

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

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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 a supervisor 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 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. An employee just returned from an affected area and the supervisor does not want the employee to come into the office until it is certain that the employee does not present a safety risk. What can the supervisor do?

A2. Supervisors should identify whether the employee is a telework program participant and, if so, offer the employee the option to telework. If the employee is not a telework program participant 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 with children whose 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 employee 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.

For employees covered under title I of FMLA (i.e., DoD employees with an intermittent work schedule or under a temporary appointment with a time limitation of 1 year or less), the Expanded Family and Medical Leave Act authorized in Division C of the Families First Coronavirus Response Act (FFCRA) extends FMLA to employees who are unable to work (or telework) due to a need for leave to care for the employee's child (under 18 years of age) as a result of the child's school or place of care has been closed. The first 10 days of this type of leave is unpaid leave and the remaining 10 weeks (if necessary) is paid at two-thirds of the employee's regular rate of pay. (For eligibility criteria, payment limitations, and additional information see <https://www.dol.gov/agencies/whd/ffcra>).

Most employees are eligible for up to 80 hours of emergency paid sick leave under Division E of the FFCRA. This sick leave is paid at two-thirds (2/3) the employee's regular rate of pay and is for employees who are unable to work (or telework) because of a bona fide need to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19. (For eligibility criteria, payment limitations, and additional information see <https://www.dol.gov/agencies/whd/ffcra>).

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 because of COVID-19?**

A6. Under the following scenario an agency may order an employee to telework even if the position ordinarily is not telework eligible and even if the employee is not a telework program participant: A pandemic has been declared by the World Health Organization and the Secretary of Defense issues an evacuation order to a safe haven (e.g., home) pursuant to 5 C.F.R. § 550.409. The Secretary of Defense currently has not issued an evacuation order.

An evacuated employee at a safe haven may be assigned any work considered necessary or required to be performed during the period of evacuation without regard to the employee's grade, level, or title. The employee must have the necessary knowledge and skills to perform the assigned work.

***Q7. Can an agency order an employee to telework during a COOP event?**

A7. Yes if the employee is a telework program participant. If the COOP event involves an evacuation order (which, in the case of COVID-19 needs to be issued by the Secretary of Defense), employees who are not telework program participants may be ordered to telework. See Question 6 regarding telework under an evacuation order.

Q8. 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?

A8. 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.

Q9. Do supervisors have the authority to direct telework for an asymptomatic employee who is a telework participant?

A9. Yes, pursuant to a determination under 5 C.F.R. § 630.1605 that the employee is prevented from safely traveling to or safely performing work at the usual worksite.

***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 may 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 the Secretary of Defense declares an evacuation, then employees can be ordered to telework irrespective of participation in, or eligibility for, a telework program unless prohibited by the Telework Enhancement Act of 2010 (Public Law 111-292) (i.e., the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or the employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties).

***Q11. Can employees change their telework location without prior approval of their supervisor?**

A11. No, an employee's telework site must be approved by his or her supervisor prior to working. It must be the same site indicated in the telework agreement. The site may be changed on a situational basis in an emergency, however the employee must get approval by his or her supervisor.

C. TRAVEL: GENERAL

***Q1. What are the DoD travel restrictions?**

*A1. The Secretary of Defense issued the memorandum, "Reissuance of Department of Defense Response to Coronavirus Disease 2019 – Travel Restrictions," April 20, 2020, cancelled three prior issuances and reissued travel restriction guidance for DoD Components. Through June 30, 2020, the Secretary of Defense ordered a stop movement for DoD civilian employees and their dependents both internationally and domestically while the memorandum is in effect. This stop movement applies to all official travel including but not limited to:

- Temporary duty (TDY) travel;
- Government-funded leave travel;
- Permanent duty travel, including Permanent Change of Station (PCS) travel; and,
- Travel related to Authorized and Ordered Departures issued by the Department of State.

DoD Components may onboard civilian employees within the local community area only, and civilian employees whose travel to the local commuting area is not government-funded.

The following circumstances are exempt from these travel restrictions:

- Travel by patients, as well as their authorized escorts and attendants, for purposes of medical treatment. Travel by medical providers for the purposes of medical treatment for DoD personnel and their families is also authorized.
- Travel for Global Force Management (GFM) activities (defined as deployments/redeployments ordered in the Global Force Management Allocation Plan, including Service internal rotations to support, and TDY used to source ordered capabilities).
- Travel by authorized travelers who departed their permanent duty station and are “awaiting transportation,” and have already initiated travel (including intermediate stops). Such travelers are authorized to continue travel to their final destination on approved orders.
- Travel by authorized travelers whose TDY ends while this directive is in effect. Such travelers are authorized to return to their permanent duty station.
- Travel authorized by the Commander, U.S. Transportation Command (USTRANSCOM), to continue execution of the Joint Deployment and Distribution Enterprise as required to project and sustain the Joint Force globally.
- Travel by individuals pending retirement or separation from Federal service or the Department of Defense; and,
- Travel by those under authority of a Chief of Mission and authorized by that Chief of Mission.

If these exemptions do not apply to a DoD civilian employee, then an exception may be granted by the following officials or their designees (i.e., first general or flag officer or member of the Senior Executive Service or equivalent in the traveler’s chain of command or supervision):

- The Combatant Commander if the civilian employee is assigned or allocated to a Combatant Command;
- The Chairman of the Joint Chiefs of Staff if the civilian employee is assigned to the Joint Staff;
- The Secretary of the Military Department concerned for civilian personnel under his/her jurisdiction;

- The Chief of the National Guard Bureau (NGB) for all civilian personnel assigned, attached, or allocated to the NGB, and for all title 32 and title 5 personnel assigned throughout the National Guard; and,
- The Chief Management Officer for personnel in the Office of the Secretary of Defense, Defense Agencies, DoD Field Activities, and any other DoD entities not listed above.

These officials, or their designees, may grant an exception where the travel is:

- determined to be mission-essential;
- necessary for humanitarian reasons; or,
- warranted due to extreme hardship.

Exceptions may only be granted on a case-by-case basis where determined to be in the best interest of the U.S. Government, and shall be coordinated between the gaining and losing organizations. Mission-essential travel refers to work that must be performed to ensure the continued operations of mission-essential functions, including positions that are deemed key and essential, as determined by the responsible DoD Component.

Q2. Are civilians restricted from personal travel?

A2. No. Civilian employees are not restricted from personal travel.

Q3. 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 Movement order and now have no transportation to and from work?

A3. There is no authority to provide employees with a rental car at their permanent duty station at the expense of the government.

Q4. 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.

A4. 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."

***Q5. How does the stop movement affect employees who are TDY? Are we supposed to bring them home or extend them?**

A5. Individuals whose TDY ends are authorized to return to their home station.

***Q6. Can a supervisor deny leave to a civilian who is traveling outside the local commuting area?**

A6. 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 conducted at the expense of the individual solely because an employee is traveling outside of the local commuting area or to a CDC-designated level 2 or greater area.

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 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. Is a civilian employee located at an OCONUS duty station scheduled to return to CONUS on his or her last move home still entitled to the move?**

*A3. Yes, provided that the government-funded travel by the employee is permitted by one of the approved exemptions identified in the Secretary of Defense memorandum, "Reissuance of Department of Defense Response to Coronavirus Disease 2019 – Travel Restrictions," April 20, 2020. If the employee's travel is not exempt, he or she may be receive for an exception from the appropriate official identified in the same memorandum, or their designee.

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](#).

***Q5. We have several employees concerned with the DoD travel restrictions and how it may affect their use of Renewal Agreement Travel (RAT). How should DoD Components process RAT for employees that are close to the end of their current eligibility window during the travel restriction period?**

A5. The Federal Travel Regulations govern the rules for RAT. The FTR (promulgated by GSA) does not provide for any exceptions, and GSA informed that it has no plans to issue a bulletin to change that.

For employees who are currently unable to return to their PDS, the employee may be placed on TDY orders by their command to telework from their current location; or, may be placed on weather and safety leave, if appropriate. The Secretary of Defense memorandum, "Reissuance of Department of Defense Response to Coronavirus Disease 2019 – Travel Restrictions," April 20, 2020, allows for DoD Components to seek an exception to the travel restrictions through the Service Secretaries or Chief Management Officer or their designees. Individuals whose TDY ends while the order is in effect are authorized to return to their home station.

***Q6. What allowances are available for those employees in CONUS and unable to return to their OCONUS Duty Station based on the travel restrictions?**

A6. Employees who are CONUS and unable to return OCONUS due to an Authorized Departure or Ordered Departure are entitled to evacuation payments. These payments are specific to each employee and are determined on a case-by-case basis.

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 a telework program participant. 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 a telework program participant, 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 civilian employees take sick leave when they are ill or to care for a sick family member?

A4. 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.](#)

Q5. Are intermittent employees eligible for weather and safety leave?

A5. No, intermittent employees are not eligible for weather and safety leave. However, the employee may be eligible to take leave under the Families First Coronavirus Response Act depending on the facts and circumstances.

Q6. Can my agency restore annual leave as a result of the COVID-19 pandemic?

A6. Agencies shall restore annual leave that was forfeited because it was in excess of the maximum leave ceilings (i.e., 240, 360, or 720 hours) if the leave was forfeited because of an administrative error, exigency of the public business, or sickness of the employee. An agency may restore the annual leave in a separate leave account.

If an employee has annual leave properly scheduled in writing before the start of the third biweekly pay period (i.e., Nov 21, 2020) prior to the end of the leave year and can't use it because his/her supervisor requires the employee to be at work on those scheduled leave days under circumstances amounting to a public exigency, then the employee will forfeit that leave and then it can be restored under the law.

Exigency of the Public Business - The employing agency determines that an exigency - i.e., an urgent need for the employee to be at work - is of major importance and that excess annual leave cannot be used.

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 Component 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. Yes. While policy is forthcoming, Sections 16003 and 18110 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, March 27, 2020, both provided waivers to the premium pay and aggregate pay limitations found at sections 5547(a) and 5307 of title 5, United States Code (U.S.C.).

Section 16003 allows the head of the agency to waive the premium pay limitation (5 U.S.C. 5547(a)) and the aggregate limitation on pay (5 U.S.C. 5307) for work that is primarily related to the preparation, prevention, or response to COVID-19. Section 16003 is limited to premium pay that is funded, either directly or through reimbursement, by FEMA that may be waived under this section. The waiver is effective through the end of FY 2020 and is retroactively in effect as of January 1, 2020.

Section 18110 allows the head of the agency to waive the premium pay limitation (5 U.S.C. 5547(a)) and the aggregate limitation on pay (5 U.S.C. 5307) for work that is primarily related to the preparation, prevention, or response to COVID-19 without limitation to funding source. The waiver is effective through the end of FY 2020 and is retroactively in effect as of February 2, 2020.

Q5. Will there will be changes to Imminent Danger Pay (IDP) practices during the COVID-19 Pandemic? If, so will these changes be afforded to government civil service employees?

A5. At this time there are no changes to the current process for requesting IDP designation. IDP for civilian employees is covered under Department of State Standardized Regulations and is established for designated areas for civilian employees accompanying uniformed military for whom the Secretary of Defense has established a similar benefit. Under circumstances defined by the Secretary of State, a danger pay allowance may be granted to civilian employees who accompany U.S. military forces designated by the Secretary of Defense as eligible for imminent danger pay. The Secretary of State will define the area of application for civilian employees.

Q6. Can employees receive hazardous duty pay or environmental differential pay for potential exposure to COVID-19?

A6. 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 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.

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. The Secretary of Defense memorandum, "Reissuance of Department of Defense Response to Coronavirus Disease 2019 – Travel Restrictions," April 20, 2020 placed restrictions on hiring of civilian personnel. Until travel restrictions described in the memorandum (See above in Question 1 of Section C) are lifted or an exception granted, DoD Components are limited in onboarding only those civilian employees within the

local commuting area, and civilian employees whose travel to the local community is not government-funded.

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 neither the gaining organization nor new employee conducts any travel during the stop movement consistent with the Secretary of Defense memorandum, "Reissuance of Department of Defense Response to Coronavirus Disease 2019 – Travel Restrictions," April 20, 2020. Exceptions may be granted by the appropriate official, or designee, as outlined in this memorandum.

Q2. If a PPP registrant matches a DoD vacancy during COVID-19 travel restrictions, what actions should be taken by the Human Resource Offices (HRO)?

A2. The match should be worked in accordance with standard PPP policy, including extension of the PPP job offer. If the job offer is accepted and the registrant currently resides within the commuting area of the vacancy, a reporting date should be established. If the registrant does not reside within the commuting area of the vacancy, a reporting date will be established after the COVID-19 travel restrictions are lifted, unless an exception is granted.

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 servicing legal advisor 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. LABOR RELATIONS**

***Q1. What are the labor relations obligations for an agency in taking action when an employee has, is suspected of having, or been exposed to COVID-19?**

A1. Agencies are encouraged to review applicable collective bargaining agreements (CBAs) to determine what, if any, obligations agencies may have under 5 U.S.C. chapter 71. However, we note that 5 U.S.C. § 7106(a) (2) (D) provides that an Agency may “take whatever actions may be necessary to carry out the Agency mission during emergencies”.

Agencies should consult with their human resources and general counsel to determine appropriate labor relations obligations as they relate to considering actions needed to address COVID-19. If the Agency needs to act quickly due to the circumstances of the emergency, the Agency is strongly encouraged to begin communicating with the appropriate union representatives as soon as possible and otherwise satisfy any applicable CBA obligations at the earliest opportunity, including on a post-implementation basis.

Lastly, if the union files proposals on anything, each proposal should be reviewed individually and a determination made if the proposal fall under prohibitive or permissive subjects of bargaining, or appropriate arrangements and procedures, or "covered by" doctrine. DCPAS stands ready to assist agencies in determining negotiability obligations of union proposals. Agencies are reminded to consult with DCPAS for approval prior to either verbally or in writing, declaring a proposal non-negotiable.

***K. FEDERAL EMPLOYEES’ COMPENSATION ACTION (FECA)**

***Q1. My organization is now teleworking full time. If an employee is diagnosed with COVID-19, will the employee be eligible for benefits under the FECA?**

A1. An employee must meet the requirements for claim acceptance just as in any claim. In order for an employee to be covered by the FECA while teleworking, he or she must be directly engaged in the performance of his or her federal duties at the time of the claimed work injury. If an employee believes that he or she contracted COVID-19 while directly engaged in telework activities he or she may file a form CA-1, Notice of Traumatic Injury. The Office of Workers’ Compensation Programs (OWCP) will develop the claim and make a formal decision regarding entitlement to benefits.

***Q2. Can employees receive FECA benefits if diagnosed with COVID-19 but do not exhibit any symptoms?**

A2. In order to meet the requirements for entitlements to benefits, the factual evidence must establish a work-related COVID-19 exposure, and the medical evidence must establish a positive COVID-19 diagnosis resulting from the work-related exposure.

***Q3. What happens if an employee is diagnosed with COVID-19 but cannot determine where or how the employee was exposed? Can the employee still receive FECA benefits?**

A3. FECA benefits for COVID-19 are only payable if the evidence supports that an

employment factor or requirement gave rise to the resulting COVID-19 diagnosis. This requirement for entitlement must be satisfied by factual evidence showing a work-related COVID-19 exposure and medical evidence from a qualified physician reflecting that the positive COVID-19 diagnosis resulted from the established work-related exposure.

***Q4. If an employee's claim is accepted for COVID-19, will any medical treatment be paid under the FECA?**

A4. If your claim is accepted for COVID-19, you are entitled to receive all medical services, appliances or supplies which a qualified physician prescribes or recommends, and which OWCP considers necessary to treat the condition that was accepted as work-related condition.

***Q5. Should employees wait for OWCP to make a decision on my claim before they seek medical treatment?**

A5. If an employee is ill and in need of medical treatment, the employee should not wait for OWCP to make a formal decision on the claim. Please seek medical treatment when needed.

L. DOD EXPEDITIONARY CIVILIANS (DOD-EC)

***Q1. Are there rest and recuperation (R&R) restrictions to these level 3 category locations i.e. Germany or Italy for our overseas civilian workforce?**

*A1. Yes, R&R travel is considered government funded leave and subject to the Secretary of Defense memorandum, "Reissuance of Department of Defense Response to Coronavirus Disease 2019 – Travel Restrictions," April 20, 2020

***Q2. If an employee's R&R return has been canceled and not showing signs/symptoms of illness, what type of leave status should the employee be in?**

A2. At the end date of your R&R, a supervisor may assign the employee to telework, if practicable, or assign the employee to another duty location. Where those options are not available, the employee will be eligible for Weather and Safety leave due to being subject to movement restrictions for COVID-19. Also, note that the employee may not voluntarily change cancel R&R leave and to use Weather and Safety leave.

***Q3. Will an employee's Post Differential pay be affected by delays in returning from R&R leave?**

A3. Yes, if the employee is no longer in Afghanistan or other overseas duty location for more than 30 days, Post Differential pay will end. Once the employee is allowed to return, the employee will start the 42-day eligibility period over again for the Post

Differential to re-start. At the end of the eligibility period, the Post Differential pay will be made retroactive back to the start of this recent 42-day period.

***Q4. If DoD-EC employees are quarantined, are they approved excused leave or do they have to use their own sick leave?**

A4. An employee symptomatic of COVID-19 will use their own sick leave. Please review the section on Leave above for more information.

***Q5. Do redeploying DoD-EC employees have to be quarantined for two weeks?**

A5. DoD strongly recommends and encourages DoD Components to restrict DoD workplace access for 14 days for DoD Civilians employees whose travel included CDC Travel Health Notice Level 2 and 3 locations. DoD-EC employees should follow guidance from their specific DoD Component.

M. NON-APPROPRIATED FUND (NAF)

*** Q1. What is the co-pay or coinsurance payment for an employee seeking care from an authorized health provider because the employee is experiencing COVID-19 symptoms?**

A1. All member cost sharing for co-pays and coinsurance is waived on all of the DoD Health plans, including the High Deductible Health Plan (HDDP), for FDA-authorized COVID-19 tests, health care provider visits (in and out of network), urgent care visits, and emergency room visits ***that result in an order for or administration of the test.***

***Q2. What is the co-pay for telemedicine visits?**

A2. The DoD NAF Health plan will provide zero co-pay for Teladoc general medicine and behavioral health consults, as well as for in-network providers delivering synchronous virtual care (live videoconferencing) for any reason. The member waiver of co-pays for Teladoc is available only on the CONUS plans including HDHP. Contact your health insurance provider for more information on how to take advantage of this co-pay elimination as it is only for a limited time period.

***Q3. How should employees ensure their prescription medications do not run out during the COVID-19 pandemic period?**

A3. DoD HBP pharmacy program will waive early refill limits on 30-day prescription maintenance medications for all members covered by the DoD NAF HBP. This applies to any 30-day prescriptions for maintenance medications filled at a participating pharmacy in the US for those covered on the CONUS plans, as well as any fills done in the US by employees, retirees, or covered dependents on the OCONUS plans that are living in the US.

***Q4. May NAF employees telework to help mitigate the spread of COVID-19? Are**

DoD NAF Components authorized to establish alternative work schedules?

A4. Yes, DoD NAF Components have the discretion to authorize, promote, and implement telework programs for NAF employees, and to establish alternative work schedules such as compressed and flexible schedules under Department of Defense Instruction 1400.25, Volume 1406, "DoD Civilian Personnel Management System: Nonappropriated Fund (NAF) Attendance and Leave."

N. PERFORMANCE MANAGEMENT

***Q1. How should we handle the end of the DPMAP rating cycle, considering the impacts of COVID-19?**

A1. Employees who perform under an approved performance plan for a minimum of 90 calendar days will be rated based on the period of demonstrated performance. The Department is exploring options concerning the effective date of ratings, and the establishment of performance plans for new rating cycles.

O. 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.

- 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 automatically waived?

A2. No. A waiver is required under 5 USC 3326 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 unless the position is covered by a special salary rate under 5 USC 5305. Because a waiver is available, Service members who are retiring are encouraged to apply for DoD positions even if they are retiring.

Q3. Is there existing language that allows agencies to pay the employee portion of the health insurance during an activation?

A3. An employing agency may pay both the employee and Government contributions for up to 24 months, and any additional administrative expenses otherwise chargeable to the employee, with respect to health care coverage for anyone called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10). Therefore, because the President declared a National Emergency on March 13, 2020, if National Guard members are called to active duty under section 688, 12301(a), 12302, 12304, 12304a, 12305, or 12406 of this title, chapter 13 of this title, section 712 [1] of title 14, they are entitled have their FEHB employee costs paid by the agency.

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
- 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/>
- Air Force Coronavirus Disease 2019 website: <https://www.af.mil/News/Coronavirus-Disease-2019/>
- Army COVID-19 Coronavirus website: <https://www.army.mil/covid-19/>
- Navy COVID-19 Updates website: <https://navylive.dodlive.mil/2020/03/15/u-s-navy-covid-19-updates/>