?

A26: *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>.*

Q27: Where can Federal employees find information on workers compensation benefits related to COVID-19?

A27: *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>.*

For questions, comments or concerns please direct inquiries to:

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