UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Planning for Pandemic Influenza

Human Resources Information for Agencies and Departments

May 2009

Planning for Pandemic Influenza

Human Resources Information for Agencies and Departments

All Issuances as of May 2009

Installment Guide

Foreword (updated May 1, 2009)

Table of Contents (updated May 2009)

I. Policy Guidance on Human Resources Management (reviewed May 2009)

A. Introduction: Workforce Implications of Pandemic Influenza

B. Index and Quick Reference Guide

C. Hiring Flexibilities

D. Leave Flexibilities

E. Pay Flexibilities

F. Benefits

G. Alternative Work Arrangements

H. Information Regarding Overseas Employees

I. Miscellaneous

II. Telework Guidance (updated May 2009)

A. A Guide to Telework in the Federal Government

B. Fact Sheet: Telework and Emergency Preparedness

C. Telework Training

III. Questions and Answers (reviewed May 2009)

A. Accomplishing Work During a Pandemic Health Crisis

B. Leave Flexibilities for Employees Adversely Affected by A Pandemic Health Crisis

C. Employee and Labor Relations During a Pandemic Health Crisis

D. Hiring Flexibilities During a Pandemic Health Crisis

E. Miscellaneous Questions

IV. Fact Sheets (reviewed May 2009)

A. Fact Sheet: Applying for Retirement, Death Benefits, Social Security Benefits, Thrift Savings Plan, and Office of Workers Compensation Benefits

B. Fact Sheet: Federal Employee Insurance Programs During a Pandemic Health Crisis

C. Fact Sheet: Information for Managers About Flexible Work Arrangements

D. Fact Sheet: Information for Managers and Work/Life Coordinators About Employee Assistance Programs (EAPs)

E Fact Sheet: Evacuation Payments During a Pandemic Health Crisis

Additional material may be added in future installments

V. Pandemic Planning Guides and Agency Strategies (reviewed May 2009)

A. What Should an Agency Do To Prepare for a Pandemic Health Crisis?

B. What Should a Supervisor Do To Prepare for a Pandemic Health Crisis?

C. What Can a Supervisor Do To Accomplish Work During a Pandemic Health Crisis?

D. What Can an Agency Do To Prepare for Workplace Disruptions During a Pandemic Health Crisis?

E. What Pay and Leave Flexibilities and Requirements Should an Agency Prepare To Manage During a Pandemic Health Crisis?

F. What Can an Agency Do To Prepare for Labor Relations Issues That May Arise in the Event of a Pandemic Health Crisis?

G. What Hiring Strategies Could an Agency or Manager Use During a Pandemic Health Crisis?

H. What Can an Agency Do To Prepare for Telework During a Pandemic Health Crisis?

I. Human Resources Strategies for a Pandemic Health Crisis

J. Evacuation Payments During a Pandemic Health Crisis—Sample Agency Plan

VI. Human Resources Information Specifically for Employees (reviewed May 2009)

A. Fact Sheet: Information for Employees About Flexible Work Arrangements

B. Fact Sheet: Information for Employees About the Employee Assistance Program (EAP)

C. Fact Sheet: Information for Employees About Health Benefits During a Pandemic

D. Fact Sheet: Information for Employees About FLTCIP and FSAFEDS

E. Fact Sheet: Information for Employees About Applying For Federal Employee Group Life Insurance Benefits

F. Fact Sheet: Information for Employees About Leave Flexibilities During a Pandemic Health Crisis

G. Fact Sheet: Information for Employees About Pay Flexibilities During a Pandemic Health Crisis

H. Guide: What You and Your Family Need To Know About Your Federal Benefits During an Emergency

I. Questions and Answers for Employees

Additional material may be added in future installments

VII. Links to Additional Information on Pandemic Influenza (reviewed May 2009)

VIII. Collecting Workforce Data During a Pandemic Influenza Episode (reviewed May 2009)

A. Instruction Sheet to Payroll Providers for Tracking Federal Employees During a Pandemic

B. Instruction Sheet to Departments/Agencies for Tracking Federal Employees During a Pandemic

C. Attachment A: Federal Employees Status Report – Payroll

D. Attachment B: Federal Employees Status Report –Telework and Deaths

Foreword

The *Implementation Plan for the National Strategy for Pandemic Influenza (Implementation Plan)*, issued on May 3, 2006, called on the U.S. Office of Personnel Management (OPM) to provide guidance to Federal departments and agencies on human resources management and continuity of operations planning criteria related to pandemic influenza. In addition, the *Implementation Plan* required OPM to update its Telework Guide to provide guidance to Federal departments and agencies regarding workplace options during a pandemic. OPM's *Planning for Pandemic Influenza: Human Capital Information for Departments and Agencies* (Guide), issued in three installments beginning in June 2006 and ending in September of that same year, was our initial response to this directive. This current installment of the Guide has been updated as of May 2009.

The Guide was initially developed in 2006 in coordination with the Emergency Preparedness Subcommittee of the Chief Human Capital Officers Council, including representatives from the Departments of Agriculture, Defense, Health and Human Services, Homeland Security, Labor, State, and Transportation, and the Nuclear Regulatory Commission. While the Guide has been prepared specifically with the possibility of a pandemic influenza in mind, most of the information is equally applicable in other pandemic health crisis situations as well as in many other emergency situations. A quick glance at the Table of Contents shows the Guide has been organized to present policy guidance in a variety of formats, including comprehensive statements of policy guidance; fact sheets and guides intended for various audiences; planning guides for agencies, human resources professionals, and managers; and questions and answers. The Table of Contents identifies the specific audiences for which each kind of guidance may be useful.

This Guide also includes a revised and updated section on telework and a collection of specific examples of "Human Resources Strategies" offered by Federal departments and agencies. Also included are numerous links to information and resources related to pandemic influenza. Finally, the Guide establishes a process for collecting workforce data during a pandemic influenza episode.

OPM urges Federal departments and agencies to make creative use of this Guide. For example, some of the fact sheets and guides may lend themselves to widespread distribution to all employees or to managers and supervisors. The checklists contained in some of the "planning guides" should be useful in ensuring each agency and its managers and supervisors are prepared for a possible pandemic health crisis.

The Guide is designed to help Federal departments and agencies achieve two equally important goals—(1) protecting the Federal workforce and (2) ensuring the continuity of operations. These goals are not mutually exclusive. The message to the American people should be they can have confidence in the ability and determination of the Federal Government to carry out its mission, especially in an emergency. For this reason, the Guide emphasizes the need to carry on the work of the Government wherever possible and through whatever means are available. Such means can include voluntary telework arrangements and the designation of an employee's home as a "safe haven" for the purpose of receiving "evacuation payments" and continuing the work of the Government. OPM does not anticipate the need for widespread use of excused absences (i.e., "administrative leave"), which should be regarded as a last resort in dealing with a pandemic heath crisis. If and when the need arises, we will work to develop a consistent Governmentwide policy on the use of excused absences.

OPM extends its thanks and appreciation to the many individuals in the Federal human resources community who reviewed and contributed to this guide. With few exceptions, the guidance is not intended to be restrictive, but rather to empower agencies to prepare for and respond to the possibility of a pandemic influenza. Agencies are expected to implement policies consistent with laws, regulations, and OPM guidance, but at the same time are encouraged to be flexible, and creative when using these authorities where possible. As agencies continue to plan and, more importantly, test their ideas, we expect additional innovative approaches will evolve and be shared further.

OPM will continue to update and expand the Guide to address emerging issues and strategies, as well as unforeseen circumstances.

John Berry
Director
U.S. Office of Personnel Management
May 2009

Table Description: The below table displays each section of the Table of Contents and links each section with four audience groups (HR Professionals, Agencies, Managers and Employees). Each audience group will have an interest in reading a specific section. The table has a color code designated for each audience group and a text version is provided.

Audience				
HR Professionals	Agencies	Managers	Employees	**Planning for Pandemic Influenza** **Human Resources Information for Departments and Agencies** **U.S. Office of Personnel Management** **Table of Contents**
●	●	●	●	Foreword
●	●	●	●	**Table of Contents**
				I. Policy Guidance on Human Resources Management
●	●	●	●	A. Introduction: Workforce Implications of Pandemic Influenza
●	●	●	●	B. Guidance on Human Resources Management: Index and Quick Reference Guide
●	●	●	●	C. Hiring Flexibilities
●	●	●	●	D. Leave Flexibilities
●	●	●	●	E. Pay Flexibilities
●	●	●	●	F. Benefits
●	●	●	●	G. Alternative Work Arrangements
●	●	●	●	H. Information Regarding Overseas Employees
●	●	●	●	I. Miscellaneous
				II. Telework Guidance
●	●	●	●	A. A Guide to Telework in the Federal Government
●	●	●	●	B. Fact Sheet: Telework and Emergency Preparedness
●	●	●	●	C. Telework Training
				III. Questions and Answers
●	●	●	●	A. Accomplishing Work During a Pandemic Health Crisis
●	●	●	●	B. Leave Flexibilities for Employees Adversely Affected by a Pandemic Health Crisis
●	●	●	●	C. Employee and Labor Relations During a Pandemic Health Crisis
●	●	●	●	D. Hiring Flexibilities During a Pandemic Health Crisis
●	●	●	●	E. Miscellaneous Questions
				IV. Fact Sheets
●		●	●	A. Applying for Retirement, Death Benefits, Social Security Benefits, Thrift Savings Plan, and Office of Workers' Compensation Benefits
●		●	●	B. Federal Employee Insurance Programs During a Pandemic Health Crisis
●		●		C. Information for Managers About Flexible Work Arrangements
●		●		D. Information for Managers and Work/Life Coordinators About Employee Assistance Programs (EAPs)
●	●	●		E. Pay Fact Sheets
●	●	●		F. Leave Fact Sheets (future issuances)

Planning for Pandemic Influenza
Human Resources Information for Departments and Agencies
U.S. Office of Personnel Management

Audience: HR Professionals	Agencies	Managers	Employees	
				V. Pandemic Planning Guides and Agency Strategies
●	●			A. What Should an Agency Do To Prepare for a Pandemic Health Crisis?
●		●		B. What Should a Supervisor Do To Prepare for a Pandemic Health Crisis?
●		●		C. What Can a Supervisor Do To Accomplish Work During a Pandemic Health Crisis?
●	●	●		D. What Can an Agency Do To Prepare for Workplace Disruptions During a Pandemic Health Crisis?
●	●	●		E. What Pay and Leave Flexibilities and Requirements Should an Agency Prepare To Manage During a Pandemic Health Crisis?
●	●	●		F. What Can an Agency Do To Prepare for Labor Relations Issues That May Arise in the Event of a Pandemic Health Crisis?
●	●	●		G. What Hiring Strategies Could an Agency or Manager Use During a Pandemic Health Crisis?
●	●	●		H. What Can an Agency Do To Prepare for Telework During a Pandemic Health Crisis?
●	●	●		I. Human Resources Strategies for a Pandemic Health Crisis
●	●	●		J. Evacuation Payments During a Pandemic Health Crisis—Sample Agency Plan
				VI. Human Resources Information Specifically for Employees
●		●	●	A. Information for Employees About Flexible Work Arrangements
●		●	●	B. Information for Employees About Employee Assistance Programs (EAPs)
●		●	●	C. Information for Employees About Health Benefits
●		●	●	D. Federal Long Term Care Insurance Program (FLTCIP) and Federal Flexible Spending Account Program (FSAFEDS)
●		●	●	E. Information for Employees About Applying for Federal Employee Group Life Insurance Benefits
●		●	●	F. Information for Employees About Leave Flexibilities During a Pandemic Health Crisis
●		●	●	G. Information for Employees About Pay Flexibilities During a Pandemic Health Crisis
●		●	●	H. What You and Your Family Need To Know About Your Federal Benefits During an Emergency
		●	●	I. Employee Questions and Answers
		●	●	J. Federal Employees Guide to Pandemic (future issuance)
●	●	●	●	**VII. Links to Additional Information on Pandemic Influenza**
				VIII. Collecting Workforce Data During a Pandemic Influenza Episode
	●			A. Instruction Sheet to Payroll Providers for Reporting Federal Workforce Data During a Pandemic Influenza
	●			B. Instruction Sheet to Departments/Agencies for Reporting Federal Workforce Data During a Pandemic Influenza
	●			C. Attachment A: Federal Employees Status Report – Payroll
	●			D. Attachment B: Federal Employees Status Report –Telework and Deaths

Guidance on Human Resources Management

Introduction: Workforce Implications of Pandemic Influenza

Pandemics have occurred intermittently over centuries. The last three pandemics, in 1918, 1957 and 1968, killed approximately 40 million, 2 million and 1 million people worldwide, respectively. Although the timing cannot be predicted, history and science suggest that we will face one or more pandemics in this century.

It is impossible to know in advance whether a particular influenza virus, such as the H1N1 influenza of 2009 or the H5N1 virus, will lead to a human pandemic. The widespread nature of H5N1 in birds and the likelihood of mutations over time have long raised concerns that virus would become transmissible among humans, with potentially catastrophic consequences.

People accomplish the mission of Federal agencies, and a potential pandemic influenza outbreak may compromise the ability of Federal agencies to accomplish their mission. Therefore, Federal agencies must plan to deal with the potential implications for human resources management. If a pandemic influenza outbreak spreads, Federal employees may be infected or exposed. Their families may be incapacitated, and their options for getting to work may be limited. There may also be a need to limit potential exposure. Many employees and their supervisors will have questions about their rights, entitlements, alternative work arrangements, benefits, leave and pay flexibilities, and hiring flexibilities available during the turmoil created by the pandemic.

This Guide provides guidance and information on the programs and flexibilities available to Federal managers and employees to help deal with the effects of a potential pandemic outbreak. When circumstances warrant, OPM also will issue additional guidance to address issues that may arise during a pandemic influenza outbreak regarding the use of leave, telework arrangements, hiring flexibilities, and other human resources matters. This Guide will assist agencies and employees in understanding and using these flexibilities.

Increasingly, agencies rely upon contractors to perform many of the essential functions of the agency. Agencies are encouraged to contact their acquisition professionals for advice and guidance on dealing with human resources management issues associated with contractors and contract workers.

Index and Quick Reference Guide

http://www.opm.gov/pandemic/

Hiring Flexibilities — see Section OPM-I-C

Hiring Flexibilities You Can Use Now Without OPM Approval

- Direct-Hire Authorities (Governmentwide and Already Approved)
- 30-Day Critical Need Appointments
- 1-Year, 1040 Work Hours per Year Appointments in Remote/Isolated Locations
- Reemploying Former Federal Employees
- Reemploying Annuitants Without Salary Offset Waiver
- Employing Faculty Members
- Career Transition Assistance Plan (CTAP) and Interagency CTAP (ICTAP)
- Agency Reemployment Priority List (RPL)
- 120 Days or Less Appointments
- Using Private Sector Temporaries

Hiring Flexibilities Which Require OPM Approval

- 1-Year Temporary Emergency Need Appointments
- Reemploying Annuitants Without Salary Offset
- Agency-Specific Schedule A and B Appointments
- Agency-Specific Direct Hire Authority
- Reemploying Buyout Recipients
- SES Limited Emergency Appointments

OPM's Federal Hiring Flexibilities Resource Center

Leave Flexibilities — see Section OPM-I-D

- Sick Leave
- Sick Leave for Exposure to Communicable Disease
- Sick Leave for General Family Care and Bereavement
- Sick Leave To Care for a Family Member with a Serious Health Condition
- Annual Leave
- Advance Annual and/or Sick Leave
- Leave Without Pay (LWOP)
- Family and Medical Leave
- Excused Absence (Administrative Leave)
- Donated Leave
  - Voluntary Leave Transfer Program
  - Voluntary Leave Bank Program
  - Emergency Leave Transfer Program
- Other Paid Time Off
  - Compensatory Time Off
  - Compensatory Time Off for Travel
  - Credit Hours

Pay Flexibilities — see Section OPM-I-E

Benefits — see Section OPM-I-F

- Retirement
- Health Insurance
- Federal Employees' Group Life Insurance Program (FEGLI)
- Federal Long Term Care Insurance Program (FLTCIP)
- Flexible Spending Accounts
- Work/Life Enrichments
- Survivor Benefits

Alternative Work Arrangements — see Section OPM-I-G

- Evacuation Pay
- Alternative Work Schedules

Information Regarding Overseas Employees — see Section OPM-I-H

Miscellaneous — see Section OPM-I-I

- Medical Evaluation Program Guidance
- Workforce Planning Guidance
- Volunteer Activities

Hiring Flexibilities

Hiring Flexibilities You Can Use Now Without OPM Approval

Direct-Hire Authorities (DHA) (Governmentwide and Already Approved) – An agency may immediately appoint any qualified individual to the following medical occupations at all grades and geographic locations after issuing public notice: Diagnostic Radiologic Technologist, GS-0647; Medical Officer, GS-0602; Nurse, GS-0610, GS-0620; and Pharmacist, GS-0660. In addition, OPM recently authorized a nationwide direct-hire authority for Veterinary Medical Officers, GS-0701, at the GS-11 through GS-15. Hiring timeframes are reduced drastically because rating, ranking, and veterans' preference do not apply. However, OPM encourages appointing qualified veterans' preference eligibles whenever possible.

30-Day Critical-Need Appointment – This authority may be useful to immediately appoint individuals with specialized knowledge, skills, abilities, or competencies to address the outbreak while the agency explores other longer-term staffing options. Agencies may make 30-day appointments and may extend them for an additional 30 days. (5 CFR 213.3102(i)(2))

1-Year, 1040 Work Hours per Year Appointments in Remote/Isolated Locations – This authority may be useful to immediately handle an outbreak affecting only an isolated area. It allows 1-year, 1040 work hours per year in remote/isolated locations. Agencies may appoint individuals for up to 1 year to work less than 1040 hours per year. Appointments may be extended in 1-year increments indefinitely. (5 CFR 213.3102(i)(2))

Reappointing Former Federal Employees – Agencies may reappoint people previously employed under a career or career-conditional appointment by reinstatement to a competitive service position. (5 CFR 315 subpart D)

Reemploying Annuitants Without Salary Offset Waiver – Agencies have the authority to reappoint individuals who are willing to work without a salary offset waiver through any applicable hiring authority (e.g., a temporary appointment under 5 CFR part 316). (5 U.S.C. 8344 or 8468)

Employing Faculty Members – This authority may be useful to hire top scientists from academia to assist agencies in medical research. Agencies may appoint faculty members holding full faculty status from accredited colleges and universities, to scientific, professional, or analytical positions. Appointments are limited to 130 working days per year. (5 CFR 213.3102(o))

Career Transition Assistance Plan (CTAP) and Interagency CTAP (ICTAP) – Advertising in the local commuting area to determine if individuals eligible under these programs are available may help agencies identify previously unknown, well-qualified, displaced Federal employees for immediate temporary, term, or permanent employment. These programs provide selection priority to well-qualified current and former displaced employees. (5 CFR 330, subparts F and G)

Agency Reemployment Priority List (RPL) – Current and former employees on agency RPLs are another immediate source of qualified individuals available for temporary, term, or permanent competitive service appointments. The RPL provides selection priority for agency employees who will be or were separated by reduction in force or who have recovered from a work-related injury after more than 1 year. (5 CFR 330)

120 Days or Less Appointments – An agency may appoint an employee with specialized skills or competencies from another agency for up to 120 days without regard to CTAP or ICTAP selection priority. (5 CFR 330, subparts F and G)

Using Private Sector Temporaries – Agencies may contract with private sector temporary firms for services to meet their emergency needs. These contracts may be for 120 days and may be extended for an additional 120 days subject to displaced employee procedures. Agencies considering this flexibility should contact their procurement staff. (5 CFR 300, subpart E)

Hiring Flexibilities Which Require OPM Approval

1-Year Temporary Emergency Need Appointments – OPM may grant use of this authority in response to an outbreak (e.g., to specific agencies and/or geographic locations) or upon request by an agency affected by a pandemic influenza outbreak. (5 CFR 213.3102(i)(3))

Reemploying Annuitants Without Salary Offset – Agencies may want to consider bringing retirees back to work in emergency situations or to supplement their workforce during a pandemic influenza outbreak. Upon request, OPM may delegate agency heads authority to waive the dual compensation reduction (salary offset) otherwise required for reemployed Federal civilian annuitants. OPM cannot approve waivers retroactively. (5 CFR 553, subpart B)

Agency-Specific Schedule A and B Appointments – OPM may authorize excepted service appointment authority for specific positions when competitive examining is not practical. (5 CFR 213)

Agency-Specific Direct Hire Authority (DHA) – Agencies may request Direct Hire Authority (DHA) for positions they need to fill based on a critical hiring need or severe shortage of candidates. OPM will expedite requests for agency-specific direct hire authority. (5 CFR 337, subpart B)

Reemploying Buyout Recipients – Agencies may also want to rehire retirees or others who left the Federal Government with buyouts. Depending upon the specific statute under which the retiree received the buyout, agencies may request a repayment waiver from OPM in unusual circumstances. Persons being considered for waivers must be the only qualified applicants available for the positions and possess expertise and special qualifications needed to respond to emergencies. (5 CFR 576, subpart B)

SES Limited Emergency Appointments – Agencies have the authority to make SES Limited Emergency appointments to career employees. OPM may approve agencies' requests to appoint individuals who are not current career employees, and will consider temporary space allocations for agencies who identify the need as essential. (5 CFR 317.601)

OPM's Federal Hiring Flexibilities Resource Center

At OPM, our priority is to help Federal human resources specialists improve on the time it takes to hire new talent. In recent years, Congress has enacted a number of important new hiring flexibilities. These new authorities, coupled with those already existing, have the potential for dramatically improving your ability to get the right people in the right jobs at the right time. The **Federal Hiring Flexibilities Resource Center** provides you with a toolkit on using hiring flexibilities.

Leave Flexibilities

The Federal Government offers numerous leave flexibilities to assist employees who are affected by a pandemic influenza:

Sick Leave – An employee may use any or all accrued sick leave when he or she is unable to perform his or her duties due to physical or mental illness; is receiving medical examination or treatment; or when he or she would, as determined by the health authorities or a health care provider, jeopardize the health of others because of his or her exposure to a communicable disease.

Sick Leave for General Family Care and Bereavement – An employee may use a total of up to 104 hours (13 days) of sick leave each leave year to provide care for a family member who is ill or receiving medical examination or treatment or to make arrangements necessitated by the death of a family member or attend the funeral of a family member. The amount of sick leave permitted for family care and bereavement purposes is pro-rated for part-time employees and employees with uncommon tours of duty in proportion to the average number of hours of work in the employee's regularly scheduled administrative workweek.

Sick Leave To Care for a Family Member with a Serious Health Condition – An employee may use a total of up to 12 workweeks of sick leave each leave year to care for a family member with a serious health condition. If an employee has already used 13 days of sick leave for general family care and bereavement purposes (discussed above), the 13 days must be subtracted from the 12 weeks.

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

Advance Annual and/or Sick Leave – If an employee has exhausted his or her accrued annual or sick leave, he or she may request advance annual and/or sick leave. The amount of annual leave that may be advanced may not exceed the amount the employee will accrue during the remainder of the leave year. A maximum of 30 days of sick leave may be advanced for an employee's serious disability or illness.

Leave Without Pay (LWOP) – If an employee has exhausted his or her available annual or sick leave or other forms of paid time off, he or she may request leave without pay (LWOP). LWOP is a temporary nonpay status and absence from duty that, in most cases, is granted at the employee's request.

Family and Medical Leave – An employee may invoke his or her entitlement to **unpaid** leave under the Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, an employee may take up to 12 weeks of leave without pay for a serious health condition that prevents an employee from performing his or her duties or to care for a spouse, son or daughter, or parent with a serious health condition. An employee may substitute his or her accrued annual and/or sick leave for unpaid leave in accordance with current laws and regulations governing the use of annual and sick leave.

Excused Absence (Administrative Leave) – *OPM will consult with Federal agencies and Administration officials to develop a consistent, Governmentwide approach to the use of excused absence in appropriate circumstances.*

Donated Leave

If an employee has a personal or family medical emergency or is adversely affected by a major disaster or emergency, he or she may qualify for donated annual leave from the Federal voluntary leave transfer program, voluntary leave bank program, and/or emergency leave transfer program.

> **Voluntary Leave Transfer Program –** The voluntary leave transfer program allows Federal employees to donate annual leave to assist another Federal employee who has a personal or family medical emergency and who has **exhausted his or her own available paid leave.** All agencies must establish a voluntary leave transfer program.
>
> **Voluntary Leave Bank Program –** The voluntary leave bank program allows Federal employees who are members of the agency's voluntary leave bank to receive donated annual leave from the leave bank if the employee experiences a personal or family medical emergency and has **exhausted his or her own available paid leave.** An agency is not required to establish a voluntary leave bank program.
>
> **Emergency Leave Transfer Program –** An emergency leave transfer program, established by OPM when directed by the President, allows an employee in any Executive agency to donate annual leave for transfer to Federal employees who are adversely affected by a major disaster or emergency, such as a flood, earthquake, tornado, bombing, or a pandemic influenza. An employee is **not required to exhaust his or her available paid leave** before receiving donated annual leave.

Other Paid Time Off

An employee may use earned compensatory time off, compensatory time off for travel, and/or credit hours if he or she is unable to report for work as a result of a pandemic influenza.

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

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

Credit Hours – Credit hours are hours an employee elects to work, with supervisory approval, in excess of the employee's basic work requirement under a **flexible work schedule**.

Pay Flexibilities

Annual Premium Pay Cap – In certain emergency or mission critical situations, an agency may apply an annual premium pay cap instead of a biweekly premium pay cap, subject to the conditions provided in law and regulation. (See 5 U.S.C. 5547(b) and 5 CFR 550.106-550.107.) This has a financial benefit for employees whose premium pay earnings would cause them to exceed the biweekly limit during some pay periods. When the agency applies an annual premium pay cap, the affected employee's basic pay and premium pay in any calendar year is limited to the **greater of** (1) the annual rate of basic pay payable for GS-15, step 10 (including any applicable locality rate or special rate of pay), or (2) the annual rate payable for level V of the Executive Schedule.

Overtime Guidance
Night Pay Guidance
Sunday Pay Guidance
Holiday Premium Pay Guidance

NOTE: Overtime pay under the Fair Labor Standards Act (FLSA) is not subject to the biweekly or annual premium pay cap.

Benefits

Benefits for Federal employees and eligible family members remain unchanged during a public health emergency such as a pandemic influenza outbreak. The OPM Website has a wealth of information about employee and family support benefits and policies.

Retirement –Information about retirement benefits and making changes in annuity payments for current and former employees of the Federal Government.

Health Insurance – Information about the world's largest employer-sponsored group health insurance program (for Federal employees, retirees, former employees, family members, and former spouses).

Federal Employees' Group Life Insurance Program (FEGLI) –Information about the world's largest group life insurance program (for Federal employees, retirees, and family members).

Federal Long Term Care Insurance Program (FLTCIP) – Information about long-term insurance for current and retired Federal Government employees and their families.

Flexible Spending Accounts – Information about the Federal Flexible Spending Accounts Program (FSAFEDS), including flexible spending accounts (FSAs) for employees who work for an executive branch agency or an agency that has adopted the Federal Flexible Benefits Plan ("FedFlex").

Work/Life Enrichments – Information about work/life programs and policies designed to create more flexible, responsive work environments supportive of commitments to community, home, and loved ones.

Survivor Benefits – Information about survivor life Insurance benefits for Federal employees, annuitants or compensationers enrolled in the Federal Employees' Group Life Insurance (FEGLI) Program.

Alternative Work Arrangements

The Federal Government offers alternative work arrangements to assist employees who are affected by a pandemic influenza:

Evacuation Pay – Evacuation payments may be made to employees or their dependents, or both, who are ordered to be evacuated from or within the United States and certain nonforeign areas in the national interest because of natural disasters or for military or other reasons that create imminent danger to the lives of the employees, their immediate family, or their dependents. Link to guidance

Alternative Work Schedules – An agency may implement alternative work schedules (AWS) instead of traditional fixed work schedules. Within rules established by the agency, AWS can enable employees to have work schedules that help the employee balance work and family or personal responsibilities. There are two categories of AWS:

A **Flexible Work Schedule** consists of workdays with core hours and flexible hours. Core hours are the designated period of the day when all employees must be at work. Flexible hours are the part of the workday when employees may choose their time of arrival and departure. A flexible work schedule may enable an employee to complete the basic 80-hour biweekly work requirement in less than 10 workdays.

A **Compressed Work Schedule** is a fixed work schedule under which the employee's arrival and departure times may not vary. A compressed work schedule enables a full-time employee to complete the basic 80-hour biweekly work requirement in less than 10 workdays.

Information Regarding Overseas Employees

Preparation and planning for a pandemic health crisis in overseas locations is similar to other emergency planning activities. Whether a Federal employee is employed overseas or is traveling overseas, it is important for the employee to become familiar with the risks and emergency procedures that exist for the area of the stay.

The Department of State emphasizes that, in the event of a pandemic, its ability to assist Americans traveling and residing abroad may be severely limited due to restrictions on local and international movement imposed for public health reasons either by foreign governments and/or the United States. Further, American citizens should take note that the Department of State cannot provide Americans traveling or living abroad with medications or supplies, including supplies needed in the event of a pandemic.

It is likely governments will respond to a pandemic by imposing public health measures that restrict domestic and international movement, further limiting the U.S. Government's ability to assist Americans in these countries. These measures can be implemented very quickly. The Department of State has asked its embassies and consulates to consider preparedness measures that take into consideration the fact that travel into or out of a country may not be possible, safe, or medically advisable during a pandemic. Guidance on how private citizens can prepare for a "stay in place" response, including stockpiling food, water, and medical supplies, is available on the Centers for Disease Control and Prevention (CDC) Website (www.cdc.gov/flu) and the main Federal Website (www.pandemicflu.gov).

- **Overseas employees of the Department of State or of an agency whose mission is attached to an Embassy or Consulate** should become familiar with emergency guidance issued by the Chief of Mission and follow all appropriate procedures.

- **Overseas employees of the Department of Defense, or of an agency whose mission is assigned to an overseas Defense installation**, should become familiar with emergency guidance issued by the employing organization or the appropriate Commander and should follow all appropriate procedures.

- **Overseas employees whose mission is not attached to an Embassy, Consulate, or Defense installation** should stay in regular contact with agency headquarters for guidance on what to do in the event of a pandemic health crisis in their area.

- **Federal employees traveling to overseas locations** should review all advisories and guidance provided by the Centers for Disease Control and Prevention (CDC), the World Health Organization (WHO), and the State Department for the area(s) of the visit, and should contact organization or agency headquarters immediately if a warning is issued for the area of travel.

CDC Information

Centers for Disease Control and Prevention (CDC) travel information related to avian influenza, including preventive measures, is available at www.cdc.gov/flu/avian and www.pandemicflu.gov.

Public Inquiries:	English (888) 246-2675 Spanish (888) 246-2857 TTY (866) 874-2646 Mon-Fri 8am-11pm EST Sat-Sun 10am-8pm EST
Address:	The Centers for Disease Control and Prevention 1600 Clifton Rd. Atlanta, GA 30333 USA (404) 639-3311

WHO Information

World Health Organization (WHO) guidance related to avian influenza is available at www.who.int/csr/disease/avian_influenza/en/.

Contact Information:	Telephone: (202) 974-3787 Facsimile: (202) 974-3789
Address:	WHO Liaison Office 1889 F Street, N.W., Suite 369 Washington, D.C. 20006 USA

State Department Information

General country information can be obtained from the Department of State's Consular Information Sheets at http://travel.state.gov and Embassy and Consulate Websites at http://www.travel.state.gov/travel/tips/embassies/embassies_1214.html.

Toll-free number:	1-888-407-4747
If calling from overseas:	202-501-4444

Miscellaneous

Medical Evaluation Program Guidance – Agencies may establish periodic examination or immunization programs to safeguard the health of employees whose work may subject them or others to significant health or safety risks due to occupational or environmental exposure or demands. The new programs are established through written policies or directives. (5 CFR 339.205)

Workforce Planning Guidance – Agencies may need to reanalyze their workforce and employment needs in light of a pandemic health crisis. OPM offers a workforce planning model and other resources to help agencies perform a workforce analysis and develop a comprehensive workforce plan.

Guidance on Scheduling Work and Granting Time Off to Permit Federal Employees to Participate in Volunteer Activities – The Office of Personnel Management (OPM) offers guidance to support the efforts of departments and agencies to encourage employee participation in volunteer activities. Departments and agencies should also review any applicable regulations or policies and collective bargaining agreements before making determinations on these matters.

Telework Guidance

In recent years, telework has become increasingly widespread and formalized, with legislative mandates as well as new programmatic and policy supports and structures. The information in this section is intended to help Federal managers and employees understand how to make telework a routine part of doing business, as well as how to integrate telework into planning for an emergency, including a pandemic health crisis. OPM will also distribute the document called *A Guide to Telework in the Federal Government* separately as general guidance. We include it here to ensure this material is comprehensive for agency use in preparing for pandemic influenza.

This section contains the following informational materials:

A. *A Guide to Telework in the Federal Government*

B. *Fact Sheet: Telework and Emergency Preparedness*

C. *Telework Training*

A Guide to Telework in the Federal Government
Introduction

Late 20th century technology revolutionized the workplace, and the 21st century workplace is evolving even further. Computers, remote connectivity, voice and electronic communications, paperless work processes, and other innovations make information and work increasingly mobile.

Such innovations help the Federal Government, as the Nation's largest employer, serve the needs of the American public more efficiently and effectively. Federal employees have used mobile work technology for a long time. In recent years, telework has become increasingly widespread and formalized, with legislative mandates as well as new programmatic and policy supports and structures.

The Office of Personnel Management defines telework as "work arrangements in which an employee regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee." Telework is simply a way of getting work done from a different location. It can serve multiple purposes – and have multiple benefits – when it is implemented effectively in an organization.

For Federal agencies, telework is of particular interest for its benefits in the following areas:

- Recruiting and retaining the best possible workforce - particularly newer workers who have high expectations of a technologically forward-thinking workplace and any worker who values work/life balance
- Helping employees manage long commutes and other work/life issues that, if not addressed, can have a negative impact on their effectiveness or lead to employees leaving Federal employment
- Reducing traffic congestion, emissions, and infrastructure impact in urban areas, thereby improving the environment
- Saving taxpayer dollars by decreasing Government real estate costs
- Ensuring continuity of essential Government functions in the event of national or local emergencies

This Guide is intended to help Federal managers and employees understand how to make telework a routine part of doing business, as well as how to integrate telework into emergency planning.

Legislative Background

For over a decade, laws addressing telework (under various names – "work at home," "flexible work," "telecommuting," etc.) have been in effect for Federal employees. The main legislative mandate for telework was established in 2000 (§ 359 of Public Law 106-346). This law states that "[e]ach executive agency shall establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance." Associated language in the conference report for this legislation expanded on that requirement:

> *Each agency participating in the program shall develop criteria to be used in implementing such a policy and ensure that managerial, logistical, organizational, or other barriers to full implementation and successful functioning of the policy are removed. Each agency should also provide for adequate administrative, human resources, technical, and logistical support for carrying out the policy.*

Further legislation (Public Law 108-199, Division B, § 627 of January 23, 2004, and Public Law 108-447, Division B, § 622 of December 8, 2004) followed this mandate with directives to certain agencies to increase telework participation in the workforce by specified amounts.

As part of this congressional mandate, OPM began to survey Federal agencies about telework in 2000. This survey collects data about agency programs and participation rates.

Joint OPM/GSA Support

OPM and the General Services Administration (GSA) collaborate to support telework in Federal agencies. The joint OPM/GSA Website (www.telework.gov) provides information to agencies, managers, and employees about how to effectively implement telework programs and arrangements. OPM and GSA also work directly with telework coordinators in each agency to provide guidance and assistance.

Definitions/Types of Telework

The terms "telework," "telecommuting," "flexible workplace," "remote work," "virtual work," and "mobile work" are all used to refer to work done outside of the traditional on-site work environment. These terms are defined in different ways and used in different contexts to refer to anything from jobs that are completely "virtual" or "mobile," to arrangements that enable employees to work from home a few days per week or per month.

OPM uses the term "telework" for reporting purposes and for all other activities related to policy and legislation. OPM defines telework as "work arrangements in which an employee regularly performs officially assigned duties at home or other work sites geographically convenient to the residence of the employee."

Telework arrangements in the Federal Government are most often part-time rather than full-time, although full-time telework does exist. Agencies may, at their own discretion, define and use the types of telework that best fit their business needs. However, for purposes of reporting and judging progress towards meeting the legislative mandate, OPM will count employees whose telework frequency is in one of the following categories only:

- Regular/recurring at least 3 days per week
- 1 or 2 days per week
- Less often than once a week, but at least once a month

As defined by OPM, telework is not—

- Work extension: Many employees take work home with them. This is remote work, but it is not considered telework within the scope of the legislation.
- Mobile work: Some agencies have employees who, by the nature of their jobs, are generally off-site, and may even use their home as their "home base." Because their work requires this setup and they travel much of the time, they are not considered

teleworkers. This is different from "hoteling" arrangements, in which frequent teleworkers use shared space when they are on-site.

Telework is not an employee right. Federal law requires agencies to have telework programs, but does not give individual employees a legal right to telework.

Sustaining a Successful Telework Program – A Manager's Perspective

What's in it for me?

Compliance with the Mandate

As described in **Legislative Background**, telework should be implemented to the maximum extent possible.

Human Resources Management Tool

Telework, like other flexibilities, can assist managers in attracting, recruiting, and retaining the best possible workforce. In addition, by decreasing employee commute times and other work/life stressors, telework can help make employees more effective in their jobs. Telework may also be used as a reasonable accommodation for disability.

Emergency Response

Integrating work fully into an organization's operations and culture can help maintain critical functionality in the event of an emergency.

The Basics

Know Your Telework Coordinator

Each agency should designate a telework coordinator who acts as the key contact for policy and program questions. Managers should maintain frequent contact with their telework coordinator to ensure the agency's policy and procedures are properly applied and to ensure they are aware of the full range of support and resources available to them.

Know Your Policy and Procedures

As detailed in §359 of Public Law 106-346, all agencies must have a telework policy. Managers should familiarize themselves and their employees with their agency's policy to ensure they are in compliance with its requirements. Most agency policies will include additional procedures for establishing telework agreements, obtaining equipment, etc.

In addition, all agencies should have policies on information systems and technology security (see **Security**), and managers must ensure their equipment choices and telework agreements comply with this policy. Information security includes protection of sensitive "hard-copy" files and documents.

Participate in Training

OPM offers online telework training for employees and managers, which can be accessed via the joint OPM/GSA Website (www.telework.gov). In addition, many agencies offer telework training, and telework coordinators are available to consult with managers.

Information technology security training, administered at the agency level, is mandatory (see **Security**), and managers must ensure teleworkers complete this training and understand their responsibilities in safeguarding work-related information.

How To Be an Effective Telework Manager

To comply with the legislation, managers must be committed to using telework to the fullest extent possible. Beyond the basic requirements outlined above, managerial skill, participation, and support can make telework a real asset to an organization. To effectively implement a telework program, managers should accomplish the following:

Determine Employee Eligibility

Generally, agencies have discretion to determine telework eligibility criteria for their employees. These criteria should be detailed in agency policy. Individual managers should assess who is and who is not eligible in their workgroup based on these eligibility guidelines and any applicable collective bargaining agreements. Some agencies may provide managers additional discretion in deciding whether to grant or deny a request to telework from an eligible employee, based on additional factors such as staffing or budget.

All employees are considered eligible for telework except the following:

- Employees whose positions require, on a daily basis (i.e., every work day), **direct handling of secure materials** or **on-site activity** that cannot be handled remotely or at an alternative worksite, such as face-to-face personal contact in some medical, counseling, or similar services; hands-on contact with machinery, equipment, vehicles, etc.; or other physical presence/site dependent activity, such as forest ranger or guard duty tasks; and
- Employees whose last performance rating of record (or its equivalent) is below *fully successful* (or the agency's equivalent) or whose conduct has resulted in disciplinary action within the last year. (NOTE: Agencies may require a rating of record higher than *fully successful* for eligibility, but must still report as eligible all employees rated *fully successful* or higher.)

Understand and Assess the Needs of the Workgroup

Telework is often implemented piecemeal, rather than strategically, as individuals request arrangements. This reactive approach carries the risk of raising fairness issues, with decisions about telework arrangements being made on a first-come, first-served basis. Telework should be implemented strategically, taking into account the needs and work of the group, rather than granting or denying telework requests one by one. Employees should participate in the process and may be asked to help formulate possible solutions to issues that may arise.

Create Signed Agreements

The teleworker and his or her manager should enter into a written agreement for every type of telework, whether the employee teleworks regularly or not. The parameters of this agreement are most often laid out by the agency policy and/or collective bargaining agreement, but should include certain key elements (see **How To Be an Effective Teleworker**). Most importantly, the agreement should be signed and dated by the manager. Managers should keep copies of all telework agreements on file.

Telework agreements are living documents and should be revisited by the manager and teleworker and re-signed regularly, preferably at least once a year. At a minimum, new telework agreements should be executed when a new employee/manager relationship is established.

OPM strongly recommends any individuals asked to telework in the case of a Continuity of Operations (COOP) event or a pandemic health crisis have a telework agreement in place that provides for such an occurrence. Such individuals also should practice teleworking on a regular basis as much as possible.

Base Denials on Business Reasons

Telework requests may be denied and telework agreements may be terminated. Telework is not an employee right, even if the employee is considered "eligible" by OPM standards and/or the individual agency standards.

Denial and termination decisions must be based on business needs or performance, not personal reasons. For example, a manager may deny a telework agreement if, due to staffing issues, an employee who otherwise has portable duties must provide on-site office coverage. In this case, and whenever applicable, the denial or termination should include information about when the employee might reapply, and also if applicable, what actions the employee should take to improve his or her chance of approval. Denials should be provided in a timely manner. Managers should also review the agency's negotiated agreement(s) and telework policy to ensure they meet any applicable requirements.

Managers should provide affected employees (and keep copies of) signed written denials or terminations of telework agreements. These should include information about why the arrangement was denied or terminated. OPM tracks the numbers of agreements denied and/or terminated, as well as the reasons for such an action; therefore, copies should be given to the agency telework coordinator as well.

Bargaining unit employees may file a grievance about the denial or cancellation of a telework agreement through the negotiated grievance procedure.

Use Good Performance Management Practices

Managers often ask, "How do I know what my employees are doing when I can't see them?" Performance standards for off-site employees are the same as performance standards for on-site employees. Management expectations of a teleworker's performance should be clearly addressed in the telework agreement. As with on-site employees, teleworkers must, and can, be held accountable for the results they produce. Good performance management techniques practiced by a manager will mean a smooth, easy transition to a telework environment. Resources for performance management are available from OPM at www.opm.gov/perform.

Communicate Expectations

The telework agreement (see **How To Be an Effective Teleworker** for key elements) provides a framework for the discussion that needs to take place between the manager and the employee about expectations. For both routine and emergency telework, this discussion is important to ensure the manager and the employee understand each other's expectations around basic issues such as the following:

- How will the manager know the employee is present? (Signing in, signing off procedures may be needed.)
- How will the manager know the work is being accomplished?
- What technologies will be used to maintain contact?
- What equipment is the agency providing? What equipment is the teleworker providing?
- Who provides technical assistance in the event of equipment disruption?
- What will the weekly/monthly telework schedule be? How will the manager and co-workers be kept updated about the schedule? Do changes need to be pre-approved?
- What will the daily telework schedule be? Will the hours be the same as in the main office, or will they be different?
- What are the physical attributes of the telework office, and do they conform to basic safety standards? (Use a safety checklist.)
- What are the expectations for availability (phone, e-mail, etc.)?
- What is the expectation regarding the amount of notice (if any) given for reporting to the official worksite, and how will such notice be provided?
- How is a telework agreement terminated by management or an employee?

Facilitate Communication With All Members of the Workgroup

Teleworking and non-teleworking employees must understand expectations regarding telework arrangements, including coverage, communication, and responsibilities. Although individual teleworkers must take responsibility for their own availability and information sharing, managers should ensure methods are in place to maintain open communication across the members of a workgroup.

Remain Equitable in Assigning Work and Rewarding Performance

Managers should avoid distributing work based on "availability" as measured by physical presence, and avoid the pitfall of assuming someone who is present and looks busy is actually accomplishing more work than someone who is not on-site. Good performance management practices are essential for telework to work effectively and equitably.

Make Good Decisions About Equipment

In Federal Management Regulation (FMR) Bulletin 2006-B3, Guidelines for Alternative Workplace Arrangements (a link is available at www.telework.gov), GSA provides guidelines for the equipment and support an agency may provide teleworkers. Generally, decisions are made by the agency or by individual managers regarding the ways in which teleworkers should be equipped. Managers should familiarize themselves with these guidelines and also with their agency's policy on equipment. Within those constraints, the challenge for managers is finding the right balance of budget, security, and effectiveness. Factors to consider include technology

needs based on the work of the employee, agency security requirements, and budget constraints.

Practice, Practice, Practice

The success of an organization's telework program depends on regular, routine use. Experience is the only way to enable managers, employees, IT support, and other stakeholders to work through any technology, equipment, communications, workflow, and associated issues that may inhibit the transparency of remote work. Individuals expected to telework in an emergency situation should, with some frequency, telework under non-emergency circumstances as well.

The Bottom Line

Managers MUST—

- Implement routine telework in their organization to the fullest extent possible
- Treat employees equitably and fairly in implementing telework in their organization
- Identify eligible and ineligible employees using established agency criteria
- Include telework in COOP and other emergency response planning

Managers MAY NOT—

- Under normal circumstances, require that an employee work from home
- Terminate a telework agreement for reasons other than business or performance reasons

Managers MAY—

- Require an employee to work at an alternative worksite (e.g., a telework center) within the employee's commuting area
- Terminate a telework agreement for business reasons, e.g., an employee's poor performance or a change in the nature of the work

Sustaining a Successful Telework Arrangement – An Employee's Perspective

What's in it for me?

Work/life Balance

Telework gives employees more flexibility in meeting personal and professional responsibilities.

Stress Reduction

Telework can help make life less stressful overall by reducing commuting time and adding to discretionary time, thus reducing commuting stress.

Freedom From Office Distractions
Offices can be busy places, especially in environments where employees work in cubicles. Distractions are plentiful. Many employees find they are able to focus and be more productive when they telework.

Engagement

When employees feel they have greater control over their work, they tend to feel more committed to their organizations.

The Basics

Know Your Telework Coordinator

All agencies must designate a telework coordinator who acts as the key contact for policy and program questions. Employees should maintain contact with their telework coordinator for support and assistance as well as to ensure they follow the agency's policy and procedures.

Know Your Agency's Policy and Procedures

As required by Public Law 106-346, § 359, all agencies must have a telework policy. Employees should familiarize themselves with this policy to ensure they are in compliance with its requirements. Most agency policies will include procedures to be followed for establishing telework arrangements, obtaining equipment, etc.

In addition, employees need to work with their managers and information technology (IT) support to ensure their equipment choices and telework agreements comply with their agency's policy on information systems and technology security (see **Security**). This includes the protection of sensitive files and documents needed for work.

Participate in Training

OPM offers online teleworker training, which can be accessed via the joint OPM/GSA Website (www.telework.gov). In addition, many agencies offer various types of training. Some training may be required for participation in a telework program.

Information technology security training, administered at the agency level, is mandatory (see **Security**). Teleworkers must complete this training and understand their responsibilities in safeguarding work-related information.

How To Be an Effective Teleworker

Conduct an Honest Self-Assessment

A successful telework arrangement starts with a good self-assessment. Employees should consider the following factors in making an honest determination about their telework capabilities:

- Sufficient portable work for the amount of telework being proposed
- Ability to work independently, without close supervision

- Comfort with the technologies, if any, needed to telework
- Good communication with manager, co-workers, and customers that will enable a relatively seamless transition from on-site to off-site
- Telework office space conducive to getting the work done
- Dependent care (i.e., child care, elder care, or care of any other dependent adults) arrangements in place
- Ability to be flexible about the telework arrangement to respond to the needs of the manager, the workgroup, and the workload

Create a Good Telework Agreement

A successful telework arrangement also requires a strong foundation. No matter how frequently or infrequently an employee intends to telework, a written agreement should be executed between the employee and manager. Elements of this agreement should include the following:

- Location of the telework office (e.g., home, telework center, other)
- Equipment inventory – what the employee is supplying, what the agency is providing, and if applicable, what the telework center is providing
- In general, the job tasks to be performed while teleworking
- Telework schedule
- Telework contact information (e.g., the phone number to use on the telework day)
- Safety checklist – certifying the home office meets certain standards (see **Safety**)
- Expectations for emergency telework (specify whether the employee is expected to telework in the case of a COOP event, pandemic health crisis, shutdown of agency operations, etc.)

Telework agreements need to be updated as circumstances change (e.g., if the telework schedule changes). The manager and teleworker should work together to evaluate the arrangement periodically, make changes in the agreement as necessary, and re-sign the document. In the first year this may happen within a few months; thereafter, perhaps annually.

A sample telework agreement is available at www.telework.gov.

Safeguard Information and Data

Employees must take responsibility for the security of the data and other information they handle while teleworking, as described in **Security.** Employees should—

- Be familiar with, understand, and comply with their agency's information security policies
- Participate in agency information security training and
- Maintain security of any relevant materials, including files, correspondence, and equipment, in addition to following security protocols for remote connectivity. Depending on the sensitivity of the information being handled, the home office may need to include security measures such as locked file cabinets, similar to what may be used in the worksite

Plan the Work

Employees who telework should assess the portability of their work and the level of technology available at the remote site as they prepare to telework. Employees will need to plan their telework days to be as productive as possible by considering the following questions:

- What files or other documents will I need to take with me when I leave my regular workplace the day before teleworking?
- What equipment will I need to take?
- Who needs to be notified that I will be teleworking?
- What other steps should I take before I leave my office? (e.g., forwarding the phone)
- In the case of emergency telework, what should I have available at all times at my home office or, if applicable, a telework center, to enable me to be functional without coming on-site to retrieve materials?

Manage Expectations and Communication

Managers are ultimately responsible for the effective functioning of the workgroup. Nevertheless, teleworkers should help manage the group's expectations and their own communication in order to avoid any negative impact from their arrangement. Issues that should be addressed include the following:

- Backup: Even with very portable work there are inevitably instances where physical presence is required and a co-worker may need to step in. Co-worker backup should be planned, it should not be onerous, and it should be reciprocal. Cross-training of staff has broad organizational benefits and should be a management priority.
- On-the-spot assistance: Teleworkers may occasionally need someone who is physically in the main office to assist them (e.g., to fax a document or look up information). Again, these arrangements should not be unduly burdensome; a "buddy system" between teleworkers may be the least disruptive solution.
- Communication with manager: The manager must be kept apprised of the teleworker's schedule, how to make contact with the teleworker, and the status of all pending work.
- Communication with co-workers: Co-workers must be informed about the appropriate handling of telephone calls or other communications that are the teleworker's responsibility.

The Bottom Line

Teleworkers MUST—

- Comply with the security and telework policies of their agency
- Take responsibility for ensuring the success of their arrangement
- Notify the manager of any changes in their situation that may affect the arrangement

Teleworkers MAY NOT—

- Assume a telework arrangement is permanent
- Use telework as a substitute for child or other dependent care

Teleworkers MAY—

- Use appropriate grievance procedures if they believe their telework request or agreement was wrongfully denied or terminated. Telework requests or agreements may be denied or terminated only for business reasons, and managers must provide written justification to the affected employee.

Safety

Teleworkers must address issues of their own personal safety to be effective while teleworking from a home office. This is not an issue in telework centers, where appropriate workstations are provided.

Government employees causing or suffering work-related injuries and/or damages at the alternative worksite (home, telework center, or other location) are covered by the Military Personnel and Civilian Employees Claims Act, the Federal Tort Claims Act, or the Federal Employees' Compensation Act (workers' compensation), as appropriate.

Manager Safety Responsibilities

- Review safety checklist with teleworker (see www.telework.gov for a sample).
- Depending on agency policy, managers may have the authority to visit home offices, with advance notice to the teleworker.

Teleworker Safety Responsibilities (for home-based telework)

- Provide appropriate telework space, with ergonomically correct chair, desk, and computer equipment.
- Complete safety checklist (see www.telework.gov for a sample) certifying the space is free from hazards. This checklist is not legally binding, but details management expectations and, if signed, assumes compliance.
- Immediately report any work-related accident occurring at the telework site and provide the supervisor with all medical documentation related to the accident. It may be necessary for an agency representative to access the home office to investigate the report.

Security

(Note: This guidance is subject to change to incorporate pertinent information from the June 23, 2006, Office of Management and Budget (OMB) memo, “Protection of Sensitive Agency Information” www.whitehouse.gov/omb/memoranda/fy2006/m06-16.pdf.)

Federal employees and their managers are responsible for the security of Federal Government property and information, regardless of their work location. Agency security policies do not change and should be enforced at the same rigorous level when employees telework as when they are in the office.

The Federal Information Security Management Act of 2002 (FISMA) defines information security as protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction and includes ensuring information nonrepudiation and authenticity
(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information
(C) availability, which means ensuring timely and reliable access to and use of information.

As in the main office, security measures should cover not only information systems and technology, but all aspects of the information systems used by the employee, including paper files, other media, storage devices, and telecommunications equipment (e.g., laptops, PDAs, and cell phones). Employees who telework from home need to keep Government property and information safe, secure, and separated from their personal property and information.

Agencies managing or operating records systems are required by the Privacy Act of 1974 and other relevant laws and regulations to issue rules for maintaining the security of information contained in those records, whether the information is maintained in electronic or paper form. Managers and employees must follow these rules whenever they are accessing this information, whether they are working from home, at another remote location, or at their regular duty station. For example, OPM regulates access and use of Government personnel records as follows:

> Section 293.106(a) of title 5, Code of Federal Regulations, mandates that "[a]ll persons whose official duties require access to and use of personnel records be responsible and accountable for safeguarding those records and for ensuring that the records are secured whenever they are not in use or under the direct control of authorized persons. Generally, personnel records should be held, processed, or stored only where facilities and conditions are adequate to prevent unauthorized access."
>
> Under 5 CFR 293.108, "Office and agency employees whose official duties involve personnel records shall be sensitive to individual rights to personal privacy and shall not disclose information from any personnel record unless disclosure is part of their official duties or required by executive order, regulation, or statute (e.g., required by the Freedom of Information Act, 5 U.S.C. 552)." Also, "[a]ny Office or agency employee who makes a disclosure of personnel records knowing that such disclosure is unauthorized, or otherwise knowingly violates these regulations, shall be subject to disciplinary action and may also be subject to criminal penalties where the records are subject to the Privacy Act (5 U.S.C. 552a)."

Each Executive agency must develop a Federal information systems security awareness and training plan and provide role-specific security training to employees as required by 5 CFR 930.301. The regulations advise agencies to follow the guidance published by the National Institute of Standards and Technology (NIST).

NIST publications include Special Publication 800-50, "Building an Information Technology Security Awareness and Training Program," which provides a blueprint for developing agency-specific security awareness and training materials. NIST advises agencies that users of information systems must—

- Understand and comply with agency security policies and procedures
- Be appropriately trained in the rules of behavior for the systems and applications to which they have access
- Work with management to meet training needs
- Keep software/applications updated with security patches
- Be aware of actions they can take to better protect their agency's information. These actions include, but are not limited to, proper password usage, data backup, proper antivirus protection, reporting any suspected incidents or violations of security policy, and following rules established to avoid social engineering attacks and rules to deter the spread of spam or viruses and worms.

Special Publication 800-50 recommends addressing these topics in agency security awareness campaigns. Other topics may include accessing unknown email and attachments, dealing with spam, protecting against "shoulder surfing (i.e., someone reading a document or a computer screen from behind the user)," physical protection of data (e.g., from water, fire, dust or dirt, physical access), inventory and property transfer, personal use of systems at work and home, use of encryption, transmission of sensitive/confidential information, laptop security, and personally-owned systems and software.

In Special Publication 800-46, "Security for Telecommuting and Broadband Communications," NIST helps Federal agencies address security issues by providing recommendations on securing a variety of applications, protocols, and networking architectures to be used by teleworkers. NIST recommendations encompass the following five security principles:

- All home networks connected to the Internet via a broadband connection should have some firewall device installed
- Web browsers should be configured to limit vulnerability to intrusion
- Operating system configuration options should be selected to increase security
- Selection of wireless and other home networking technologies should be in accordance with security goals
- Federal agencies should provide teleworking users with guidance on selecting appropriate technologies, software, and tools consistent with the agency network and with agency security policies

Complete texts of these and other NIST publications are available at http://csrc.nist.gov/publications/nistpubs/.

Manager Security Responsibilities

- Thoroughly review all telework agreements to ensure they are in compliance with agency information security policies
- Ensure employees receive agency information systems security training
- Work with employees to ensure they fully understand and have the technical expertise to comply with agency requirements
- Invest in technology and equipment that can support success
- Work with employees to develop secure systems for potentially sensitive documents and other materials
- Track removal and return of potentially sensitive materials, such as personnel records
- Enforce personal privacy requirements for records

Teleworker Security Responsibilities

- Participate in agency information systems security training
- Achieve sufficient technical proficiency to implement the required measures
- Provide a high level of security to any personal or private information accessed at the telework site or transported between locations
- Remain sensitive to individual rights to personal privacy
- Comply with agency policies and with any additional requirements spelled out in the telework agreement

Emergency Response Telework: Continuity of Operations (COOP)

Telework should be part of all agency emergency planning. Management must be committed to implementing remote work arrangements as broadly as possible to take full advantage of the potential of telework for this purpose and ensure that—

- Equipment, technology, and technical support have been tested
- Employees are comfortable with technology and communications methods
- Managers are comfortable managing a distributed workgroup

In addition, agencies and management should consider investing in and using—

- Teleconferencing, videoconferencing, and other technologies that enable multi-channel communication
- Paperless systems

Continuity of Operations (COOP)

The Department of Homeland Security's Federal Continuity Directive (FCD) 1 defines COOP planning as "an effort within individual agencies to ensure they can continue to perform their Mission Essential Functions (MEFs) and Primary Mission Essential Functions (PMEFs) during a wide range of emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies. COOP capability is intended to be short-term; it must be functional within 12 hours and may last up to 30 days.

Telework can play a vital role in helping agencies preserve their essential functionality in this environment.

Manager COOP Responsibilities

- Understand the agency COOP plan and management roles in executing the plan.
- Notify employees designated as essential personnel for COOP
- Communicate expectations both to COOP and non-COOP employees regarding what steps they need to take in case of an emergency
- Establish communication processes to notify COOP and non-COOP employees of COOP status in the event of an emergency
- Integrate COOP expectations into telework agreements as appropriate
- Allow essential personnel who might telework in case of an emergency to telework regularly to ensure functionality

Teleworker COOP Responsibilities

- Maintain a current telework agreement detailing any COOP responsibilities, as appropriate
- Practice telework regularly to ensure effectiveness
- Be familiar with agency and workgroup COOP plans and individual expectations during COOP events

Pandemic

The National Strategy for Pandemic Influenza Implementation Plan references the benefits of using telework to slow the spread of disease by keeping face-to-face contact to a minimum (often referred to as “social distancing”) while maintaining operations as close to normal as possible. Telework can also help agencies retain functionality as infrastructure issues and other challenges make the main worksite difficult to access.

The key to successful use of telework in the event of a pandemic health crisis is an effective routine telework program. As many employees as possible should have telework capability (i.e., current telework arrangements, connectivity, and equipment commensurate with their work needs and frequent enough opportunities to telework to ensure all systems have been tested and are known to be functional). This may entail creative thinking beyond current implementation of telework, drawing in employees who otherwise might not engage in remote access and ensuring their effectiveness as a distributed workforce.

Manager Pandemic Responsibilities

- Implement telework to the greatest extent possible in the workgroup so systems are in place to support successful remote work in an emergency
- Communicate expectations to all employees regarding their roles and responsibilities in relation to remote work in the event of a pandemic health crisis
- Establish communication processes to notify employees of activation of this plan
- Integrate pandemic health crisis response expectations into telework agreements
- With the employee, assess requirements for working at home (supplies and equipment needed for an extended telework period)
- Determine how all employees who may telework will communicate with one another and with management to accomplish work
- Identify how time and attendance will be maintained

Teleworker Pandemic Responsibilities

- Maintain current telework agreement specifying pandemic health crisis telework responsibilities, as appropriate
- Perform all duties assigned by management, even if they are outside usual or customary duties
- Practice telework regularly to ensure effectiveness
- Be familiar with agency and workgroup pandemic health crisis plans and individual expectations for telework during a pandemic health crisis

References

Federal Employee's Emergency Guide
Office of Personnel Management
www.opm.gov/emergency/

Federal Information Security Management Act (FISMA) of 2002
http://csrc.nist.gov/drivers/documents/FISMA-final.pdf

Federal Management Regulation (FMR) Bulletin 2006-B3
Guidelines for Alternative Workplace Arrangements
Link to FMR Bulletin No. 2006-B3

Federal Manager's/Decision Maker's Emergency Guide
Office of Personnel Management
www.opm.gov/emergency/PDF/ManagersGuide.pdf

Federal Preparedness Circular (FPC) 65
www.fas.org/irp/offdocs/pdd/fpc-65.htm

GAO-03-679, July 2003
Report to the Chairman, Committee on Government Reform, House of Representatives
Human Capital: *Further Guidance, Assistance, and Coordination Can Improve Federal Telework Efforts*
www.gao.gov/new.items/d03679.pdf

GAO-06-713, May 2006
Report to the Chairman, Committee on Government Reform, House of Representatives
Continuity of Operations: *Selected Agencies Could Improve Planning for Use of Alternate Facilities and Telework during Disruptions*
www.gao.gov/new.items/d06713.pdf

National Strategy for Pandemic Influenza Implementation Plan
www.pandemicflu.gov/plan/federal/stratergyimplementationplan.html

NIST Special Publication 800-46
Security for Telecommuting and Broadband Communications
http://csrc.nist.gov/publications/nistpubs/800-46/sp800-46.pdf

U.S. Office of Personnel Management

Fact Sheet

Telework and Emergency Preparedness

- Telework is a voluntary work arrangement in which an employee regularly performs officially assigned duties at home or another worksite geographically convenient to his or her residence.
- All Federal agencies must have a telework policy as required by Public Law 106-346, § 359, and must implement telework to the maximum extent possible for eligible employees.
- Telework should be integrated into planning for Continuity of Operations (COOP), including a pandemic health crisis.
- Agencies must designate a telework coordinator to be responsible for overseeing the implementation and operation of telework programs.
- Agencies may, at their discretion, define and use the types of telework that best fit their business needs.
- The choice of how to equip teleworkers is left to agency discretion. Security concerns should be considered in making equipment choices; agencies may wish to avoid use of employees' personal computers and provide agency PCs or laptops as appropriate. In all cases, however, agencies should follow the provisions contained in the Office of Management and Budget's June 23, 2006, memorandum, "Protection of Sensitive Agency Information."
- Telework can be used as a reasonable accommodation for qualified individuals with medical conditions or other disabilities. At the discretion of an agency, telework can also help with employees who, because of physical injury, are temporarily unable to travel to the workplace. Telework provides an opportunity for agencies to hire qualified individuals (especially those who are mobility-impaired) who might otherwise not consider applying for positions.
- All teleworkers and telework managers should receive telework and information security training. Telework training is available via the joint OPM/GSA Website (www.telework.gov) or may be provided by the agency. Information security training must be provided to all employees by their agencies.
- All teleworkers should have signed agreements, even for emergency telework arrangements, to provide structure and accountability. Key components of a telework agreement include the following: schedule; communication expectations with the employee's manager, workgroup, and customers; equipment; tasks; information security obligations; expectations for COOP, pandemic, or other emergency situations, including weather closures. Telework agreements should conform to any applicable negotiated agreements.
- Managers may deny a telework request or terminate a telework agreement for business reasons. The denial or termination must be documented in writing and shared with the employee.

- Teleworkers who work from home must provide an appropriate workspace and should certify that it is free from hazards. Government employees causing or suffering work-related injuries and/or damages at the alternative worksite (home, telework center, or other location) are covered by the Military Personnel and Civilian Employees Claims Act, the Federal Tort Claims Act, or the Federal Employees' Compensation Act (workers' compensation), as appropriate.
- Employees who use computers and other information technology while teleworking need effective support during work hours; remote access presents some unique issues, and agencies should ensure tech support can meet these needs. These needs must also be taken into account in planning for using a distributed workforce during an emergency situation.
- Employees designated to work from home during an emergency event should telework frequently enough to ensure all systems are working smoothly.

Telework Training

Telework is an important and attractive work option for the Federal Government and its employees. Telework arrangements will be of vital importance to supervisors and employees if a pandemic health crisis occurs. To support the new *Guide to Telework in the Federal Government* the Office of Personnel Management has developed training for managers, supervisors, and employees who wish to learn how to make the most of telework arrangements.

The training adds further modules to the existing "Telework 101 for Managers: Making Telework Work for You" and the companion course for employees, "Telework 101 for Employees: Making Telework Work for You."

The new sections cover:

(1) What is a Pandemic
(2) Recent Government Policy
(3) How Can Telework Help Prepare Me in the Case of a Pandemic Health Crisis

Both the manager and employee courses are available via the joint OPM/GSA Website (www.telework.gov).

Questions and Answers

The following questions and answers will (1) assist Federal agencies in understanding and using policies and programs designed to accomplish work during a pandemic health crisis and (2) assist Federal employees and their families in dealing with the consequences of a pandemic health crisis. Employees should consult with their agency human resources office regarding these policies and programs, since many of these matters are addressed in agency internal policies and/or collective bargaining agreements. In addition, agencies will provide guidance and specific direction to their employees on the agency's operating status, including whether employees should work from an alternative worksite for a period of time. Please note that some of the questions posed and answered in this guidance are hypothetical in nature and do not reflect actual events or circumstances that have occurred (such questions are clearly marked as "[hypothetical]").

The Office of Personnel Management will issue additional and updated guidance regarding the use of these policies and programs to address issues that may arise during a pandemic health crisis as circumstances warrant.

The questions and answers are organized as follows:

Part A. Accomplishing Work During a Pandemic Health Crisis

a. Telework
b. Alternative Work Arrangements
c. Orders To Evacuate

Part B. Leave Flexibilities for Employees Adversely Affected by a Pandemic Health Crisis

Part C. Employee and Labor Relations During a Pandemic Health Crisis

a. Keeping Employees Away From the Workplace
b. Requiring Employees To Work
c. Leave Issues
d. Labor Relations

Part D. Hiring Flexibilities During a Pandemic Health Crisis

a. Hiring Flexibilities That Do Not Require OPM Approval
b. Hiring Flexibilities That Require OPM Approval
c. Short-Term Hiring
d. Issues Affecting Utilizing the Workforce
e. Issues Affecting Employees Separating From Agencies
f. Issues Affecting Military Reservists and the National Guard
g. Issues Affecting Appointments With Conversion Eligibility
h. Security Clearances and Background Checks

Part E. Miscellaneous Questions

a. Overtime
b. Hazardous Duty Pay and Environmental Differentials
c. Adjustment of Work Schedules for Religious Observances
d. Awards
e. Workers' Compensation
f. Death-Related Issues
g. Furlough Issues During a Pandemic

Accomplishing Work During a Pandemic Health Crisis

a. Telework

Introduction

Telework is an important and attractive work option for the Federal Government and its employees. Telework refers to any arrangement in which an employee regularly performs officially assigned duties at home or another worksite geographically convenient to the residence of the employee. It has the benefit of providing employees with the flexibility to better manage their work and personal responsibilities. It provides agencies another flexibility that facilitates the accomplishment of the agency's mission, makes Federal employment attractive to prospective employees, and encourages employees to remain in Federal service. Telework allows the Federal Government to remain responsive to the Nation's needs at all times and should be an integral part of any agency's plans for continuity of operations (COOP).

It is the responsibility of each Federal agency to ensure its telework program complies with Public Law 106-346, which states that "[e]ach executive agency shall establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible." Management has the right to decline or terminate an employee's use of the telework option. Use of telework must meet the organization's needs. Agencies have complete oversight of their telework program, including changes in employee arrangements. Telework is an option, not an entitlement. Supervisors must make decisions based on their agency's telework policy and their own assessment of an employee's ability to telework. Formal written agreements are a recommended component of agency telework procedures; however, they are not mandatory. It is important to note that if approved written telework agreements are in place, an agency may require employees covered by such agreements to telework from home during a pandemic healthy crisis. Any such requirement must be included in the telework agreements. An agency may not use appropriated funds to pay for items of personal expense, such as home utility costs, home maintenance, or insurance, unless there is specific statutory authority. Authorized expenses incurred while an employee is conducting business for the Government at a telework site may include a DSL line and an additional phone line.

Questions and Answers

1. *What is telework?*

   Telework refers to any voluntary arrangement in which an employee regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee.

2. *Do all Federal agencies have a telework policy?*

   Most Federal agencies have a telework policy. It is the responsibility of Federal agencies to ensure their telework program complies with Public Law 106-346, which states that "[e]ach executive agency shall establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible."

3. *How does an employee request a telework arrangement?*

   An employee may request a telework arrangement in writing or verbally, depending on the policy of the agency. Supervisors must make decisions based on their agency's telework policy and their own assessment of an employee's ability to telework. An eligible employee is any satisfactorily performing employee of the agency whose job may typically be performed at least 1 day per week at an alternative workplace. Agencies may impose additional requirements.

   Management has the right to decline or terminate an employee's use of the telework option. Formal written agreements are a recommended component of agency telework procedures, but are not mandatory.

4. *Can management be forced to implement telework arrangements?*

   No. There currently is no authority for agency heads or OPM to order management to implement telework arrangements. Under Public Law 106-346, telework arrangements are voluntary. OPM is committed to providing agencies, managers, supervisors, and employees with current guidance and support to facilitate the use of telework in the Federal sector, including guidance on teleworking during an emergency as part of agency contingency planning.

5. *Can an agency mandate telework?*

   No. There currently is no authority for agency heads to order employees to telework. Under Public Law 106-346, telework is voluntary. However, OPM encourages agencies to expand their telework policies and agreements in preparation for a possible pandemic health crisis. In a pandemic health crisis, it may be most appropriate for agencies to direct employees to evacuate their regular worksites and work from home for a limited period. *See Section III-A-c, Evacuation Payments and the new Telework Guide*.

6. *Can my supervisor prevent me from teleworking?*

   Management has the right to decline or terminate an employee's use of the telework option. Use of telework must meet the organization's needs. Subject to any applicable union agreement, management decides whether the employee can work off-site, depending on the nature of the position and the level of the employee's performance.

7. *May Federal agencies cover additional costs incurred by employees as a result of telework (DSL line, additional phone line, increased use of electricity, etc.)?*

   An agency may not use appropriated funds to pay for items of personal expense, such as home utility costs, home maintenance, or insurance, unless there is specific statutory authority.

Authorized expenses incurred while an employee is conducting business for the Government at a telework site may include, at an agency's discretion, installation of phone lines, payment for telecommunications services (e.g. broadband DSL or Virtual Private Network), and payment for monthly telephone and internet service provider charges. (GSA Information Technology and Telecommunications Guidelines for Federal Telework and Other Alternative Workplace Arrangement Programs)

8. *[hypothetical] Due to the pandemic, an employee must telework from home and may not be able to report to the official worksite. Will locality pay be affected?*

   An employee's official worksite is the location of his or her position of record where the employee regularly performs his or her duties. For an employee covered by a telework agreement, scheduled (while in duty status) to report at least once a week on a regular and recurring basis to the regular worksite for his or her position of record, the regular worksite is the official worksite, and the employee is entitled to the locality rate designated for the regular worksite. However, OPM's regulations at 5 CFR 531.605(d)(3) permit an agency to make a temporary exception to the requirement that a telework employee report at least once a week to the regular worksite and allow the telework employee's official worksite to remain the regular worksite.

9. *[hypothetical] While teleworking, an employee is injured at home. Is this a line-of-duty injury?*

   Government employees suffering work-related injuries and/or damages at the alternative worksite are covered by the Military Personnel and Civilian Employees Claims Act, the Federal Tort Claims Act, or the Federal Employees' Compensation Act (workers' compensation).

b. Alternative Work Schedules

Introduction

An agency may implement alternative work schedules (AWS) instead of traditional fixed work schedules (e.g., 8 hours per day, 40 hours per week). AWS enable full-time employees to complete the basic 80-hour biweekly work requirement in less than 10 workdays. AWS can enable employees to have work schedules that help them balance work and family or personal responsibilities within rules established by the agency. AWS policies and programs are summarized in Section I-G of this Guide.

Questions and Answers

1. *[hypothetical] I am on a flexible work schedule. I am teleworking from home during the pandemic. May I choose to work extra hours each day so I can earn credit hours?*

   An employee must comply with his or her agency's policies for earning credit hours. Credit hours are any hours within a flexible work schedule in excess of an employee's basic work requirement and which the employee elects to work to vary the length of a workweek or a workday. Agency plans should address any policies on limiting or restricting the earning

and use of credit hours. The law prohibits carrying over more than 24 credit hours from one pay period to the next (5 U.S.C. 6126).

2. *Will I be able to continue working a flexible work schedule if a pandemic influenza reaches my area?*

   If an employee is currently on a flexible work schedule, an agency may continue to allow the employee to remain on a flexible work schedule during a pandemic health crisis. However, employees do not have a statutory or regulatory entitlement to work a particular work schedule. Changes in an employee's work schedule are within the discretion of the employing agency, as long as the changes are consistent with law, regulations, and any applicable negotiated agreement.

3. *Can management mandate an alternative work schedule?*

   Different rules apply depending on whether an employee is in a bargaining or non-bargaining unit and whether the agency has a flexible or compressed work schedule.

   - If an employee is in a **bargaining** unit, the agency must successfully negotiate an alternative work schedule program (**compressed** work schedule or **flexible** work schedule) with the union prior to implementation. (See 5 U.S.C. 6130.) Bargaining unit employees may participate in an alternative work schedule program only under the terms provided in a negotiated agreement. Therefore, an agency that wishes to establish such a program for these employees must negotiate the establishment and terms of the program with the exclusive representative of the bargaining unit.

   - Agencies may unilaterally install **flexible** work schedule (FWS) programs in units staffed by **non-bargaining** employees.

   - A majority of affected employees in a **non-bargaining** unit must vote to be included in a **compressed** work schedule program when participation in the program would be mandatory. (See 5 U.S.C. 6127(b).) For the purpose of this vote, a majority is obtained when the number of affirmative votes exceeds 50 percent of the number of employees and supervisors in the organization proposed for inclusion in a compressed work schedule. (If participation in a compressed work schedule program is voluntary for each employee, a vote is unnecessary because employees who elect not to participate are not included and are unaffected.)

   If the head of an agency determines that a flexible or compressed work schedule has an "adverse agency impact" (e.g., a reduction in productivity, a diminished level of service to the public, or an increase in operational costs) the agency may discontinue the alternative work schedule. (See 5 U.S.C. 6131(a).)

4. *Must agencies request approval from OPM prior to establishing a compressed work schedule or flexible work schedule to deal with a pandemic influenza?*

   No. Agencies do not need OPM approval to establish flexible or compressed work schedules authorized by 5 U.S.C. 6122 and/or 6127. We encourage agencies to prepare for all emergency situations and address the use of compressed or flexible work schedules in their contingency plans.

c. Evacuation Payments

An agency may provide evacuation payments to its employees who are ordered to evacuate their regular worksites and work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. The head of an agency may delegate authority to one or more designated officials to order the evacuation of agency employees. Consistent with 5 U.S.C. 5522 and 5523 and the Department of State Standardized Regulations, responsibility for ordering an evacuation in overseas locations rests with the Department of State.

In this unique situation, the agency may designate an employee's home (or an alternative location mutually agreeable to the agency and the employee), including a location under quarantine or confinement, as a safe haven during the period of evacuation. A policy to evacuate to a safe haven promotes the "social distancing" of employees and protects them from being exposed to additional viruses or mutations of a pandemic virus.

An evacuated employee at a safe haven may be assigned to perform any work considered necessary or required to be performed during the period of evacuation without regard to the employee's grade or title. An agency may not assign work to an employee unless the agency knows the employee has the necessary knowledge and skills to perform the assigned work. Failure or refusal to perform assigned work may be a basis for terminating evacuation payments, as well as disciplinary action under 5 CFR part 752 (Adverse Actions). However, an employee's inability to perform assigned work because of a lack of knowledge or skills may not be a basis for terminating evacuation payments or taking disciplinary action.

Evacuation payments may not continue for more than 180 calendar days after the effective date of the order to evacuate. Evacuation payments should be paid on the employee's regular pay days, since these payments reflect the employee's regular pay. An agency must compute evacuation payments based on the employee's rate of pay (including any applicable allowances, differentials, or other authorized payments) to which the employee was regularly entitled immediately before the issuance of the order to evacuate. The agency must make all deductions from evacuation payments that are required by law, including retirement or Social Security (FICA) deductions, authorized allotments, and income tax withholdings.

The head of the agency or designated official, in his or her sole and exclusive discretion, may grant additional 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. However, an agency must provide reasonable accommodation to its qualified employees with disabilities consistent with its obligations under the Rehabilitation Act.

Additional information on evacuation payments during a pandemic health crisis is available at www.opm.gov/oca/pay/html/PandEvac.asp.

Questions and Answers

1. *If an agency orders its employees not to report to their offices during a pandemic influenza, will employees continue to be paid? Will employees be required to use their annual leave?*

   Agencies may offer alternative work arrangements to ensure work continues to be accomplished during a pandemic health crisis and employees continue to be paid. For example, agencies may direct employees who are under an approved telework agreement to telework from home or order employees to evacuate their worksites and direct them to work from home during a pandemic influenza.

   An agency may authorize evacuation payments for employees who have been ordered to evacuate their worksites. Evacuation payments reflect the regular pay an employee would have received for the time period he or she would have been expected to work (but for the evacuation). An agency may require an employee to perform any work considered necessary or required to be performed during the period of the evacuation without regard to the employee's grade or title. If an employee refuses to work from home, he or she may be required to use accrued annual leave (i.e., "enforced leave"), may be furloughed, or may be disciplined, as appropriate. In addition, agencies may direct employees who are under an approved telework agreement to telework from home.

2. *Will agencies release employees from work to lessen the probability of significant numbers of employees catching the flu?*

   During a pandemic health crisis, heads of agencies will strive to protect the health of employees while ensuring the Federal Government's work is accomplished. Agencies may use a number of alternative work arrangements to promote the "social distancing" of employees. An agency may authorize evacuation payments and require employees to work from home during a pandemic health crisis. In addition, an agency may require employees with approved telework agreements to telework from home. (See question #1, above.)

3. *[hypothetical] My office is open, but the schools are closed and I cannot find child care. May I receive evacuation payments so I may work at home while caring for my children?*

   When there is imminent danger to the lives of an employee's dependents or immediate family, an agency may authorize evacuation payments and require employees to work from home during a pandemic health crisis. An employee who is ordered to work from home during a pandemic health crisis may not care for his or her children while performing work. However, the employee may request changes in his or her work schedule to allow the employee to work during the periods he or she is not responsible for caring for the child (e.g., when the child is sleeping or when a spouse or other family member is available to care for the child).

   An employee may request annual leave or other paid time off, such as earned compensatory time off or earned credit hours to care for a healthy child.

4. *[hypothetical] Due to the pandemic, schools are closed, and many employees have school-aged children home with them. Can these employees telework?*

Generally, telework is not a substitute for dependent care. Employees cannot effectively accomplish work while actively caring for a child or adult who needs their full attention. However, during a pandemic, other emergency situation, or even during the normal course of events (e.g., a child is home due to routine illness), the employee could use a flexible combination of telework, leave, and schedule to meet their dependent care needs and still accomplish work. Managers and employees should discuss this scenario in advance to determine the limits of the employee's availability and how communication and work flow would be affected.

Leave Flexibilities for Employees Adversely Affected by a Pandemic Health Crisis

Introduction

The Federal Government offers numerous leave programs and policies and other paid time off flexibilities to assist employees prevented from reporting for work and performing their duties because of illness caused by a pandemic health crisis or caring for a family member who is affected by a pandemic health crisis. These programs and policies are summarized in Section I-D of this Guide. Employees should consult with their human resources office for policy guidance on the appropriate use of each program and policy. Section I-D of this Guide applies to Federal employees covered by the Federal annual and sick leave systems established under chapter 63 of title 5, United States Code. Employees of the U.S. Postal Service, the Transportation Security Administration, and certain other Federal entities are not covered by chapter 63. Employees of these organizations should contact their servicing human resources offices for information about leave policies and programs applicable to them.

Questions and Answers

1. *What are my leave options if I have been diagnosed with the flu?*

   An employee who has been diagnosed with the flu may use accrued sick leave or annual leave, request advanced sick leave or annual leave, request donated leave under the agency's voluntary leave transfer or leave bank program or an established emergency leave transfer program, or use any earned compensatory time off, earned compensatory time off for travel, or earned credit hours. In addition, an employee may invoke his or her entitlement to unpaid leave under the Family and Medical Leave Act (FMLA) and take a total of up to 12 weeks of leave without pay for a serious health condition. An employee may substitute his or her accrued annual leave and sick leave, as appropriate, for unpaid leave under the FMLA.

2. *May I take sick leave if I have been exposed to the flu?*

   An employee may use accrued sick leave when he or she would, as determined by the health authorities or a health care provider, jeopardize the health of others because of his or her exposure to a communicable disease. An employee may also take accrued annual leave or other paid time off if he or she was exposed to a communicable disease.

3. *Do I have to use all of my annual and sick leave before requesting donated leave from my coworkers?*

   No, an employee may request donated leave before he or she exhausts available annual and sick leave. However, before an employee may become an approved leave recipient under his or her agency's **voluntary leave transfer or leave bank program**, the employing agency must determine that the employee's absence from duty without available paid leave because of a medical emergency is (or is expected to be) at least 24 hours. (For part-time employees or employees on uncommon tours of duty, the period of

absence without paid leave is prorated.) An employee may receive donated annual leave under an agency's voluntary leave transfer or leave bank program when he or she becomes an approved leave recipient.

Under an **emergency leave transfer program**, an employee is not required to exhaust his or her available paid leave before receiving donated annual leave. See guidance on Donated Leave on page I-D-2.

4. *If I'm afraid of catching the flu and don't want to come to work, what are my leave options?*

   An employee who is healthy may request annual leave for the period of absence from his or her job. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken. In addition, an employee may request to use other paid time off, such as earned compensatory time off, earned compensatory time off for travel, or earned credit hours.

5. *[hypothetical] My family was planning to leave for a vacation when my annual leave was canceled because of a pandemic influenza. Can my agency cancel my leave? Will the agency reimburse me for my plane tickets?*

   An agency may cancel an employee's scheduled annual leave. An employee may use annual leave for personal needs, such as vacations, but his or her supervisor has the right to schedule the time at which annual leave may be taken. An agency has no obligation or authority to reimburse an employee for costs incurred by an employee resulting from the cancellation of his or her leave.

6. *[hypothetical] The cafeteria in my building is closed due to the avian flu. The nearest food facility is more than half an hour away. Will I be charged leave because it takes me at least an hour and a half to get to the nearest restaurant, eat, and return to work?*

   An employee must fulfill his or her daily basic work requirement (e.g., 8 hours). For many reasons, an employee in this situation may want to bring a lunch to work. If the employee's agency allows only 30 minutes for lunch, and he or she chooses to take 1.5 hours for lunch, the employee may request annual leave, other paid time off, or leave without pay to account for the additional hour.

   A lunch or other meal period is an agency approved period of time in a nonpay or nonwork status. A lunch or other meal period is not an entitlement.

7. *[hypothetical] I have "use or lose" annual leave, which I scheduled to use before the end of the leave year. My agency has canceled all scheduled annual leave until further notice because employees must be at work due to a pandemic influenza. It looks like this situation will continue through the beginning of the new leave year. Will I be forced to forfeit my "use or lose" annual leave?*

   If an employee schedules "use or lose" annual leave in writing before the third biweekly pay period prior to the end of the leave year, and the leave is canceled due to an exigency of the public business (i.e., an urgent need for the employee to be at work), the employee may request restoration of the forfeited annual leave. See fact sheet on *Restoration of Annual Leave*.

8. *[hypothetical] I have "use or lose" annual leave, which I scheduled to use before the end of the leave year. I know if I take sick leave because of sickness or injury, my scheduled annual leave will be restored if I am unable to use it before the end of the leave year. My wife, however, is the one who is sick with the flu. If I take sick leave to care for my wife, will my "use or lose" annual leave be restored?*

   No. Only "use or lose" annual leave forfeited because of a period of absence due to an employee's own sickness or injury may be restored. Employees who are using sick leave, donated leave, or other paid time off during a pandemic health crisis must be diligent about scheduling and using any excess annual leave ("use or lose" annual leave) by the end of the leave year

9. *[hypothetical] A family member has the flu, or complications from the flu, and I must care for him or her. What are my leave options?*

   An employee may use a total of up to 104 hours (13 days) of sick leave each leave year to provide general medical care to a family member and up to 12 weeks (480 hours) of sick leave to care for a family member who develops a serious health condition. If the employee has already used 13 days of sick leave for general family care and bereavement purposes, that amount must be subtracted from the 12 weeks (480 hours) of sick leave an employee may use to provide care for a family member with a serious health condition. In addition to sick leave, an employee may use annual leave, accrued compensatory time off, compensatory time off for travel, or credit hours. The employee also may request to receive donated annual leave through his or her agency's leave transfer or leave bank programs. Finally, an employee may invoke his or her entitlement to unpaid leave under the Family and Medical Leave Act (FMLA) and take a total of up to 12 weeks (480 hours) of leave without pay to provide care for a spouse, son or daughter, or parent with a serious health condition.

10. *If I exhaust all of my annual and sick leave, what are my options?*

    There are a number of alternatives for an employee who has exhausted his or her accrued annual and sick leave. An employee may request advance annual and/or sick leave. The amount of annual leave that may be advanced may not exceed the amount the employee will accrue during the remainder of the leave year. A maximum of 30 days of sick leave may be advanced for an employee's serious disability or ailment. In addition, an employee who has a personal or family medical emergency and who has exhausted his or her own available paid leave may be eligible to receive donated annual leave from his or her agency's voluntary leave transfer or leave bank program. If OPM has established an emergency leave transfer program, the employee also may be eligible to receive donated leave from the emergency leave transfer program.

11. *[hypothetical] My child's school has been closed because of the flu pandemic. My child is not sick, but I cannot find a babysitter. What are my leave options?*

    An employee who is healthy or is caring for a family member who is healthy may request annual leave for the period of absence from his or her job. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken. In addition, an employee may request to use other paid time off, such as earned compensatory time off, earned compensatory time off for travel, or earned credit hours.

12. *[hypothetical] A family member died due to complications from the flu. I have to make arrangements for and attend his/her funeral. What leave can I take?*

    An employee may use a total of up to 104 hours (13 days) of sick leave each leave year to make arrangements necessitated by the death of a family member or attend the funeral of a family member. In addition, an employee may request to use accrued annual leave or other paid time off, such as earned compensatory time off, earned compensatory time off for travel, and earned credit hours.

13. *[hypothetical] My fiancé is very sick with the flu and I am the only person available to take care of him. May I use sick leave?*

    An employee may use a total of up to 12 weeks (480 hours) of accrued sick leave to care for a *family member* with a serious health condition. A *family member* includes any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship (as determined by each agency).

14. *May I receive donated annual leave from my coworkers to care for a sick family member?*

    An employee with a personal or family medical emergency who has exhausted his or her own available paid leave may be eligible to receive donated annual leave from his or her agency's voluntary leave transfer or leave bank program. If OPM has established an emergency leave transfer program, the employee also may be eligible to receive donated leave from the emergency leave transfer program.

Employee and Labor Relations During a Pandemic Health Crisis

During a pandemic health crisis, as at any other time, employees and supervisors are critical to an agency's ability to accomplish its mission. This section provides guidance on unique employee and labor relations issues that may arise in a pandemic health crisis. The questions and answers that follow discuss the roles and responsibilities of agency personnel.

a. Keeping Employees Away From the Workplace

1. *If an employee exhibits signs of the flu, may a supervisor order him/her to leave work or work from home? If so, will the employee be paid during the absence?*

   As with any illness, any medical diagnosis by a supervisor is very problematic and should be avoided. However, when a supervisor observes an employee exhibiting signs of illness, he or she may 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. Employees on approved sick or annual leave will continue to be paid during their absence. Although leave is generally voluntary, an agency may direct an employee to take leave. Directing an employee to take leave may constitute enforced leave, which is an adverse action (see discussion in next question). Also see discussion on alternative work arrangements in Part II-A.

2. *If a supervisor orders an employee to leave work, will the employee be placed on administrative leave, or be required to use his/ her annual or sick leave?*

   Excused absence (administrative leave) is not an entitlement, and supervisors are not **required** to grant it. An agency's determination to provide excused absence should be consistent with the Administration's Governmentwide policy on granting excused absence during a pandemic influenza. That policy will be addressed in separate guidance.

   Obtaining an employee's agreement to take sick leave, annual leave, or leave without pay is preferable, but in some circumstances, a supervisor may require an employee to use his or her sick or annual leave or place an employee in a leave without pay status pending inquiry into the employee's medical condition. In rare circumstances, a supervisor may place the employee on indefinite suspension in a non-pay, non-duty status. These actions generally require advance notice, opportunity to reply, and an agency decision. The agency must have documentation sufficient to prove that its action was justified, and the employee may have the right to grieve or appeal the action taken.

   In the case of a pandemic, agency personnel actions aimed at preventing the spread of a disease may occur because of the guidance or directive of public health officials regarding the general danger to public health. Supervisors should consult their human resources staff prior to effecting either enforced leave or indefinite suspension.

3. *If a supervisor suspects an employee is ill or contagious, may the supervisor prohibit the employee from reporting for work or returning to work?*

   Unless an agency has evidence (suspicion is not enough) that an employee is physically unable to perform the job or poses a risk to himself/herself or others, it may not prohibit the employee from reporting to work. Such action would constitute a constructive suspension and would be an adverse action requiring advance notice, opportunity to reply, agency decision, and possibly appeal or grievance rights. Supervisors should consult their human resources office before refusing to allow an employee to report for work or to return to work so that proper procedures will be followed and constructive suspension issues can be considered.

4. *May a supervisor require an employee to have a medical exam or physical, or prevent an employee from returning to work until the results of an exam or physical show the employee is not contagious?*

   Management may *require* a medical examination when the position occupied by the employee contains properly developed physical or medical requirements (see 5 CFR § 339.301). Most positions do not have established physical or medical requirements. If the criteria are met for requiring a medical examination and the employee refuses the exam, he or she may be disciplined, up to and including removal from Federal service.

   Requiring a medical examination based on perception of an employee's flu-like symptoms is very problematic and should be avoided. However, when a supervisor observes an employee exhibiting signs of illness, the supervisor 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 may approve requests for advanced leave or leave without pay, based on agency policy. Supervisors must approve requests for sick leave when the employee would, as determined by appropriate health authorities or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.

b. Requiring Employees To Work

1. *If an agency activates emergency preparedness plans and sends designated employees to alternative worksites, may a designated employee refuse to go? If an employee is on travel during the order to deploy, may he or she go home instead of deploying to the designated worksite? If an employee refuses to deploy to the designated worksite from a travel status, who pays for the employee's transportation home?*

   Any such designated employees are expected to report for work where deployed or remain at work in dismissal or closure situations, unless otherwise directed by their agencies. An agency may determine that circumstances justify excusing a designated employee from duty and allowing the employee to use accrued leave because of an individual hardship or circumstances unique to the employee. For example, factors such as the illness of a family member or lack of available alternatives to childcare or eldercare may be considered. An employee may not go home instead of deploying to the designated worksite, and employees who refuse to follow emergency related orders may be subject to appropriate discipline, up to and including removal from Federal service. Unauthorized travel expenses are not reimbursable.

2. *Will an employee who has direct contact with the public (e.g., investigator, park ranger, health care professional, police officer, firefighter) be required to report for work and perform the normal duties of his or her position? If an employee refuses, will the employee be fired?*

   Employees are expected to report for work and perform the normal duties of their positions. If an employee fails to report for duty without an administratively acceptable reason for his or her absence, the employee could be considered absent without leave and may be subject to disciplinary action, up to and including removal from Federal service. The agency makes the determination as to whether the employee has an administratively acceptable reason for his or her absence.

   When an employee reports for work, he or she is expected to first carry out lawful supervisory orders to work, and may later choose to appeal or grieve an order after complying with it. An employee who refuses to comply with a supervisor's order may be disciplined, up to and including removal from Federal service. However, an employee may refuse to carry out a particular work assignment if, at the time the assignment is given, the employee reasonably believes carrying it out will endanger his or her safety or health.

3. *May an employee leave work or refuse to report for work because he or she is afraid of contracting the flu from co-workers?*

   If an employee is concerned about contracting the flu from a co-worker, the employee should first raise the concern with his or her supervisor to discuss appropriate action, such as moving to a different work area, taking annual leave, or teleworking. Employees who leave their duty stations without approval may be considered absent without leave (AWOL). AWOL may result in disciplinary action, up to and including removal from Federal service.

4. *Could an agency take disciplinary action against an employee who is absent without leave (AWOL) despite the employee's good faith efforts to report for work?*

   An agency may discipline an employee who is AWOL. The decision to take such action is at the discretion of the agency, after consideration of the facts and circumstances regarding the unauthorized absence. Employees having difficulty reporting to work should discuss the circumstances of their absence with their supervisor in a timely manner.

5. *May an employee refuse to use required safety equipment (e.g., protective equipment or decontamination stations) provided by the agency?*

   When an agency requires employees to follow certain safety procedures, such as using protective equipment or going through a decontamination station, it is to protect the safety and health of its employees. As with any other agency policy, employees are expected to comply with agency safety and health policies. Employees who refuse to comply may be subject to appropriate disciplinary action, up to and including removal from Federal service.

6. *May an employee refuse to report for work if he or she believes it is unsafe, even though the threat of contracting the flu has subsided?*

   The Federal community is working to protect the health and safety of employees in the workplace by following recommendations from Departments and agencies such as the Department of Health and Human Services and the Centers for Disease Control and Prevention. Therefore, it is unlikely an employee will be directed to report for work when it is unsafe to do so.

   If an employee refuses to report for work based on his or her personal belief that it is unsafe to do so, and the employee is not in an approved leave status, the employee may be considered absent without leave (AWOL). An agency may take disciplinary action for AWOL, up to and including removal from Federal service.

c. Leave Issues

1. *May an employee who is not sick call in sick because he or she is afraid of contracting the flu?*

   No. Generally, an employee may use sick leave when he or she is unable to work due to a physical or mental illness or is receiving medical examination or treatment.

   An employee who is not eligible for sick leave may request annual leave. An employee has the right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken. If an employee's request for leave is denied and the employee still refuses to report for work, the employee may be considered AWOL and may be subject to disciplinary action, up to and including removal from Federal service.

   Agencies should inform employees of the preventive measures taken to ensure a safe workplace during a pandemic influenza. Also see discussion of alternative work arrangements in Part III-A.

2. *May an employee call in sick after a supervisor has canceled annual leave and ordered the employee to report for work?*

   An employee is entitled to use sick leave under certain conditions. However, under 5 CFR 630.403, an agency may grant sick leave only when supported by administratively acceptable evidence. If the supervisor does not grant the request for sick leave or any other leave, the employee may be considered AWOL. An agency may take disciplinary action for AWOL, up to and including removal from Federal service. Also see discussion of leave flexibilities in Section III-B.

d. Labor Relations

1. *Is there any flexibility on labor-management agreements during an emergency?*

   Yes, there is some flexibility. In an emergency, management has the right to alter working conditions without bargaining prior to implementing the change. However, post-implementation bargaining may be required. In this regard, if management follows applicable procedures contained in existing collective bargaining agreements, bargaining would not be required over the procedure. In situations where an agency wishes to use

different procedures, or where there are no existing contractual procedures or past practices covering the action, an agency may have post-implementation bargaining obligations. With regard to any of these situations, supervisors and managers should seek guidance and advice from their Office of General Counsel and human resources personnel.

Hiring Flexibilities During a Pandemic Health Crisis

Current law and regulations provide numerous human resources flexibilities to assist agencies affected by a pandemic health crisis. These flexibilities include hiring authorities to quickly staff critical positions for a short-term response as well as for longer periods, if needed. Agencies may use some of these hiring authorities immediately; others require OPM approval.

Agencies must also be aware of potential issues relating to employees who want to resign or retire and of the obligations to employees in the National Guard and Reserves under the Uniformed Services Employment and Reemployment Rights Services Act.

The following questions and answers cover these and other staffing-related issues. Agency managers and employees should review internal agency policies and/or collective bargaining agreements which may also address these issues. This guidance applies to the Federal civilian workforce. Agencies are encouraged to consult with their procurement staff for information about flexibilities relating to contract workers.

a. Hiring Flexibilities That Do Not Require OPM Approval

1. *What hiring flexibilities are available for agencies to quickly staff critical positions without seeking OPM approval?*

   Agencies may use any of the following without OPM approval:

   - 30-day appointments to positions for which a critical hiring need exists under Schedule A (5 CFR 213.3102(i)(2))
   - 1-year, 1040 work hours per year appointments in remote/isolated locations under Schedule A (5 CFR 213.3102(i)(1))
   - Temporary Appointments, not-to-exceed 120 days under 5 CFR part 316 and 330
   - Direct Hire Authority (DHA) - previously approved/established
   - Re-hiring former employees (Reinstatements)
   - Re-hiring retirees (when the retiree's salary is offset by the annuity amount)
   - Contracting with private sector temporary firms

   These authorities generally have fewer procedural steps than other hiring authorities. Of course, agencies retain the ability to use any hiring flexibilities currently available to them.

2. *Would an agency have to advertise pandemic-related critical positions on USAJOBS before using these authorities?*

   Advertising positions on USAJOBS is not required for the first three authorities listed in the previous question (Q-1). An agency would have to advertise the position before using DHA or re-hiring a former employee or an annuitant if the appointment will last longer than 120 days, including extensions. Contracting with a private sector temporary firm is done under the Federal Acquisition Regulations.

3. *Will the regulatory requirements for using these authorities be suspended or revised when used during a pandemic health crisis?*

No. The regulations governing these authorities apply unless or until the President specifically suspends or waives them.

4. *In what situations would agencies use these authorities?*

Some examples of when these authorities may be useful include the following:

- 30-day appointments and appointments of up to 120 days may be used to employ individuals with specialized knowledge, skills, abilities, or competencies immediately to address a pandemic health crisis while the agency determines whether longer-term staffing options will be needed
- The 1-year, 1040 work hours per year authority could be useful if a pandemic health crisis affects only an isolated geographic area

b. Hiring Flexibilities That Require OPM Approval

1. *What hiring flexibilities might an agency need to request from OPM during a pandemic health crisis?*

Agencies may request the following hiring flexibilities from OPM:

- Excepted service Schedule A or B agency-specific appointing authority
- Salary offset waivers to re-hire retirees to deal with emergency situations (reemploying annuitants without a salary offset)
- Rehire retirees or others who left the Federal Government with buyouts (reemploying buyout annuitants/recipients)
- Other positions for which OPM determines examining is impracticable (Schedule A—5 CFR 213.3102(i)(3))
- Direct Hire Authority (DHA) – new agency specific requests

2. *What does an agency need to do to obtain an agency-specific excepted service Schedule A or B appointing authority?*

The agency head (or designee) must submit a request to OPM with the following information:

- Type and number of the occupation(s) and duties involved
- Description of why attempts to hold competitive examining did not/could not work
- Reasons why recruitment and competitive examining are not possible (e.g., emergency situation with immediate hiring need)
- Other options the agency considered in trying to fill its positions

Agencies should submit their requests to:

Office of Personnel Management
Strategic Human Resources Policy Division
1900 E Street, NW. – Room 6500
Washington, DC 20415

3. *What does an agency need to do to obtain an agency-specific Direct-Hire Authority (DHA)?*

   Requests for DHA must be based on a severe shortage of candidates or a critical hiring need. The information required depends on the basis for the request. The assumption is that most DHA requests resulting from a pandemic health crisis would be based on a critical hiring need.

   The agency head (or designee) must submit a request to OPM for a DHA based on a critical hiring need. The following information must be included:

   - The position(s) that must be filled
   - A description of the event or circumstance that has created the need to fill the position(s)
   - The duration for which the critical need is expected to exist
   - Supporting evidence that demonstrates why the use of other hiring authorities is impracticable or ineffective

   The agency head (or designee) must submit a request to OPM with the position or positions that are difficult to fill for a DHA based on a severe shortage of candidates. The following information must be included:

   - The results of workforce planning and analysis, e.g., the agency's emergency plan for pandemic influenza
   - The existence of nationwide or geographic skill shortages
   - Agency efforts, including recruitment initiatives or use of other appointing authorities and flexibilities, and an explanation of why these efforts have been insufficient
   - The availability and quality of candidates
   - The desirability of the geographic location, duties, and/or work environment associated with the position(s)

   Agencies should submit their requests to:

   Office of Personnel Management
   Strategic Human Resources Policy Division
   1900 E Street, NW. – Room 6500
   Washington, DC 20415

c. Short-term Hiring

1. *Is there a hiring authority available to immediately fill critical positions in reaction to a pandemic influenza?*

   Schedule A (5 CFR 213.3102(i)(2)) may be used without OPM approval to fill critical positions for 30 days. These appointments may be extended for an additional 30 days so agencies can determine their longer-term needs in dealing with pandemic influenza.

2. *If an agency has a significant number of employees out on sick leave, how can the agency backfill the positions of the affected workers until they are able to come back to work?*

   Agencies have several flexibilities available when faced with the need to back-fill positions of workers on sick leave. OPM's June 28, 2005, Memorandum for Heads of Executive

Departments and Agencies, "HR Flexibilities Available to Assist Federal Employees Affected by Severe Weather Emergencies and Natural Disasters," on OPM's Web site at www.opm.gov/oca/compmemo/2005/2005-13.asp, provides general information about short-term hiring flexibilities.

d. Issues Affecting Utilizing the Workforce

1. *May an agency relocate employees to different worksites permanently or temporarily to maintain continuity of operations during a pandemic?*

   Yes. An agency has the basic right to determine where its work is performed. The agency should determine whether its basic right is modified by its other formal policies or collective bargaining agreement(s). See also, Part III-A –Accomplishing Work During a Pandemic Health Crisis.

2. *During a pandemic health crisis, can OPM waive the prohibition on the employment of relatives (nepotism) when the skills and expertise of an individual could be essential to the agency in accomplishing its mission?*

   During an emergency, agencies may hire individuals for up to 30 days (with a 30 day extension if the emergency need continues) without regard to the prohibition on employment of relatives.

3. *If a pandemic health crisis occurs, may agencies have an exception to the 1040-hour time limit for temporary seasonal employees with the skills needed in helping with a critical emergency?*

   Yes, OPM may approve agency requests for exceptions to the 1040-hour limitation for seasonal temporary employees in both the excepted and competitive service.

e. Issues Affecting Employees Separating From Agencies

1. *May an agency deny an employee the right to resign or retire optionally if the agency needs the employee as a result of a pandemic health crisis?*

   No. An employee is free to resign or retire at any time as well as set the effective date of the resignation or retirement.

2. *During a pandemic, may an agency rescind a buyout or early retirement offer to an employee who has not separated?*

   Yes, provided that the agency bases the rescission(s) on legitimate management reasons.

3. *May an agency request a buyout repayment waiver to help cope with the aftermath of a pandemic?*

   The head of an agency may ask OPM to waive the usual buyout repayment requirement (5 U.S.C. 3524) if, in the case of an emergency involving a direct threat to life or property, the individual covered by the waiver request has skills directly related to resolving the emergency and will serve on a temporary basis only so long as that individual's services are

made necessary by the emergency for buyouts authorized under the Chief Human Capital Officers Act of 2002. See 5 CFR part 576. Contact your Human Resources Office for buyouts authorized under other statutory authority.

f. Issues Affecting Military Reservists and the National Guard

1. *What happens to Reservists and National Guard members returning to work from active duty (through the exercise of restoration rights) when they must do so under specified timelines if Federal agencies must close in a particular geographic area due to a pandemic health crisis?*

   Agencies should have contingency plans to restore individuals with restoration rights within required time periods. Once restored, agencies must treat such employees the same as other employees until the situation is resolved.

2. *If the President calls an employee in the Reserves or National Guard to active duty in a uniformed service to assist with a pandemic health crisis, does the employee have restoration rights under the Uniformed Services Employment and Reemployment Rights Act?*

   Yes

g. Issues Affecting Appointments With Conversion Eligibility

1. *What happens to employees serving on excepted service appointments (e.g., Career Interns, Veterans' Recruitment Appointments, and Presidential Management Fellows) if the agency is unable to convert the employees to the competitive service because the agency is temporarily shut down or disrupted as a result of a pandemic health crisis? May the employees continue on the excepted appointment even though they have completed program requirements, or must the agency terminate them?*

   Agencies should do everything possible to ensure conversions are processed in a timely manner. If conversions cannot be made prior to the expiration date of an appointment, agencies should contact OPM.

2. *Can agencies extend the 120-day period for conversion of Student Career Experience Program (SCEP) employees if the agency is disrupted or shut down and otherwise unable to make conversions within the 120-day timeframe as a result of pandemic health crisis?*

   The Executive order governing SCEP appointments does not provide for extending the 120-day period. If conversions cannot be made before the expiration date of an appointment, agencies should contact OPM.

h. Security Clearances and Background Checks

1. *How are security clearances and background checks affected by emergency hiring during a pandemic?*

The requirements for such checks would remain unchanged for emergency hires; however, activities to complete them might vary (e.g., alternatives may be needed for face-to-face interviews with persons affected by a pandemic). Likewise, the requirements for background checks for ID badges (minimum NACI review) for Government building access would apply to emergency hires, as well. As with other temporary appointees, suitability rules would not apply.

Miscellaneous Questions

a. Overtime

1. *What are the rules about the number of overtime hours a supervisor may require employees to work?*

   No statutory or regulatory limits apply to the amount of overtime work a manager may require an employee to perform. However, an employee may be excused from overtime work for reasons such as illness or the illness of a family member. For information on computing overtime pay, see www.opm.gov/oca/pay/HTML/FACTOT.asp and www.opm.gov/oca/pay/HTML/computeflsa.asp.

   If an employee refuses to perform overtime work, the agency may discipline the employee for failure to report for scheduled overtime duty.

2. *[hypothetical] I am working from home because of a pandemic influenza. I chose to work 4 hours in addition to my regular 8-hours-per-day work schedule. May I receive overtime pay for the additional 4 hours I worked?*

   No, unless your agency required you to work the additional 4 hours. Overtime pay generally is required under the Fair Labor Standards Act (FLSA) and 5 CFR 551.501 when Federal FLSA-covered (nonexempt) employees are **required** to be on duty beyond 8 hours a day or 40 hours a week, assuming the supervisor knows of the work or has reason to believe the work is being performed. An FLSA-covered employee who is permitted to telework at home and chooses to work additional hours without the knowledge of his or her supervisor may **not** earn overtime pay as a result of "suffered or permitted" work. (Under the "suffered or permitted" concept, any work in excess of 40 hours a week performed prior to or after established shift hours or during a prescribed lunch period by an employee for the benefit of the agency, whether requested or not, is working time if the manager or supervisor knows of the work or has reason to believe it is being performed.) For employees exempt from the FLSA, overtime pay generally is required by 5 U.S.C. 5542 when hours of work in excess of 8 hours a day or 40 hours during an administrative workweek are **officially ordered or approved** and performed by the employee. For other situations, please check with your servicing Human Resources Office.

3. *May management direct an employee to work on a Saturday or Sunday if the employee's normal work schedule is Monday through Friday?*

   Yes. Changes in an employee's work schedule are within the discretion of the employing agency, as long as the changes are consistent with law, regulations, and any applicable negotiated agreement. In addition, agencies may require employees to perform overtime work. There is no limit in law or regulations on the amount of overtime work required each day or on weekends. For additional information, see www.opm.gov/oca/pay/HTML/FACTOT.asp.

b. Hazardous Duty Pay or Environmental Differentials

1. *May employees receive hazardous duty pay or environmental differential pay for potential exposure to pandemic influenza?*

   No. There is no authority to pay hazardous duty pay (HDP) or environmental differential pay (EDP) for potential exposure to pandemic influenza. HDP for white-collar employees and EDP for Federal Wage System employees is additional pay for job-related exposure to hazards, physical hardships, or working conditions of an unusually severe nature which cannot be eliminated or significantly reduced by preventive measures (e.g., safety equipment, protective clothing). HDP and EDP are not intended to compensate employees for exposure to a safety risk unrelated to their assigned duties.

c. Adjustment of Work Schedules for Religious Observances

1. *[hypothetical] I have employees who have been asked by their church to pray for the end of the pandemic on a daily basis during work hours. May I allow them to do this without requiring them to take leave?*

   An adjustment of work schedules for religious observances may be approved for an employee whose personal religious beliefs require that he or she abstain from work at certain times of the workday or workweek. As long as the adjustment to the work schedule does not interfere with accomplishing the agency's mission, the employee must be permitted to work alternative work hours so he or she can meet his or her religious obligation while fulfilling his or her basic work requirements. For additional information, see www.opm.gov/oca/WORKSCH/HTML/RELI.htm

   An employee also may elect to use accrued annual leave or other paid time off, such as earned compensatory time off, earned compensatory time off for travel, or earned credit hours for this purpose.

d. Awards

1. *How can management reward employees who worked during an emergency?*

   Managers may use their normal awards programs to recognize exceptional contributions to the organization. The variety of awards is the same as those generally available under current law and regulations. For additional information, see www.opm.gov/perform/reward.asp, www.opm.gov/perform/faqs/faqs.asp.

e. Workers' Compensation

1. *If I'm asked to work during the pandemic and I contract the flu while at work, will I be covered by workers' compensation?*

   If an employee or the family of an employee believes illness or on-the-job death resulted from a work related incident, they will be able to file a workers' compensation claim. However, the Department of Labor makes determinations on entitlement to workers' compensation, and each case is judged on its own merits. To apply for workers'

compensation benefits, contact your local servicing human resources office. Information on workers' compensation benefits for Federal employees can be found at www.dol.gov/esa/regs/compliance/owcp/fecacont.htm or by telephone at (866-OWCP-IVR (866-692-7487).

f. Death-Related Issues

1. *If I die from the flu, what procedures should my family follow to collect any benefits to which they are entitled (FELGI, unused leave, last pay check, etc.)?*

   Your family should work with your supervisor to apply for agency benefit payments. Information about benefits eligibility can be found in the guide entitled, "What You and Your Family Need To Know About Your Federal Benefits During an Emergency". This guide has extensive information on procedures for distribution of benefits. See Section IV-F of this Human Resources Planning Guide.

2. *If I supervise an employee who dies because of the flu, what should I do with the employee's records and personal effects or to help the employee's family?*

   Contact your agency's human resources office if you need guidance on the procedures for the distribution of personal effects, records, and resolution of family matters. Also, direct the deceased employee's family to the Internet guide entitled, "What You and Your Family Need To Know About Your Federal Benefits During an Emergency." The guide discusses the procedures involved in obtaining benefits for the family after an employee dies. See Section IV-F of this Human Resources Planning Guide.

g. Furlough Issues During a Pandemic

1. *If an agency/facility/or geographic region is quarantined, may an agency furlough its employees to place the employees in a temporary non-pay, non-duty status?*

   Yes. The usual regular and emergency furlough provisions could apply in this situation. OPM's Website provides extensive furlough guidance at www.opm.gov/furlough/furlough.htm.

2. *If an agency decides to furlough employees as a result of a pandemic, may the employees choose to take annual leave instead?*

   Yes, an employee may request annual leave in lieu of furlough in this situation.

3. *Are employees entitled to unemployment compensation while on furlough?*

   It is possible that employees may be eligible for unemployment compensation, especially if they are on consecutive furlough days. State unemployment compensation requirements differ. Agencies or employees should submit their questions to the appropriate State office.

4. *What happens to employees' health and life insurance benefits during a furlough?*

   For health benefits, enrollment continues for no more than 365 days in a nonpay status. The nonpay status may be continuous or broken by periods of less than four consecutive months in a pay status. The Government contribution continues while employees are in a nonpay status. The Government also is responsible for advancing from salary the employee share of premium. The employee can choose between paying the agency directly on a current basis or having the premiums accumulate and be withheld from his or her pay upon returning to duty.

   For life insurance, coverage continues for 12 consecutive months in a nonpay status without cost to the employees or to the agency. The nonpay status may be continuous or it may be broken by a return to duty for periods of less than four consecutive months.

   For further information, see OPM Furlough Q&As.

Fact Sheets

The following Fact Sheets are designed to provide Federal managers, supervisors, and human resources officials and specialists with a quick summary of the basic facts and sources of information relating to such matters as applying for retirement, death benefits, Social Security benefits, Thrift Savings Plan, and Office of Workers' Compensation benefits; Federal employee insurance programs during a pandemic health crisis; flexible work arrangements; and Employee Assistance Programs. Information about these benefits and programs designed specifically for use by employees can be found in Section VI of this Guide. In addition, Section II of this Guide contains a Fact Sheet on telework.

A. Applying for Retirement Benefits, Death Benefits, Social Security Benefits, Thrift Savings Plan, and Office of Workers' Compensation Benefits

B. Federal Employee Insurance Programs During a Pandemic Health Crisis

C. Information for Managers About Flexible Work Arrangements

D. Information for Managers and Work/Life Coordinators About the Employee Assistance Program (EAP)

E. Federal Supervisors' Guide to Pandemic Issues (future installment)

F. Pay and Leave Fact Sheets (future installment)

U.S. Office of Personnel Management
Fact Sheet

Applying for Retirement Benefits, Death Benefits, Social Security Benefits, Thrifts Savings Plan, and Office of Workers' Compensation Benefits

Applying For Benefits During An Emergency

Employees should always attempt to contact their servicing human resources office to apply for any benefits listed in this fact sheet. Employees and their survivors should try to work through the agency human resources office even though some information and applications are available online. The employees' human resources and payroll offices provide OPM with important information so OPM can make prompt and accurate annuity payments.

The 1-800-307-8298 emergency phone number and email address (emergencybenefits@opm.gov) provided in this fact sheet will be available only during emergencies. Emergency information will be posted on OPM's Website at www.opm.gov. If you are unable to contact your agency during an emergency please contact OPM at 1-800-307-8298 (emergencybenefits@opm.gov) for assistance. During periods when there is no emergency, you must call the main OPM Retirement and Insurance phone number (1-888-767-6738).

To Apply For Retirement Benefits

Information about applying for retirement benefits can be found at www.opm.gov/retire or by calling OPM's emergency hotline at 1-800-307-8298 or emergencybenefits@opm.gov.

CSRS or FERS employees should read the section at www.opm.gov/retire called "Applying for Retirement." This section provides general information on what to expect as you move through the retirement process. CSRS retirees should submit a retirement application (Standard Form 2801) through their servicing human resources office. FERS retirees should submit a retirement application (Standard Form 3107). These forms are available at www.opm.gov/forms/html/sf.asp.

Death Benefits

To report a death of an annuitant or an employee during an emergency, call OPM's emergency hotline at 1-800-307-8298 or email address (emergencybenefits@opm.gov) or go to www.opm.gov/retire. Click on "Report an Annuitant's Death" or "Report an Employee's Death" and fill out the online report. Calling OPM or filling out the online report of death will start the survivor benefit payment process. However, if the deceased is an employee, OPM will still need to receive important documentation from the former agency to finalize the survivor benefits.

Social Security Benefits

You may apply for Social Security retirement benefits online at www.ssa.gov or by phone at 1-800-772-1213. When applying for Social Security benefits, the following information must be provided: Social Security number, birth certificate, W-2 forms or self employment tax return for last year, military discharge papers, the name of your bank, and your account number (to ensure benefits will be directly deposited into your account.

Thrift Savings Plan

In the event of major national or regional emergency, the Thrift Savings Plan (TSP) may offer various emergency relief options, such as financial hardship in-service withdrawals. To find out information about emergency relief products offered by TSP or to find out information on the benefits payable to survivors of Federal employees who participate in TSP, call 1-877-968-3778 or visit www.tsp.gov.

Office of Workers' Compensation Benefits

Workers' compensation benefits are administered by the Department of Labor. To apply for workers' compensation benefits, contact the local servicing human resources office. Information on workers' compensation benefits for Federal employees can be found at www.dol.gov/esa/regs/compliance/owcp/fecacont.htm.

U.S. Office of Personnel Management
Fact Sheet

Federal Employee Insurance Programs During a Pandemic Health Crisis

Employees can contact their servicing human resources office with questions about their insurance benefits. During periods of emergency, including a pandemic health crisis, OPM will operate a Federal Employee and Retiree Emergency Information Center. At such times, employees can contact that center at 1-800-307-8298 or by email at emergencybenefits@opm.gov . OPM will also post emergency information on its website.

Information designed to be shared with employees about their benefits is available in the comprehensive guide ***What You and Your Family Need To Know About Your Federal Benefits During an Emergency*** (see Section VI-H).

Information for agencies about specific insurance programs follows:

Federal Employees Health Benefits Program (FEHB)

Federal health benefits will continue regardless of the severity of a health crisis. The FEHB Program has many health plans on which agencies and employees can rely to make sure benefits continue uninterrupted. In the event of a pandemic influenza episode, employees should contact their health plan or go directly to the emergency room or other health care provider if for some reason they cannot contact their provider for needed services. Carriers are asked to demonstrate maximum flexibility under their OPM contract, including the following:

- OPM expects fee-for-service carriers to relax certain provisions such as their pre-certification requirement that the plan must be notified within 2 business days of an emergency admission.
- OPM expects fee-for-service carriers and HMOs to relax requirements about notification and levels of benefit payment if victims are taken to non-plan and/or non-PPO hospitals or other treatment centers.
- OPM expects all carriers to make certain FEHB members get additional supplies of medications as backup for emergency situations if necessary.

Federal Long Term Care Insurance Program (FLTCIP)

FLTCIP enrollees should contact Long Term Care Partners at **1-800-582-3337** if they have any questions about how a crisis may affect their coverage, eligibility for benefits, or payment of premiums.

Federal Flexible Spending Account Program (FSAFEDS)

OPM does not see a need for special procedures for the FSAFEDS program at this time. However with the potential for a significantly increased number of claims in the event of a pandemic, we anticipate there may be a coinciding increase in the time it takes for claims to be processed and reimbursements to be received. FSAFEDS will make every effort to communicate with employees about any possible delays. Agencies should

contact fsa@opm.gov if any issues involving FSAFEDS allotments or claims are causing a hardship for employees and their families.

Federal Employees' Group Life Insurance Program (FEGLI)

The FEGLI Program has had experience with other emergency situations. If and when necessary, the FEGLI Program will apply expedited procedures used successfully in the past. In the event of a pandemic, an alert will be sent to agencies giving details of expedited procedures (such as payment of applicable life insurance benefits without a death certificate).

U.S. Office of Personnel Management
Fact Sheet

Information for Managers About Flexible Work Arrangements

Alternative Work Schedules (AWS) - Flexible Work Schedules (FWS)

- FWS consist of workdays with core and flexible hours. Core hours are the designated period of the day when all employees must be at work. Flexible hours are the part of the workday employees may (within limits or "bands") choose their time of arrival and departure.
- FWS are voluntary work schedules subject to approval by supervisors/managers.
- Various types of FWS arrangements provide different degrees of flexibility:
  - **Flexitour** is a schedule in which an employee is allowed to select starting and stopping times within the flexible hours. Once selected, the hours are fixed until the agency provides the opportunity to select different starting and stopping hours.
  - A **gliding schedule** is a schedule in which a full-time employee has a basic work requirement of 8 hours in each day and 40 hours in each week. The employee may select a starting and stopping time each day, and may change starting and stopping times daily within the established flexible hours.
  - A **variable day** schedule is a work schedule containing core hours on each workday in the week in which a full-time employee has a basic work requirement of 40 hours in each week of a biweekly pay period. However, the employee may vary the number of hours on a given workday within the limits established for the organization.
  - A **variable workweek** schedule is a work schedule containing core hours on each workday in the biweekly pay period in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period. The employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established for the organization.
  - A **maxiflex** schedule is a work schedule that contains core hours on fewer than 10 workdays in the biweekly pay period in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period. The employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established for the organization.
- The following provisions apply to using credit hours under an FWS program:
  - Credit hours are any hours within an FWS in excess of an employee's basic work requirement (e.g., 40 hours a week) in which the employee elects to work to vary the length of a workweek or a workday. Agencies may limit or restrict the earning and use of credit hours.

  - OPM regulations prohibit Senior Executive Service (SES) members from accumulating credit hours under AWS programs (5 CFR 610.408).
  - An employee who is not a member of the SES may request compensatory time off in lieu of payment for irregular or occasional overtime work or regularly scheduled overtime work (5 U.S.C. 6123(a)(1)).
  - The law prohibits carrying over more than 24 credit hours from one pay period to the next (5 U.S.C. 6126).
- Premium pay for night work generally is not paid to a General Schedule (GS) employee solely because the employee elects to work credit hours, or elects a time of arrival or departure, at a time when night pay is authorized.
- Agencies must pay night pay for all designated core hours worked between 6 p.m. and 6 a.m. and for any regularly scheduled overtime work between those hours.
- A full-time FWS employee is limited to 8 hours of basic pay on holidays.
- A part-time FWS employee is entitled to basic pay for the number of hours scheduled for the holiday, not to exceed 8 hours (5 U.S.C. 6124).
- If an Executive order is issued granting a "half-day" holiday, full-time FWS employees are entitled to basic pay for the last half of their "basic work requirement" (i.e., non-overtime hours) on that day, not to exceed 4 hours.
- A full-time FWS employee earns Sunday premium pay for an entire non-overtime regularly scheduled tour of duty (not to exceed 8 hours) that begins or ends on Sunday. Sunday premium pay may not be paid for periods of nonwork, including leave, holidays, and excused absence.

Alternative Work Schedules (AWS) – Compressed Work Schedules (CWS)

- Compressed Work Schedules (CWS) are fixed work schedules that allow full-time employees to complete the basic 80-hour biweekly work requirement in less than 10 workdays, subject to the following provisions:
  - *For employees in a bargaining unit:* The agency must successfully negotiate a CWS program with the union for a represented group of employees prior to implementation (5 U.S.C. 6130).
  - *For employees not in a bargaining unit:* The agency must secure a favorable vote from the majority of employees in the affected group before implementing a CWS program (5 U.S.C. 6127(b)(1)).
- Credit hours are not permitted under a CWS program.
- An employee on a CWS may request compensatory time off only for the performance of irregular or occasional overtime work.
- Compensatory time off may not be approved for any member of the SES.
- The normal premium pay rules apply for night pay. See 5 CFR 550.121 and 122 for GS employees and 5 CFR 532.505 for prevailing rate (wage) employees.

- An employee normally is excused from work and entitled to basic pay for the number of hours of his or her CWS on a holiday.
- If the President issues an Executive order granting a "half-day" holiday, full-time CWS employees are normally excused from work during the last half of their "basic work requirement" (i.e., non-overtime hours) on that day.
- Holiday premium pay (equal to 100 percent of the rate of basic pay) is paid for non-overtime hours of work that fall within the hours regularly scheduled on the holiday.
- Sunday premium pay is paid for non-overtime work performed by full-time employees.

Sunday premium pay is paid for the entire non-overtime regularly scheduled tour of duty that begins or ends on Sunday for an employee on a CWS. Sunday premium pay may not be paid for periods of non-work, including leave, holidays, and excused absence.

U.S. Office of Personnel Management
Fact Sheet

Information for Managers and Work/Life Coordinators About the Employee Assistance Program (EAP)

- An Employee Assistance Program (EAP) is a voluntary, work-based program that provides confidential assessment, short-term counseling, referral, and follow-up services at no cost to employees who have personal and/or work-related problems that affect attendance, work performance, and/or conduct

- Every agency EAP has the goal of restoring valuable employees to full productivity. Following are examples of issues for which an employee may wish to contact an Employee Assistant Program counselor:
  - Alcoholism
  - Drug abuse
  - Divorce
  - Death of a loved one
  - Bankruptcy
  - Other family or workplace crisis

- Services provided by an EAP:
  - Confidential, no cost to employee, short-term counseling to identify and assess problem(s) and help employees in problem solving
  - Referral, where appropriate, to a community service or professional resource that provides treatment and/or rehabilitation
  - Follow up services to help an employee readjust to his or her job during and after treatment, e.g., back-to-work conferences
  - Training sessions for managers and supervisors on handling work-related problems that may be related to substance abuse or other personal and/or health-related problems
  - Briefings to educate management and union officials on the role of EAPs

- EAPs can be important in—
  - Preventing and responding to workplace violence incidents
  - Delivering critical incident stress debriefings
  - Providing assistance to management and employees during agency restructuring or other major organizational transitions or developments

- In cases of patterns of deficient or deteriorating performance and/or conduct, managers should let the employee know about the services of the EAP and its potential benefits.

- Agencies may grant periods of excused absence to an employee for participation in the agency's EAP for problem identification and referral to an outside resource and for general employee orientation or education activities.

- The following provisions apply to employee records and confidentiality:
  - Privacy Act (5 U.S.C. 552a) covers all EAP records. The EAP staff should provide an employee with a written notice concerning the confidential nature of EAP records along with the conditions where information discussed in counseling may be disclosed.

  - There are three types of disclosure:
    - **Disclosure with consent**- employee's written consent is obtained before any information is released, except where disclosure without the consent of the client is allowed
    - **Disclosure without consent**- only permissible in a few instances, such as the following:
      - to medical personnel in a medical emergency
      - in response to a court order
      - to comply with Executive Order 12564, *"Drug Free Federal Workplace"*
      - an EAP is required by law to report incidents of suspected child abuse and neglect (in some States, elder and spouse abuse) to the appropriate State and local authorities
      - an EAP may make a disclosure to appropriate individuals, such as law enforcement authorities and persons being threatened, if the client has committed, or threatens to commit, a crime that would physically harm someone. This may be done only if the disclosure does not identify the EAP client as an alcoholic or drug abuser
    - **Secondary disclosure**- any information disclosed with the employee's consent must be accompanied by a statement that prohibits further disclosure unless the consent expressly permits further disclosures. Only those individuals working directly with the program's client have access to EAP client records. Clients of the EAP have the right to access their own EAP records

  - Only those individuals working directly with the program's client have access to EAP client records

  - Clients of the EAP have the right to access their own EAP records

  - All EAP records are the property of the Federal department or agency sponsoring the program

- The legal authorities for EAP are as follows:

  Sec. 201 of Public Law 91-616, 84 Stat. 1849, as amended and transferred to Sec. 520 of the Public Health Services Act by Sec. 2(b)(13) of Public Law 98-24 (42 U.S.C. 290dd-1).

  Sec. 413 of Public Law 92-255, 88 Stat. 84, as amended and transferred to Sec. 525 of the Public Health Services Act by Sec. 2(b)(16)(a) of Public Law 96-24 (42 U.S.C. 290ee-1), and Sec. 7361 and Sec. 7362 of Public Law 99-570.

Public Law 99-570 (5 U.S.C. 7361 and 7362), The Federal Employee Substance Abuse Education and Treatment Act of 1986 and 5 CFR part 792 require Federal agencies to establish appropriate prevention, treatment, and rehabilitative programs and services for alcohol and drug abuse problems for Federal civilian employees.

Public Laws 96-180 and 96-181 authorize the agency to extend counseling services, to the extent feasible, to family members of employees who have alcohol and drug problems and to employees with family members who have substance abuse problems.

Public Law 79-658 authorizes the head of agency to establish health services programs for employees. It also forms the basis for expanding counseling programs from those dealing solely with substance abuse to broad range programs which provide counseling for other personal problems, e.g., family, financial, marital issues.

Executive Order 12564 requires an agency to establish a drug-free Federal workplace program, including an EAP, as an essential element in achieving a drug-free workforce. Agencies must refer all employees to the EAP for assessment, counseling, and referral for appropriate treatment or rehabilitation if the employee has been found using illegal drugs.

U.S. Office of Personnel Management
Fact Sheet

Evacuation Payments During a Pandemic Health Crisis

Description

An Executive agency (as defined in 5 U.S.C. 105) may provide evacuation payments to its employees who are ordered to evacuate their regular worksites and work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. The head of an agency may delegate authority to one or more designated officials to order the evacuation of agency employees, employees assigned to certain geographic areas, or employees in certain components/divisions of the agency. In this unique situation, the agency may designate an employee's home (or an alternative location mutually agreeable to the agency and the employee), including a location under quarantine or confinement, as a safe haven during the period of evacuation. A policy to evacuate to a safe haven promotes the "social distancing" of employees and protects them from being exposed to additional viruses or mutations of a pandemic virus.

An agency may order an evacuation upon an official announcement by Federal, State, or local officials, public health authorities, and/or tribal governments, of a pandemic health crisis affecting certain geographic areas. Consistent with 5 U.S.C. 5522 and 5523 and the Department of State Standardized Regulations, responsibility for ordering an evacuation in overseas locations rests with the Department of State.

Assignment of Work to Evacuated Employees

An evacuated employee at a safe haven may be assigned to perform any work considered necessary or required to be performed during the period of evacuation without regard to the employee's grade or title. However, an agency may not assign work to an employee unless the agency knows the employee has the necessary knowledge and skills to perform the assigned work. For example, a supervisor may assign different or lower-level duties than are normally performed by the employee. In addition, if a supervisor is sick and cannot perform his or her duties during the period of evacuation, an agency may assign the higher-level work to a subordinate employee who would, under normal circumstances, be designated as "acting" when the supervisor is on leave. Additionally, the agency must provide reasonable accommodation under the Rehabilitation Act for qualified employees with disabilities.

Managers and supervisors are encouraged to communicate regularly with employees who are performing work from home during a pandemic health crisis. Regular communication with employees will ensure they understand their work assignments and management's expectations during the period of the evacuation. Failure or refusal to perform assigned work may be a basis for terminating evacuation payments, as well as disciplinary action under 5 CFR part 752 (Adverse Actions). However, an employee's inability to perform assigned work because of lack of knowledge or skills may **not** be a basis for terminating evacuation payments or taking disciplinary action.

Payments for Employees Ordered To Evacuate

Evacuation Payments

An agency may provide evacuation payments to an employee who is ordered to evacuate his or her regular worksite and work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. Evacuation payments should be paid on the employee's regular pay days, since these payments reflect the employee's regular pay. (Since most employees use electronic fund transfer to deposit pay checks to their accounts, this should not impose an additional burden on the agency.)

An agency must compute evacuation payments based on the employee's rate of pay (including any applicable allowances, differentials, or other authorized payments) to which the employee was regularly entitled immediately before the issuance of the order to evacuate, regardless of the employee's work schedule during the evacuation period. For example, an employee is considered to be regularly entitled to night pay differential (5 U.S.C. 5545(a) and 5343(f)) and Sunday premium pay (5 U.S.C. 5544(a) and 5546(a)) for applicable hours in the employee's normal basic workweek. An employee is considered to be regularly entitled to law enforcement availability pay (5 U.S.C. 5545a), administratively uncontrollable overtime pay (5 U.S.C. 5545(c)(2)), standby duty premium pay (5 U.S.C. 5545(c)(1)), regular overtime pay for firefighters (5 U.S.C. 5545b), physicians' comparability allowances (5 U.S.C. 5948), supervisory differentials (5 U.S.C. 5755), and nonforeign area cost-of-living allowances and post differentials (5 U.S.C. 5941), as applicable. An employee will receive recruitment, relocation, and retention incentive payments (5 U.S.C. 5753 and 5754) and extended assignment incentive payments (5 U.S.C. 5757) consistent with the employee's signed service agreement. The agency must make all deductions from evacuation payments that are required by law, including retirement or Social Security (FICA) deductions, authorized allotments, and income tax withholdings.

An employee's evacuation payments must cover the period of time during which an applicable order to evacuate remains in effect, unless terminated earlier. However, evacuation payments may not continue for more than 180 calendar days after the effective date of the order to evacuate. After an order to evacuate is terminated, agencies must make adjustments in an employee's pay on the basis of the rates of pay, allowances, and differentials, if any, to which the employee otherwise would have been entitled during the period of evacuation under applicable statutes. (See 5 CFR 550.408.)

Additional Allowance Payments

The head of the agency or designated official, in his or her sole and exclusive discretion, may grant additional 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.) This may include increased costs for a computer, printer, fax machine, scanner, and telecommunications equipment incurred by an employee ordered to work from home (or an alternative location mutually agreeable to the agency and the employee) during

the evacuation period. An employee is not entitled to additional allowance payments for such increased costs unless the allowance payments are specifically approved by the agency head or designated official. An agency may not require an employee to absorb increased expenses (e.g., long-distance calls, supplies, or delivery services) incidental to performing work from home (or an alternative location) if the increased expenditures primarily benefit the Federal Government, unless the agency has specific statutory authority to do so.

Employees who are ordered to evacuate their official duty stations may receive additional allowance payments as necessary to offset the direct added expenses incident to travel outside the limits of their official duty station—e.g., travel and subsistence expenses. During a pandemic health crisis, payment of travel and subsistence expenses should not be necessary in most situations. (See 5 CFR 550.405.).

An advance salary payment may be made to an employee who is ordered to evacuate his or her official duty station when an agency official has determined that payment in advance of the date on which the employee otherwise would be entitled to be paid is required to help the employee defray immediate expenses incidental to an employee's departure. An advance salary payment is equivalent to a loan and must be treated as a debt owed to the Federal Government. During a pandemic health crisis, it is highly unlikely advance salary payments will be necessary, since employees will receive evacuation payments on their regular pay days. In addition, payroll providers may continue to provide employees "emergency pay" based on a "standard tour of duty" and make corrections after the fact.

Termination of Payments

An authorized agency official must terminate an employee's advance salary payments or evacuation payments on the date of the earliest of the following events, as applicable:

- The employee is assigned to another duty station outside the evacuation area.
- The employee is separated from his or her position with the agency.
- The elapsing of 180 days since the effective date of the order to evacuate.
- The employee resumes his or her duties at the regular worksite from which he or she was evacuated after the applicable order to evacuate is rescinded.
- The agency determines payments are no longer warranted (e.g., based on guidance provided by the Centers for Disease Control and Prevention or local health officials regarding the status of the pandemic health crisis).

Agency Plan

Agencies must establish a plan and procedures for providing evacuation payments during a pandemic health crisis. A Sample Agency Plan is available on OPM's Website at www.opm.gov/oca/pay/html/PandEvacPlan.asp.

References

- 5 U.S.C. 5522 – 5524 and 5 U.S.C. 5526 – 5527
- 5 CFR part 550, subpart D

Pandemic Planning Guides and Agency Strategies

The best way to prepare for a possible pandemic health crisis is to plan carefully. Planning includes—

- ***Reviewing*** relevant agency and Governmentwide human resources policies and practices
- ***Developing*** human resources management strategies to deal with circumstances that may arise during a pandemic health crisis
- ***Testing*** plans of action and telecommunications systems to ensure readiness
- ***Communicating*** with employees, managers, and other stakeholders prior to, during, and after a pandemic health crisis

The following Pandemic Planning Guides and Agency Strategies are designed to assist agencies as they prepare for a possible pandemic health crisis. Some of the planning guides provide suggestions for general preparations, while others provide information for handling specific situations that may arise. We recommend agencies immediately use the checklist formatted guides to assess their current state of readiness. The checklists can also be used in the future to assess progress and overall preparation for dealing with a potential health emergency.

Because the planning guides are general in nature, readers should also review their agency human resources management policies, practices, and guidance to understand specific actions and flexibilities they have available to them during a pandemic health crisis.

For information on human resources programs and benefits, we recommend you visit the OPM pandemic influenza Website at www.opm.gov/pandemic/. The planning activities in these Planning Guides and Agency Strategies supplement existing all-hazard emergency/business contingency planning guidance that can be found at www.pandemicflu.gov.

We also have distilled the critical roles and responsibilities of agencies, employees, and supervisors in the event of a pandemic health crisis.

Agency Roles and Responsibilities

- Provide resources for training and testing
- Ensure communication systems work
- Develop guidance on protecting sensitive information and providing for contingency hiring

Supervisory Roles and Responsibilities

- Plan for short- and long-term disruptions
- Stay in constant touch with employees and leadership
- Know where to find information and help on human resources issues

Employee Roles and Responsibilities

- Be ready for alternative work arrangements
- Protect sensitive information
- Stay in constant touch with management

The Pandemic Planning Guides:

A. What Should an Agency Do To Prepare for a Pandemic Health Crisis?

B. What Should a Supervisor Do To Prepare for a Pandemic Health Crisis?

C. What Can a Supervisor Do To Accomplish Work During a Pandemic Health Crisis?

D. What Can an Agency Do To Prepare for Workplace Disruptions During a Pandemic Health Crisis?

E. What Pay and Leave Flexibilities and Requirements Should an Agency Prepare To Manage During a Pandemic Health Crisis?

F. What Can an Agency Do To Prepare for Labor Relations Issues That May Arise in the Event of a Pandemic Health Crisis?

G. What Hiring Strategies Could an Agency or Manager Use During a Pandemic Health Crisis?

H. What Can an Agency Do To Prepare for Telework During a Pandemic Health Crisis?

I. Human Resources Strategies for a Pandemic Health Crisis

U.S. Office of Personnel Management Pandemic Planning Guide

What Should an Agency Do To Prepare For a Pandemic Health Crisis?

This Pandemic Planning Guide is designed to assist agencies as they prepare for and respond to a pandemic health crisis. The guide is general in nature. For detailed human resources information, see www.opm.gov/pandemic/. For the latest information on contingency planning for a pandemic influenza, see www.pandemicflu.gov. Readers should also review their agency policies, practices, and guidance prior to taking action.

Has the agency…

	Completed	In Progress	Not Started
1. Developed its pandemic influenza plan in accordance with the National Strategy for Pandemic Influenza Implementation Plan and identified potential human resources issues?			
2. Determined the potential impact of a pandemic on the agency's workforce and made appropriate modifications in its COOP plan?			
3. Developed human resources related "what if" scenarios and conducted practice drills?			
4. Developed a communications plan for agency managers, employees, and contractors that includes, at a minimum: ▪ An internal Website with pandemic related information ▪ Instructions for determining status of agency operations ▪ Distribution of critical agency information ▪ Distribution of information on personal and family protection during a pandemic health crisis			
5. Identified specific hiring needs (e.g., critical positions, geographic locations) and determined which hiring flexibilities the agency may need to utilize that: ▪ Do not require OPM approval ▪ Require OPM approval For those requiring OPM approval, have agency officials started to develop documentation and/or compile information that can be used to immediately request approval should an outbreak occur?			
5. Reviewed and familiarized agency hiring officials with Governmentwide and agency specific hiring authorities?			
6. Prepared for requesting "buyout" repayment and dual compensation (for returning retired annuitants) waivers, if needed?			
7. Consulted and bargained (as appropriate) with exclusive representatives of bargaining unit employees over human resources issues that may affect employees or collective bargaining			

agreements. Such issues may include:

- Telework during a pandemic health crisis
- Assignment of work during a pandemic health crisis

8. Reviewed the agency's Employee Assistance Program (EAP) to ensure it is ready to respond to employee needs during a pandemic health crisis?
9. Reviewed and revised, as necessary, agency policy and/or guidance on leave, alternative work schedules (flexible and compressed work schedules), and evacuation payments (including development of an Agency Pandemic-Related Evacuation Payment Plan)?
10. Ensured agency telework policy and guidance align with OPM telework guidance, including the protection of sensitive information?
11. Ensured agency managers and supervisors are familiar with various leave options for seeking medical attention, the procedures and obligations for requesting and approving leave, and the limited circumstances under which an employee may be directed to take leave?
12. Ensured agency managers and supervisors are knowledgeable of and use CDC guidance on travel restrictions, quarantines, and dealing with sick employees?
13. Ensured agency telecommunications infrastructure is capable of handling telework or work-at-home arrangements and securing sensitive information?
14. Provided training for employees who will have to deal with specific pandemic health crisis related issues?
15. Encouraged employees to develop a family emergency preparation plan?
16. Ensured lines of communication with Federal Executive Boards (FEB) are established, where appropriate?
17. Met with procurement staff and major contractors to discuss the effect of pandemic-related human resources issues on the contract workforce?
18. Communicated to all employees:
    - Measures the agency has taken or has planned to deal with a pandemic health crisis, including steps to prevent or minimize workplace exposure to contagious disease?
    - Optional alternative work arrangements available in the case of a pandemic health crisis?

19. Ensured accountability through an independent review of its pandemic influenza plan and preparedness?

U.S. Office of Personnel Management Pandemic Planning Guide

What Should a Supervisor Do To Prepare For a Pandemic Health Crisis?

This Pandemic Planning Guide is designed to assist agencies as they prepare for and respond to a pandemic health crisis. The guide is general in nature. For detailed human resources information, see www.opm.gov/pandemic/. For the latest information on contingency planning for a pandemic influenza, see www.pandemicflu.gov. Readers should also review their agency policies, practices, and guidance prior to taking action.

Have you, as a manager or supervisor…

	Completed	In Progress	Not Started
1. Familiarized yourself with agency policies and guidance on dealing with a pandemic health crisis?			
2. Worked human resources implications of a pandemic health crisis into your COOP plan?			
3. Identified alternative methods for continuing critical office functions during a pandemic health crisis and discussed them with your employees? This would include: ▪ Alternative work arrangements, such as telework, working from alternative sites, and flexible or compressed work schedules ▪ Communication plans and procedures ▪ Teleconferencing and/or videoconferencing arrangements			
4. Reviewed your agency and office telework policies and agreements?			
5. Updated employee contact information and developed a plan for keeping the information current?			
6. Established and tested procedures for contacting employees (i.e., telephone trees or comparable procedures)?			
7. Developed a contingency plan for accomplishing work during increased employee absenteeism, including cross-training workers to cover for employees who are not able to work?			
8. Familiarized yourself with your agency Employee Assistance Program (EAP) procedures and communicated with employees about the EAP?			
9. Identified employees with special needs, such as those with physical impairments, and included their needs in planning activities?			
10. Familiarized yourself with employee and agency requirements and obligations for requesting and approving leave and other agency-specific policies and procedures?			

11. Familiarized yourself with agency specific guidance on communications and discussed the guidance with employees?			
12. Established a procedure for communicating with agency headquarters concerning employee status and deaths during a pandemic health crisis?			
13. Developed an office plan for dealing with travel restrictions or quarantines during a pandemic health crisis?			

U.S. Office of Personnel Management Pandemic Planning Guide

What Can A Supervisor Do To Accomplish Work During a Pandemic Health Crisis?

This Pandemic Planning Guide is designed to assist agencies as they prepare for and respond to a pandemic health crisis. The guide is general in nature. For detailed human resources information, see www.opm.gov/pandemic/. For the latest information on contingency planning for a pandemic influenza, see www.pandemicflu.gov. Readers should also review their agency policies, practices, and guidance prior to taking action.

Here are some actions you can take in advance of a pandemic health crisis to ensure you can accomplish work if such a crisis occurs:

- Discuss the potential pandemic and the possibility of an outbreak with your employees
  - Explain that should a pandemic health crisis occur, Government operations will continue. Stress need for employees to plan for how they will continue to work (in office, at alternative site, or from home)
- Remind your employees about the availability of information on the opm.gov/pandemic and pandemicflu.gov Websites
- Update office emergency plan, including updating all employee emergency contact information and establishing or updating a telephone tree
- Reassess all positions and employees for potential telework agreements
  - Establish agreements/procedures in accordance with agency's telework plan and offer telework agreements to eligible employees
  - Implement telework arrangements as broadly as possible so systems and employees are fully prepared for remote work
- Review work schedules and work arrangements for all employees
  - If your agency policy permits alternative work schedules (AWS), consider asking employees to work:
    - A Flexible work schedule, which allows an employee to complete the basic 80-hour biweekly work requirement in less than 10 workdays. The employee may vary his or her arrival and departure times and AWS day off.
    - A Compressed work schedule, which also allows an employee to complete the basic 80-hour biweekly work requirement in less than 10 workdays. The employee may **not** vary his or her arrival and departure times or AWS day off under a compressed work schedule.
- Conduct a test of:
  - Telework arrangements with all participating employees
  - Telephone trees or similar employee contact procedures
- Discuss agency plans and processes for
  - Communicating the status of agency operations with employees
  - Communicating the status of employees with supervisors and managers

Here are some actions you can take if a pandemic health crisis occurs:

- Implement your emergency plan.
- Adjust emergency plan, work assignments, and work arrangements as dictated by the crisis and employee availability.
- If your workplace should become unsafe, see Pandemic Planning Guide V-D.

U.S. Office of Personnel Management Pandemic Planning Guide

What Should an Agency Do To Prepare for Workplace Disruptions During a Pandemic Health Crisis?

This Pandemic Planning Guide is designed to assist agencies as they prepare for and respond to a pandemic health crisis. The guide is general in nature. For detailed human resources information, see www.opm.gov/pandemic/. For the latest information on contingency planning for a pandemic influenza, see www.pandemicflu.gov. Readers should also review their agency policies, practices, and guidance prior to taking action.

Has the agency…

	Completed	In Progress	Not Started
1. Implemented and expanded the use of telework arrangements, as necessary? ***[See "Telework Guide," OPM-II-A.]***			
2. Implemented and expanded the use of alternative work schedules, as necessary? ***[See "Alternative Work Arrangements, OPM-I-G.]***			
3. Communicated to all employees the various leave options available? ***[See "Leave Flexibilities," OPM-I-D.]***			
4. Familiarized itself with regulations at 5 CFR part 550, subpart D, regarding evacuation pay, developed agency plans to administer such payments during a pandemic health crisis, and provided employees with appropriate work assignments at their "safe haven" locations? ***[See "Alternative Work Arrangements," OPM-I-G.]***			
5. Considered steps to be taken when an employee fails or refuses to perform assigned work as required for evacuation pay? ***[See "Alternative Work Arrangements," OPM-I-G.]***			

U.S. Office of Personnel Management Pandemic Planning Guide

What Pay and Leave Flexibilities and Requirements Should an Agency Prepare To Manage During a Pandemic Health Crisis?

This Pandemic Planning Guide is designed to assist agencies as they prepare for and respond to a pandemic health crisis. The guide is general in nature. For detailed human resources information, see www.opm.gov/pandemic/. For the latest information on contingency planning for a pandemic influenza, see www.pandemicflu.gov. Readers should also review their agency policies, practices, and guidance prior to taking action.

Pay

Agencies are responsible for the proper administration of the laws and regulations governing premium pay and pay flexibilities. The following is a list of specific pay issues that may arise during a pandemic health crisis. The Office of Personnel Management (OPM) encourages agencies to use the following checklist to ensure managers and supervisors are familiar with their responsibilities and obligations in preparation for responding to a pandemic health crisis.

NOTE: "FLSA" means the Fair Labor Standards Act of 1938, as revised.

	Yes	No	In progress
Do your managers know your agency's policies on ordering and approving—			
1. Overtime (Note: For information on computing overtime pay under the FLSA, click here) • FLSA nonexempt employees (covered by the FLSA)? • FLSA exempt employees (not covered by the FLSA)?			
2. Compensatory time off in lieu of overtime pay • FLSA nonexempt employees (covered by the FLSA)? • FLSA exempt employees (not covered by the FLSA)?			
Do your managers know when an employee is eligible for, or entitled to—			
3. Holiday premium pay?			
4. Sunday premium pay?			
5. Night pay? • For General Schedule employees? • For Wage Grade employees?			

6. Are your managers aware that if an employee works from home temporarily because of a pandemic health crisis, his or her locality rate or special rate may continue to be determined based on the location of the regular official worksite?

7. Are your managers familiar with your agency's plan and procedures for providing evacuation payments during a pandemic health crisis? Does your agency's plan address the following:
   - Agency official(s) authorized to order employees to evacuate and receive evacuation payments
   - Criteria for ordering employees to evacuate their worksites
   - Time limitations for receiving evacuation payments
   - Criteria for providing advance payments and/or special allowances
   - Criteria for assigning work to an employee during an evacuation
   - Conditions for terminating evacuation payments
   - Reviewing and adjusting payments and employees' accounts, as necessary

Leave

Agencies are responsible for the proper administration of the laws and regulations governing Federal leave programs and policies, including establishing agency policies and procedures for requesting and granting leave. OPM encourages agencies to use the following checklist to ensure managers and supervisors are familiar with their responsibilities and obligations in preparation for responding to a pandemic health crisis.

Do your agency leave policies and procedures include information on the following:

	Yes	No	In Progress
1. Sick leave? For personal medical needs of an employee For general family care and bereavement purposes To provide care for a family member with a serious health condition • Requirements for providing medical certification/evidence to support request for sick leave • Requirements for scheduling sick leave in advance • Requirements for contacting supervisor to request unscheduled sick leave, including call-in and email procedures • Requirements for requesting and/or granting advance sick leave • Denying a request for sick leave			

2. **Annual leave?**
   - Requirements for scheduling annual leave in advance
   - Requirements for contacting supervisor to request unscheduled annual leave, including call-in and email procedures
   - Scheduling use or lose annual leave
   - Requesting and/or granting advance annual leave
   - Denying a request for annual leave
   - Requirements for rescheduling annual leave

3. **Leave Without Pay (LWOP)?**
   - Requirements for scheduling leave without pay in advance
   - Requirements for contacting supervisor to request unscheduled leave without pay, including call-in and email procedures
   - Denying a request for leave without pay
   - Effects of leave without pay on employee entitlements and benefits

4. **Unpaid Leave Under the Family and Medical Leave Act (FMLA)?**
   - Entitlement to 12 weeks of leave during any 12-month period
   - Requirement for notification of need for FMLA leave
   - Requirement for medical certification
   - Required medical certification form
   - Substituting annual and/or sick leave for unpaid leave
   - Entitlement to unpaid leave under the FMLA in addition to annual and sick leave

5. **Voluntary Leave Transfer Program?**
   - Applying to become a leave donor
   - Applying to become a leave recipient
   - Approving requests to be a leave donor or leave recipient
   - Limitations on donating annual leave
   - Limitations on using donated annual leave
   - Accruing annual and sick leave in set-aside accounts
   - Termination of a medical emergency
   - Returning unused donated annual leave to leave donors

6. **Voluntary Leave Bank Program (if available within your agency)?**
   - Requirement for membership in agency leave bank
   - Applying to become a leave bank donor
   - Applying to become a leave bank recipient
   - Approving requests to be a leave bank donor or leave bank recipient?
   - Limitations on using donated annual leave
   - Donating annual leave to a specific leave bank recipient
   - Accruing annual and sick leave in set-aside accounts
   - Termination of a medical emergency
   - Returning unused donated annual leave to the leave bank

7. **Emergency Leave Transfer Program (ELTP) (if authorized for a specific emergency)?**
   - Applying to become an emergency leave donor
   - Applying to become an emergency leave recipient
   - Approving requests for be an emergency leave donor or emergency leave recipient
   - Limitations on donating annual leave to the ELTP
   - Limitations on using donated annual leave
   - Distributing donated annual leave to emergency leave recipients
   - Accruing annual and sick leave while using donated annual leave
   - Governmentwide transfer of leave
   - Termination of an emergency or disaster
   - Returning unused donated annual leave to leave donors

8. **Excused Absence (administrative leave)?**
   - Agency official authorized to grant excused absence
   - Criteria for granting excused absence
   - Limitations on granting excused absence

9. **Other Paid Time Off?**
   - Earned compensatory time off
   - Earned compensatory time off for travel
   - Earned credit hours

10. **Leave Forms?**

U.S. Office of Personnel Management Pandemic Planning Guide

What Can an Agency Do To Prepare for Labor Relations Issues That May Arise in the Event of a Pandemic Health Crisis?

This Pandemic Planning Guide is designed to assist agencies as they prepare for and respond to a pandemic health crisis. The guide is general in nature. For detailed human resources information, see www.opm.gov/pandemic/. For the latest information on contingency planning for a pandemic influenza, see www.pandemicflu.gov. Readers should also review their agency policies, practices, and guidance prior to taking action.

Has the agency…

	Completed	In Progress	Not Started
1. Developed a plan for identifying provisions of a collective bargaining agreement or other labor-management agreement that may need to be addressed to enable the agency to carry out its mission in the event of a pandemic-related emergency? ***[See "Employee and Labor Relations During a Pandemic Health Crisis," OPM-III-C.]***			
2. Developed a plan for communicating with exclusive representatives at the national and/or local level regarding any determination that will affect compliance with specific terms of a collective bargaining agreement during any such emergency? ***[See "Employee and Labor Relations During a Pandemic Health Crisis," OPM-III-C.]***			
3. Developed a plan for determining what, if any, post-implementation bargaining may be necessary as the result of management actions taken during an emergency? ***[See "Employee and Labor Relations During a Pandemic Health Crisis," OPM-III-C.]***			
4. Developed a communication system to inform supervisors and employees of changes in working conditions in the event of a pandemic-related emergency?			
5. Reminded managers and supervisors of their labor-management relations responsibilities in the event of an emergency? ***[See "Employee and Labor Relations During a Pandemic Health Crisis," OPM-III-C.]***			

U.S. Office of Personnel Management Pandemic Planning Guide

What Hiring Strategies Could an Agency or Manager Use During a Pandemic Health Crisis?

This Pandemic Planning Guide is designed to assist agencies as they prepare for and respond to a pandemic health crisis. The guide is general in nature. For detailed human resources information, see www.opm.gov/pandemic/. For the latest information on contingency planning for a pandemic influenza, see www.pandemicflu.gov. Readers should also review their agency policies, practices, and guidance prior to taking action.

NOTE: Regulatory procedures, agency policies, and collective bargaining agreements, if any, apply when using the following flexibilities.

The Office of Personnel Management (OPM) encourages agencies to consider the following five strategies for keeping organizations staffed in the event of a pandemic health crisis:

1. **Utilize your existing workforce**. Detail or temporarily promote current employees into affected positions for up to 120 days. Agency Career Transition Assistant Plan (CTAP) selection priority does not apply to placements for up to 120 days. Agencies should check their internal policies and any collective bargaining agreements.
2. **Use critical need and short-term hiring flexibilities**. Current regulations allow agencies to quickly fill jobs in both the competitive and excepted service for short durations with minimal restrictions. In addition, OPM may authorize agencies to use additional flexibilities in order to meet their needs. These include:

   Excepted Service Appointing Authorities

   Intermittent or temporary appointments in remote/isolated locations: Under 5 CFR 213.3101(i)(1), an agency may appoint individuals for up to 1 year to work less than 1040 hours per year; appointments may be extended in 1 year increments indefinitely.

   30-Day Critical Need: Under 5 CFR 213.3102(i)(2), an agency may make 30-day appointments and may extend them for up to an additional 30 days.

   1-year temporary appointment: Under 5 CFR 213.3101(i)(3), OPM may authorize agencies to make appointments on a temporary basis for up to 1 year, which may be extended (without additional OPM approval) for up to another year. OPM will notify agencies immediately upon authorization of this authority.

   The following appointing authorities do not require public notice and may be effected without regard to CTAP and ICTAP selection priority. Veterans' preference, however, does apply. Agencies may use these authorities to fill senior-level (SL) positions; however, each senior-level space allocation must be reported to OPM within 10 days after the appointment.

   Competitive Temporary Appointments

   An agency may make competitive service appointments of 120 days or less without regard to CTAP or ICTAP selection priority. However, soliciting eligibles under these programs for longer appointments may help identify one or more previously unknown, well-qualified, displaced Federal employees available for immediate employment. (See 5 CFR part 316 and part 330, subparts F and G.)

SES Limited Appointments

Under 5 CFR 317.601, agencies may make SES Limited Term or Limited Emergency appointments of career employees, as long as the appointment is within the space allocation limit previously authorized by OPM. Agencies may seek a temporary allocation from OPM if space is not currently available. Agencies may also seek authority from OPM to make Limited Term or Limited Emergency appointments of *non-career* employees using an automated form generated through the Executive and Schedule C System.

3. **Use Direct-Hire Authority.** The Direct-Hire Authority (DHA) allows agencies to hire quickly to meet mission-critical staffing needs or severe shortages. Agencies may immediately appoint any qualified individual to a covered position after issuing public notice. DHA can drastically reduce hiring timeframes because rating and ranking is not required. Although veterans' preference does not apply under DHA, qualified candidates with veterans' preference should be selected as they are found, just as any qualified non-preference eligible candidate would be. OPM has provided DHA for a number of categories Governmentwide:

   - Diagnostic Radiologic Technologist, GS-0647; all grade levels and locations
   - Medical Officer, GS-0602; all grade levels and locations
   - Nurse, GS-0610, GS-0620; all grade levels and locations
   - Pharmacist, GS-0660; all grade levels and locations
   - Veterinary Medical Officer, GS-0701; grades 11 through 15 nationwide and in overseas territories and commonwealths

   In addition, OPM has provided several agency-specific direct hire authorities. OPM encourages managers and supervisors to check with their human resources office to determine whether the agency has DHA for positions they need to fill. Agencies may request additional DHAs from OPM based on a critical hiring need or severe shortage of candidates. OPM will expedite requests for agency-specific DHA.

4. **Use your agency-specific excepted service authority.** OPM has provided some agencies with their own Schedule A or B hiring authority for specific positions when competitive examining was not practical. Supervisors and managers should check with their human resources office to determine whether the agency has a Schedule A or B authority for the positions they need to fill. If so, this authority can be used without public notice or regard to CTAP and ICTAP selection priority. Veterans' preference, however, does apply. Agencies needing a Schedule A or B authority should contact OPM for more details.

5. **Go where the talent is**. During an emergency, a manager or supervisor may need to quickly find people who possess the competencies needed to perform the work of the agency. OPM encourages agencies to consider the following:

   Reemploying Annuitants

   Agencies may wish to consider rehiring retirees (with salary offset or, with OPM approval, a salary offset waiver if the annuitant refuses reemployment without a waiver) to deal with emergency situations or to supplement your workforce. Upon request, OPM is prepared to give agency heads authority to waive the salary offset otherwise required of reemployed Federal civilian annuitants. We cannot approve waivers retroactively.

Reemploying Buyout Recipients

In conjunction with the above authorities, agencies may also wish to rehire retirees or others who left the Federal Government with buyouts. Depending upon the specific statute under which the individual received the buyout, an agency may request a repayment waiver from OPM in truly unusual circumstances. Persons being considered for waivers must be the only qualified applicants available for the positions or possess expertise and special qualifications necessary to deal with an emergency such as a pandemic health crisis.

Agency Reemployment Priority Lists (RPL)

Current/former employees affected by a reduction in force or recovered from a compensable injury on an agency's RPL are another immediate source of qualified individuals available for temporary, term, or permanent competitive service appointments. Conversely, in some cases, an agency may wish to make an exception to the RPL provisions to appoint someone else under 5 CFR 330.207(d).

Used separately or together, these five strategies will help agencies staff mission-critical positions during an emergency with a minimum of red-tape, while the agency considers longer-term staffing options. For less urgent needs, agencies should continue to use competitive examining or any applicable hiring flexibility the agency would otherwise use.

U.S. Office of Personnel Management Pandemic Planning Guide

What Can an Agency Do To Prepare for Telework During a Pandemic Health Crisis?

This Pandemic Planning Guide is designed to assist agencies as they prepare for and respond to a pandemic health crisis. The guide is general in nature. For detailed human resources information, see www.opm.gov/pandemic/. For the latest information on contingency planning for a pandemic influenza, see www.pandemicflu.gov. Readers should also review their agency policies, practices, and guidance prior to taking action.

Has the agency…

	Completed	In Progress	Not Started
1. Broadened its telework policy to include information specific to a pandemic health crisis?			
2. Integrated telework into its pandemic health crisis plan?			
3. Integrated pandemic and other emergency planning into telework agreements?			
4. Identified an agency telework coordinator and disseminated contact information agency-wide?			
5. Determined which employees are eligible to telework?			
6. Offered telework arrangements to all eligible employees?			
7. Placed all teleworkers on a telework agreement and filed a copy with the telework coordinator? The agreement should include the following: • Safety checklist • Communication and security plans and procedures • Clear expectations for telework in emergency situations			
8. Ensured labor-management obligations are met relative to telework planning?			
9. Developed telecommunications infrastructure (teleconferencing, videoconferencing, etc.) to provide the maximum amount of multi-way communication during emergencies?			
10. Provided appropriate equipment to teleworkers?			

11. Ensured agency telecommunications infrastructure is capable of handling telework arrangements and securing sensitive information?			
12. Provided telework training for managers and employees?			
13. Ensured all employees receive mandatory security training?			
14. Tested telework at full capacity to determine whether infrastructure can withstand demand?			
15. Arranged to provide information technology support sufficient to meet telework needs?			

Human Resources Strategies for Pandemic Influenza Crisis

This section includes examples of specific human resources strategies for pandemic influenza that a number of departments and agencies are sharing for our mutual benefit. These examples address specific issues such as:

- Identification of Critical/Priority Functions and Means To Ensure Continuity
- Guidance on Maintaining Essential Functions
- Back-up Hiring Provisions
- Authorizing More Human Resources Flexibilities
- Component Telework Coordinators
- One-Stop Emergency Preparedness Website
- Employee Education
- Social Distancing Techniques
- Protecting Employees' Health and Providing a Safe Work Environment
- Job Hazard Analysis
- Planning Medical Care in Foreign Locations
- Personal Care/Well Being Resources for Employees Via Work/Life Programs
- Disaster Accountability and Assessment System
- Recovery Assistance – Task Force Navy Family
- 24/7 Emergency Call Center
- Collecting Telework Usage Information via Payroll

As agencies provide additional examples of human resources strategies that address specific issues, the Office of Personnel Management will include them on its Website at www.opm.gov/pandemic.

Nuclear Regulatory Commission

Strategy: Identification of Critical/Priority Functions and Means To Ensure Continuity

Brief description of human resources strategy for pandemic influenza:

The Nuclear Regulatory Commission (NRC) has identified priority functions it must continue during a pandemic. Depending on the severity and circumstances of a pandemic, the agency may, if practical, continue some lower priority work or gradually shed and resume lower priority work.

In conjunction with Office-specific planning to continue priority functions, each Office or Region will:

- Identify employees with the skills and experience needed to perform Pandemic Priority Functions. Depths of several employees improve the likelihood someone with the requisite skills will be available at any given time. NRC's automated Strategic Workforce Planning system supports these efforts.

- Identify alternative sources of skills if insufficient back-up is available among employees. Such sources might include, for example, employees of other agencies or retired NRC employees.

- Provide cross-training, as appropriate, to prepare employees to perform such functions.

The agency will also communicate to staff and the union (in advance of and during a pandemic) that employees may be asked to perform duties other than those in their position descriptions during a pandemic and that individual employees may be expected to perform specific priority functions.

Contact person for more details:

Nancy Johns
(301) 415-6244
nlj@nrc.gov

Tracy Scott
Tracy.Scott@nrc.gov

Department of Labor

Strategy: Guidance on Maintaining Essential Functions

Brief description of human resources strategy for pandemic influenza:

The Department of Labor (DOL) is providing guidance for managers at DOL to include:

- Identifying essential work and cross-training employees at least 3-deep to accomplish the work via telework
- Developing standard operating procedures to complete essential work in the event the 3-deep employees are no longer available
- Assessing the ability to devolve work to other locations

Contact person for more details:

Brooke Brewer
(202) 693-7616
Brewer.brooke@dol.gov

Department of Labor

Strategy: Back-up Hiring Provisions

Brief description of human resources strategy for pandemic influenza:

The Department of Labor (DOL) has established back-up provisions for essential hiring. The provisions include using agency and regional human resources offices capable of hiring for other agencies; identifying critical positions that might need to be back-filled on a short term basis; using contractors as an alternative.

Contact person for more details:

Brooke Brewer
(202) 693-7616
Brewer.brooke@dol.gov

Nuclear Regulatory Commission

Strategy: Authorizing More Human Capital Flexibilities

Brief description of human resources strategy for pandemic influenza:

The Nuclear Regulatory Commission (NRC) will authorize greater flexibility during a pandemic episode with regard to assignment of duties, leave, and work scheduling in order to allow NRC to make the fullest possible use of resources available for accomplishing priority functions. In addition to current HR policies and resources, managers will have broader discretion during a pandemic to:

- Authorize employees to work more varied work schedules to the extent the manager deems accomplishment of the work feasible.
- Approve leave based on more liberal policies for reporting and approving absence.
- Approve premium pay as needed and appropriate to continue priority functions.

Managers will discuss with employees alternatives regarding work, leave, and scheduling that may be applicable during a pandemic. Similarly, employees will be asked to work with managers to identify, in advance to the extent possible, any flexibilities related to work scheduling, location (such as telework), leave needs, or other working conditions employees believe will help managers plan or help employees continue working while meeting family responsibilities or other personal needs during a pandemic.

Contact person for more details:

Nancy Johns
(301) 415-6244
nlj@nrc.gov

Tracy Scott
Tracy.Scott@nrc.gov

Department of Labor

Strategy: Component Telework Coordinators

Brief description of human resources strategy for pandemic influenza:

Each agency within the Department of Labor has its own telework coordinator who will ensure all employees and agency heads have access to accurate information and guidance. Additionally, working with the telework coordinators, DOL is implementing a telework exercise that includes a workshop to train agency exercise points of contact on what agencies need to do to make certain employees who perform essential functions are prepared to telework and that all agencies test this capability. DOL also will prepare an after-action report identifying shortfalls and establish a corrective action plan to address those shortfalls. DOL plans to conduct multiple exercises over several months to test the IT support capacity and ensure DOL is ready to serve its customers during a pandemic.

A variety of materials are available to all employees on the DOL internal Website. These materials can be used to prepare employees and managers to make certain telework is successful at the Department.

Contact person for more details:

Brooke Brewer
(202) 693-7616
Brewer.brooke@dol.gov

Department of Defense

Strategy: One-Stop Emergency Preparedness Website

Brief description of human resources strategy for pandemic influenza:

The Department of Defense has developed a One-Stop Emergency Preparedness Website, www.cpms.osd.mil/disasters, for use by employees, managers, and human resources practitioners in a national/regional emergency situation. The Website provides a central place where managers and employees can obtain information on strategies available for dealing with an emergency.

The Department of Defense has also developed a comprehensive emergency guide for use in any national disaster.

Contact person for more details:

Sherry Smith
(703) 696-6301, ext 211
Sherry.Smith@CPMS.OSD.MIL

Department of Labor

Strategy: Employee Education

Brief description of human resources strategy for pandemic influenza:

The Department of Labor (DOL) has established an employee education plan and invited guest speakers for various employee events, including Dr. John Howard, Director of the National Institute for Occupational Safety and Health, and Dr. Don Wright, Director of Occupational Medicine for OSHA.

DOL communicates with employees via emails, internal employee bulletins, and a pandemic flu page on the DOL intranet that includes telework information.

Contact person for more details:

Brooke Brewer
(202) 693-7616
Brewer.brooke@dol.gov

Department of the Treasury
United States Mint

Strategy: Social Distancing Techniques

Brief description of human resources strategy for pandemic influenza:

The United States Mint will publicize and use the following strategies to achieve social distancing:

- Split teams into different work locations to build back-up and avoid cross-infection.
- Stagger shift changes so worksite can be thoroughly ventilated and to minimize contact and congestion in locker rooms, security areas, etc.
- Avoid meeting face-to-face by using telephone, video conferencing, and the Internet to conduct business as much as possible. If face-to-face meeting is required, minimize meeting time, choose large conference room, and sit at least 3 or 4 feet away from others if possible.
- Avoid all unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops, and training sessions.
- Advise employees to avoid public transportation, drive a car, or come and go early or late to avoid rush hour crowding on public transport.
- Introduce staggered lunchtimes to minimize numbers of employees in lunch rooms. Encourage employees to bring lunch and eat at their desks or away from others and to avoid eating in the cafeteria, lunchrooms, and crowded restaurants.
- Advise employees not to congregate in break rooms or smoke break areas where people socialize.
- Advise employees to avoid shaking hands or hugging.

Contact person for more details:

Chris Grubach
(202) 354-7413

Nuclear Regulatory Commission

Strategy: Protecting Employees' Health and Providing a Safe Work Environment

Brief description of human resources strategy for pandemic influenza:

The Nuclear Regulatory Commission (NRC) will need to protect employees' health and provide a safe work environment through infection prevention, sanitation, communication/training, and, if practical, screening measures.

The agency has purchased hand sanitizer for employees and is developing a communication plan and training for employees on characteristics of avian influenza, infection prevention, sanitation, respiratory hygiene, and social distancing guidelines. This will include emphasizing the importance of employees' taking leave when they feel at all ill rather than reporting for work.

As guidelines are developed by other Federal departments and agencies, NRC will continue to address medical, operational, technical, and human issues. Additionally, NRC will make informed decisions about the best ways to establish and function from a clean and secure workspace, establish screening centers as techniques become available, maintain clean space, and establish clearance procedures for returning employees as the influenza emergency abates.

Contact person for more details:

Nancy Johns
(301) 415-6244
nlj@nrc.gov

Tracy Scott
Tracy.Scott@nrc.gov

Department of Homeland Security
Customs and Border Protection

Strategy: Job Hazard Analysis

Brief description of human resources strategy for pandemic influenza:

Department of Homeland Security, Customs and Border Patrol, has created a Job Hazard Analysis that describes the actions to be implemented to reduce the risk of CBP employee exposure to avian influenza as a result of their official duties. It describes the training and work procedures put in place to prevent the transmission of disease.

Contact person for more details:

Gary McMahen, Director
Occupational Safety and Health
(317) 298-1055
gary.mcmahen@dhs.gov

Department of State

Strategy: Planning Medical Care in Foreign Locations

Brief description of human resources strategy for pandemic influenza:

The Department of State is working to provide extensive health information to employees. It will also pre-position medicine (Tamiflu) at embassies and consulates for Federal employees of all agencies working overseas whose mission is attached to an Embassy or Consulate.

Contact person for more details:

Mr. Teddy Taylor, Deputy Assistant Secretary
Bureau of Human Resources
Department of State
(202) 647-5152
Teddytb2@state.gov

Department of the Treasury
Internal Revenue Service

Strategy: Personal Care/Well Being Resources for Employees Via Work/Life Programs

Brief description of human resources strategy for pandemic influenza:

The IRS will disseminate resources for the personal care and well being of employees through the use of Work/Life programs such as:

- Health information and services including:
  - Prevention tips, symptoms, etc. from the Centers for Disease Control and Prevention, Federal Occupational Health (FOH), and local FOH Health Centers
  - On-site assessment of symptoms at local FOH Health Centers

- Pre- and post-crisis EAP services, including:
  - Training for dealing with anxiety, crisis management, etc.
  - Availability of individual counseling

- Leave Sharing program to assist employees without sick leave to have access to leave for medical reasons

- Flexiplace and Telework programs to provide employees with the option of an alternative worksite to avoid the spread of disease

EAP/Telework Program:	Earline Hill (202) 283-1493 Earline.B.Hill@irs.gov
Health Services Program:	Pamela Carter-Coleman (202) 283-1499 Pamela.A.Carter@irs.gov
Leave Sharing Program:	Rhonda Alderman (202) 283-7343 Rhonda.Alderman@irs.gov

Department of Defense – Navy

Strategy: Disaster Accountability and Assessment System

Brief description of human resources strategy for pandemic influenza:

The Navy has developed an automated system called Navy Disaster Accountability and Assessment System (DAAS). The DAAS provides the Navy a standardized method to account for, assess needs of, and manage recovery assistance for service members, employees and their families affected by a widespread catastrophic event. DAAS is Web-based and is Government-owned.

Contact person for more details:

Mary Beth Lepore
Office of Civilian Human Resources
(202) 685-6242
MaryBeth.Lepore@Navy.Mil

Department of Defense – Navy

Strategy: Recovery Assistance – Task Force Navy Family

Brief description of human resources strategy for pandemic influenza:

Task Force Navy Family (TFNF) was established to assist Navy families with recovery after major emergencies. The TFNF identifies and assesses personnel and family needs (including severity levels) and determines resource and policy requirements to support those needs. The task force provides services through several key conduits to support both family recovery and mission readiness such as:

- **Local outreach (community support centers and family case managers)**
- **Central support (policy experts)**
- **Communication (liaison officers between headquarters and impacted areas; dedicated Website; weekly newsletters; conference calls).**

Contact person for more details:

Mary Beth Lepore
Office of Civilian Human Resources
(202) 685-6242
MaryBeth.Lepore@Navy.Mil

Department of Defense – Navy

Strategy: 24/7 Emergency Call Center

Brief description of human resources strategy for pandemic influenza:

The Navy established a world-wide, toll-free, 24/7 Emergency Call Center (ECC) that employees and family members can call to report their status and location during/after a catastrophic event. The call center has a Telecommunications Device for the Deaf (TDD) and language translation services. The ECC will utilize the Navy's new Web-based DAAS system to record contact information and assess personnel needs when employees call in. Commands can also access this data.

The Navy is publicizing the ECC contact number to all Navy personnel and employees on wallet cards, refrigerator magnets, official Websites, and via emergency preparedness training. Commands have acquired satellite and cell phones for all key staff.

Contact person for more details:

Mary Beth Lepore
Office of Civilian Human Resources
(202) 685-6242
MaryBeth.Lepore@Navy.Mil

Department of Labor

Strategy: Collecting Telework Usage Information via Payroll

Brief description of human resources strategy for pandemic influenza:

Employees electronically input the number of hours they telework each pay period through the Department of Labor (DOL) time and attendance system. This strategy will permit DOL to provide data in an easy and timely manner upon request during a pandemic influenza.

Contact person for more details:

Brooke Brewer
(202) 693-7616
Brewer.brooke@dol.gov

Agencies must establish a plan and procedures for providing evacuation payments during a pandemic health crisis. The following is a Sample Agency Plan agencies may use to meet these requirements.

Evacuation Payments During a Pandemic Health Crisis

Authority

The (Secretary/Administrator/Director) may provide evacuation payments to employees of (Agency) whose departure from a place inside or outside the United States is officially authorized or ordered from any place where there is imminent danger to the lives of the evacuated employees. The (Secretary/Administrator/Director) may provide evacuation payments to employees who are ordered to evacuate from their regular worksites and directed to perform work at home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. The employee's home (or an alternative location mutually agreeable to the agency and the employee), including a home/location under quarantine or confinement, may be designated as a safe haven during the period of evacuation to promote the "social distancing" of employees and protect employees from being exposed to additional viruses or mutations of a pandemic virus.

An evacuated employee at a safe haven may be assigned to perform any work considered necessary or required to be performed during the period of evacuation without regard to the employee's grade or title. However, a supervisor may not assign work to an employee unless he or she knows the employee has the necessary knowledge and skills to perform the assigned work. The agency must comply with statutory requirements regarding reasonable accommodation for qualified employees with a disability.

Managers and supervisors are encouraged to communicate regularly with employees who are performing work from home during a pandemic health crisis. Regular communication with employees will ensure they understand their work assignments and management's expectations during the period of the evacuation. Failure or refusal to perform assigned work may be a basis for terminating evacuation payments, as well as disciplinary action under 5 CFR part 752 (Adverse Actions). However, an employee's inability to perform assigned work because of lack of knowledge or skills may **not** be a basis for terminating evacuation payments or taking disciplinary action.

An employee who is ordered to work from home during a pandemic health crisis may not care for his or her children while performing work. However, the employee may request changes in his or her work schedule to allow the employee to work during the periods he or she is not responsible for caring for the child (e.g., when the child is sleeping or when a spouse or other family member is available to care for the child). An employee may request annual leave or other paid time off, such as earned compensatory time off or earned credit hours, to care for a healthy child.

Ordering an Evacuation

The (Secretary/Administrator/Director) may delegate to one or more of the following officials the authority to order employees to evacuate their regular worksites and perform work from their homes (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis:

[Examples of designated officials may include:

a. A designated representative at (Agency) headquarters;
b. The head of an agency component or a designated representative; and
c. The director, head, chief, or supervisor of an organization or office or a designated representative.]

The (Secretary/Administrator/Director or designated official(s)) may order an evacuation upon an official announcement by Federal, State, or local officials, public health authorities, and/or tribal governments, of a pandemic health crisis affecting certain geographic areas. (State, local, and tribal public health authorities generally are primarily responsible for detecting and responding to local disease outbreaks and implementing measures to minimize the consequences of an outbreak. The Federal Government supports State, local, and tribal public health officials in preparedness and response activities.) Consistent with 5 U.S.C. 5522 and 5523 and the Department of State Standardized Regulations, responsibility for ordering an evacuation in overseas locations rests with the Department of State.

Evacuation Payments

The (Secretary/Administrator/Director or designated official) may provide evacuation payments to an employee who is ordered to evacuate his or her regular worksite and work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. Evacuation payments will be paid on the employee's regular pay days, since these payments reflect the employee's regular pay.

Evacuation payments will be based on an employee's rate of pay (including any applicable allowances, differentials, or other authorized payments) to which the employee was regularly entitled immediately before the issuance of the order to evacuate, regardless of the employee's work schedule during the evacuation period. For example, an employee is considered to be regularly entitled to night pay differential (5 U.S.C. 5545(a) and 5343(f)) and Sunday premium pay (5 U.S.C. 5544(a) and 5546(a)) for applicable hours in the employee's normal basic workweek. An employee is considered to be regularly entitled to law enforcement availability pay (5 U.S.C. 5545a), administratively uncontrollable overtime pay (5 U.S.C. 5545(c)(2)), standby duty premium pay (5 U.S.C. 5545(c)(1)), regular overtime pay for firefighters (5 U.S.C. 5545b), physicians' comparability allowances (5 U.S.C. 5948), supervisory differentials (5 U.S.C. 5755), and nonforeign area cost-of-living allowances and post differentials (5 U.S.C. 5941), as applicable. An employee will receive recruitment, relocation, and retention incentive payments (5 U.S.C. 5753 and 5754) and extended assignment incentive payments (5 U.S.C. 5757) consistent with the employee's signed service agreement. The agency must make all deductions from evacuation payments that are required by law, including retirement or Social Security (FICA) deductions, authorized allotments, and income tax withholdings.

An employee's evacuation payments must cover the period of time during which an applicable order to evacuate remains in effect, unless terminated earlier. However, evacuation payments

may not continue for more than 180 calendar days after the effective date of an order to evacuate. (Agency) must determine the days and hours the employee would have been expected to work during the selected time period (but for the evacuation) as follows: (1) for employees with a regularly scheduled tour of duty, the agency must determine the days and hours in the employee's normal basic workweek during the selected time period; and (2) for intermittent employees, the agency must estimate the days and hours the employee would have been expected to work during the selected time period (not to exceed 80 hours in a biweekly pay period). If possible, the agency will estimate an intermittent employee's projected days and hours of work based on a 6-week average.

Additional Allowance Payments

The (Secretary/Administrator/Director or designated official), in his or her sole and exclusive discretion, may grant additional 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. The discretionary authority does not change reasonable accommodation obligations under the Rehabilitation Act. Examples of discretionary special allowance payments might include increased costs for a computer, printer, fax machine, scanner, and telecommunications equipment incurred by an employee ordered to work from home (or an alternative location mutually agreeable to the agency and the employee) during the evacuation period. An employee is not entitled to additional allowance payments for such increased costs unless the allowance payments are specifically approved by the agency head or designated official. However, an employee may not be required to absorb increased expenses (e.g., long-distance calls, supplies, or delivery services) incidental to performing work from home (or an alternative location) if the increased expenditures primarily benefit the Federal Government, since an agency may not augment its appropriations—i.e., require an employee to absorb additional expenses incidental to performing work from home—without specific statutory authority to do so.

In most situations, employees who are ordered to evacuate their official duty stations during a pandemic health crisis (will) (will not) receive additional allowance payments to offset the direct added expenses incident to travel outside the limits of their official duty station—e.g., travel and subsistence expenses. However, the (Secretary/Administrator/Director or designated official) may make exceptions in unusual circumstances. (See 5 CFR 550.405.)

In most situations, an advance salary payment will not be made to an employee who is ordered to evacuate his or her official duty station during a pandemic health crisis, since the employee will receive evacuation payments on his or her regular pay day. However, the (Secretary/ Administrator/Director or designated official) may make exceptions in unusual circumstances. (An advance salary payment may be made when an agency official has determined that payment in advance of the date on which the employee otherwise would be entitled to be paid is required to help the employee defray immediate expenses incidental to an employee's departure. An advance salary payment is equivalent to a loan and must be treated as a debt owed to the Federal Government. However, the (Secretary/Administrator/ Director or designated official) may waive recovery of a debt for an advance salary payment when he or she determines that the recovery would be against equity or good conscience or against the public interest.)

Termination of Payments

The (Secretary/Administrator/Director or designated official) must terminate an employee's evacuation payments on the date of the earliest of the following events, as applicable:

- The employee is assigned to another duty station outside the evacuation area.
- The employee is separated from his or her position with (Agency).
- The elapsing of 180 days since the effective date of the order to evacuate.
- The employee resumes his or her duties at the regular worksite from which he or she was evacuated after the applicable order to evacuate is rescinded.
- The (Secretary/Administrator/Director or designated official) determines that payments are no longer warranted (e.g., based on guidance provided by State, local, or tribal public health officials or Federal officials (e.g., the Centers for Disease Control and Prevention or Department of State) regarding the status of the pandemic health crisis).

Review and Reconciliation of Employee Payroll Accounts

After an order to evacuate is terminated, (Agency's) payroll provider will make adjustments in an employee's pay on the basis of the rates of pay, allowances, and differentials, if any, to which the employee otherwise would have been entitled during the period of evacuation under applicable statutes. (Agency) will review each employee's account for the purpose of making adjustments in the employee's pay. This review should be conducted at the earliest possible date after evacuation payments are terminated. (Agency) will determine whether, during the period covered by evacuation payments, an employee was entitled to higher total pay under the normally applicable pay provisions than the total amount of evacuation payments received by an employee. The alternative pay computation must take into account changes in an employee's rate of basic pay that occurred during the evacuation payment period (e.g., a within-grade increase) and additional hours worked beyond the number of hours assumed in computing the evacuation payments. For the purpose of this alternative pay computation, the employee is deemed to have worked at least the number of hours assumed in computing his or her evacuation payments. If the total pay under the alternative pay computation exceeds the total amount of evacuation payments, the agency must pay the employee the additional amount. After an employee's account is reviewed, if (Agency) finds that the employee is indebted to the Government, the agency must recover the debt from the employee, unless the (Secretary/Administrator/Director or designated official) grants a waiver. (See 5 CFR 550.408.)

References

- 5 U.S.C. 5522 – 5524
- 5 CFR part 550, subpart D
- Office of Personnel Management's Fact Sheet, "Evacuation Payments During a Pandemic Health Crisis"

Human Resources Information Specifically for Employees

The following Fact Sheets are designed specifically to provide Federal employees with a quick summary of the basic facts and sources of information relating to such matters as flexible work arrangements, Employee Assistance Programs, health benefits and insurance programs, and pay and leave flexibilities. In addition, we have consolidated information about Federal benefits into a comprehensive guide entitled, “What You and Your Family Need To Know about Your Federal Benefits During an Emergency.” Information about these benefits and programs designed specifically for use by managers, supervisors, and human resources officials and specialists can be found in Section IV of this Guide. In addition, Section II of this Guide contains a Fact Sheet on telework.

U.S. Office of Personnel Management
Fact Sheet

Information For Employees About Flexible Work Arrangements

Alternative Work Schedules (AWS) – Flexible Work Schedules (FWS)

- Flexible Work Schedules (FWS) can enable employees to select and alter their work schedules to better fit personal needs and help balance work, personal, and family responsibilities within limits set by their agencies.
- FWS consist of workdays with core hours and flexible hours. Core hours are the designated period of the day all employees must be at work. Flexible hours are the part of the workday, outside of core hours, when employees may choose their time of arrival and departure.
- FWS are voluntary and subject to approval of the supervisor or manager.
- The types of FWS arrangements are:
  - **Flexitour** is a schedule in which an employee is allowed to select starting and stopping times within the flexible hours. Once selected, the hours are fixed until the agency provides the opportunity to select different starting and stopping hours.
  - A **gliding schedule** is a schedule in which a full-time employee has a basic work requirement of 8 hours in each day and 40 hours in each week. The employee may select a starting and stopping time each day and may change starting and stopping times daily within the established flexible hours.
  - A v**ariable day** schedule is a work schedule containing core hours on each workday in the week in which a full-time employee has a basic work requirement of 40 hours in each week of a biweekly pay period. However, the employee may vary the number of hours on a given workday within the limits established for the organization.
  - A **variable workweek** schedule is a work schedule containing core hours on each workday in the biweekly pay period in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period. The employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established for the organization.
  - A **maxiflex** schedule is a work schedule that contains core hours on fewer than 10 workdays in the biweekly pay period in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period. The employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established for the organization.
- The following provisions apply to using credit hours under an FWS program:
  - Credit hours are any hours within an FWS that are in excess of an employee's basic work requirement (e.g., 40 hours a week) which the employee elects to work to vary the length of a workweek or a workday.
  - Agencies may limit or restrict the earning and use of credit hours.

- OPM regulations prohibit SES members from accumulating credit hours under AWS programs (5 CFR 610.408.)
- The law prohibits carrying over more than 24 credit hours from one pay period to the next (5 U.S.C. 6126.)

Alternative Work Schedules (AWS) – Compressed Work Schedules (CWS)

- Compressed Work Schedules (CWS) are fixed work schedules that allow full-time employees to complete the basic 80-hour biweekly work requirement in less than 10 workdays, subject to the following provisions:
  - *For employees in a bargaining unit:* The agency must successfully negotiate a CWS program with the union for a represented group of employees prior to implementation (5 U.S.C. 6130.)
  - *For employees not in a bargaining unit:* The agency must secure a favorable vote from the majority of employees in the affected group before implementing a CWS program (5 U.S.C. 6127(b)(1))
  - Credit hours are not permitted under a CWS program.
  - For full-time employees, all hours worked in excess of the established CWS are overtime hours.
  - Employees on a CWS may request compensatory time off only for the performance of irregular or occasional overtime work. Compensatory time off may not be approved for any member of the Senior Executive Service (SES.)
  - An employee normally is excused from work and entitled to basic pay for the number of hours of his or her CWS on a holiday.
  - If the President issues an Executive order granting a "half-day" holiday, full-time CWS employees are normally excused from work during the last half of their "basic work requirement" (i.e., nonovertime hours) on that day.

U.S. Office of Personnel Management
Fact Sheet

Information for Employees About the Employee Assistance Program (EAP)

- An Employee Assistance Program (EAP) is a voluntary, work-based program that provides confidential assessment, short-term counseling, referral, and follow-up services at no cost to employees who have personal and/or work-related problems that affect attendance, work performance, and/or conduct.

- Every agency EAP has the goal of restoring valuable employees to full productivity. Following are examples of issues for which an employee may wish to contact an Employee Assistant Program Counselor:
  - Alcoholism
  - Drug abuse
  - Divorce
  - Death of a loved one
  - Bankruptcy
  - Other family or workplace crisis

- There is no cost to employees who receive counseling and other services provided by the agency's EAP. Costs for outside treatment and professional services, which can result in personal expense, may be covered by your Federal Employee Health Benefits plan or private insurance. The EAP counselor will work with the employee to identify the best available outside treatment program and services in line with your individual finances.

- Services provided by an EAP include the following:
  - Confidential, free, short-term counseling to identify and assess problem(s) and help employees in problem solving
  - Referral, where appropriate, to a community service or professional resource that provides treatment and/or rehabilitation.
  - Follow up services to help an employee readjust to his or her job during and after treatment, e.g., back-to-work conferences.
  - Training sessions for managers and supervisors on handling work-related problems that may be related to substance abuse or other personal, and/or health-related problems.
  - Briefings to educate management and union officials on the role of EAPs

- Appointments are made easily with a telephone call to the EAP. EAP operating hours are usually flexible so the employees can make appointments before, during, and after the workday. For specific information on hours of operation and procedures for making appointments, employees should check the agency's bulletin board, intranet, telephone directory, or call the agency's EAP office.
- EAPs can be important in—
  - Preventing and intervening in workplace violence incidents
  - Delivering critical incident stress debriefings
  - Providing assistance to management and employees during agency restructuring or other major organizational transitions or developments.

- Agencies may grant periods of excused absence to an employee for participation in the agency's EAP for problem identification and referral to an outside resource and for general employee orientation or education activities.

- The following provisions apply to employee records and confidentiality:
  - The Privacy Act (5 U.S.C. 552a) covers all EAP records. The EAP staff should provide an employee with a written notice concerning the confidential nature of EAP records along with the conditions where information discussed in counseling may be disclosed.
  - There are three types of disclosure:
    - **Disclosure with consent**- employee's written consent is obtained before any information is released, except where disclosure without the consent of the client is allowed.
    - **Disclosure without consent**- only permissible in a few instances, such as the following:
      - to medical personnel in a medical emergency
      - in response to an order of a court of competent jurisdiction
      - to comply with Executive Order 12564, *"Drug Free Federal Workplace"*
      - an EAP is required by law to report incidents of suspected child abuse and neglect (in some States, elder and spouse abuse) to the appropriate State and local authorities
      - an EAP may make a disclosure to appropriate individuals, such as law enforcement authorities and persons being threatened, if the client has committed, or threatens to commit, a crime that would physically harm someone. This can be done only if the disclosure does not identify the EAP client as an alcoholic or drug abuser

  - **Secondary disclosure**- any information disclosed with the employee's consent must be accompanied by a statement that prohibits further disclosure unless the consent expressly permits further disclosures.

  - Clients of the EAP have the right to access their own EAP records.

All EAP records are the property of the Federal department or agency sponsoring the program.

U.S. Office of Personnel Management
Fact Sheet

Information for Employees About Health Benefits During a Pandemic

During a pandemic health crisis, don't worry about your FEHB health benefits. Your benefits will continue regardless of the severity of the crisis. We have many health plans in the FEHB Program on which we can rely to make sure your benefits continue uninterrupted. During an emergency, continue to see your medical providers as you have previously done. Contact your health plan or go directly to the emergency room or other health care provider for services if for some reason you cannot contact your provider for needed services. In certain situations, we will ask our health plans to demonstrate maximum flexibility to assure your benefits coverage, including the following:

- Fee-for-service carriers will be expected to relax certain provisions, such as their pre-certification requirement that the plan must be notified within 2 business days of an emergency admission.
- Fee-for-service carriers and HMOs will be expected to relax requirements about notification and levels of benefit payment if victims are taken to non-plan and/or non-PPO hospitals or other treatment centers.
- Carriers will be expected to make certain FEHB members get additional supplies of medications as backup for emergency situations if necessary.

During a pandemic, you may continue to use medical providers as before, and your plan will reimburse you or pay your providers directly for covered services if you are covered by a **fee-for-service plan** (see list below). Present your ID card to your provider when you receive services. If you do not have your ID card, you or your provider should call your plan to verify your coverage.

Names, telephone numbers, and Web links of the fee-for-service plans in the FEHB Program are listed below.

Plan Name and Web Address	Telephone Number
APWU Health Plan www.apwuhp.com	**800-222-2798**
Blue Cross and Blue Shield Service Benefit Plan www.fepblue.org	**Local phone number**
GEHA Benefit Plan www.geha.com	**800-821-6136**
Mail Handlers www.mhbp.com	**800-410-7778**
NALC www.nalc.org/depart/hbp	**888-636-6252**
Association Benefit Plan www.mutualofomaha.com	**800-634-0069**
Foreign Service Benefit Plan www.afspa.org	**202-833-4910**
Rural Carrier Benefit Plan www.nrlca.org	**800-638-8432**
Special Agents Mutual Benefit Association (SAMBA) www.sambaplans.com	**800-638-6589**

If you are covered by an HMO, you should continue to use the HMO's medical providers as before and contact your HMO customer service representative for any questions about out-of-area services.

U.S. Office of Personnel Management
Fact Sheet

Federal Long Term Care Insurance Program (FLTCIP) and Federal Flexible Spending Account Program (FSAFEDS)

Federal Long Term Care Insurance Program (FLTCIP)

Contact Long Term Care Partners at **1-800-582-3337** if you and/or your family member are enrolled in the FLTCIP and have any questions about your coverage or eligibility for benefits.

Federal Flexible Spending Account Program (FSAFEDS)

FSAFEDS is a program allowing employees (but not retirees) to contribute pre-tax salary to an account(s) that may be used to pay for out-of-pocket medical expenses and dependent care expenses. Agencies in the executive branch and a few other agencies offer FSAFEDS, which is administered by OPM. Other agencies may administer their own flexible spending account (FSA) program. Your employing agency can tell you if you are enrolled in FSAFEDS or another FSA program.

In an emergency, it is possible, though rare, that a payroll servicing agency may miss taking an FSAFEDS allotment from an employee's pay for one or more pay periods. That should be rare, because these agencies make changes in FSAFEDS allotments only if there is a change in the amount of the allotment. For most enrollees, there is no change in FSAFEDS allotments from one pay period to the next. No further funds would be contributed to an FSA if an FSAFEDS enrollee dies. Claims will be accepted for expenses paid on behalf of any surviving spouse and dependents until all previously allotted funds are reimbursed.

Please email fsa@opm.gov or call FSAFEDS at **1-877-372-3337** (TTY **1-800-952-0450**) if any issues involving FSAFEDS allotments or claims are causing a hardship for you or your family.

U.S. Office of Personnel Management
Fact Sheet

Information for Employees About Applying for Federal Employees' Group Life Insurance Benefits

Filing a Federal Employees' Group Life Insurance (FEGLI) Claim

When a Federal employee has died or been dismembered, or when an eligible member of an employee's family has died, please contact the employee's Federal agency to learn whether the employee had coverage under the FEGLI Program. The agency maintains the FEGLI records of its employees.

If a Federal retiree or eligible family member has died, contact OPM at **1-800-307-8298*.** OPM will provide the appropriate claim forms and information about any FEGLI coverage.

Please call the Office of Federal Employees' Group Life Insurance (OFEGLI) at **1-800-633-4542** to file a FEGLI claim. When making the call, mention the emergency situation. Specially designated personnel will take your claim over the phone. OFEGLI will follow special procedures in a pandemic health crisis and will expedite all life insurance claims related to the emergency and pay them as soon as possible. If you prefer, you may submit a paper claim form, which can be found at www.opm.gov/insure/life or obtained from any Federal agency. If submitting a paper claim, please mail it to the address shown on the form as soon as possible. Don't wait for a death certificate or agency certification.

*NOTE: The 1-800-307-8298 emergency phone number provided in this fact sheet will be available only during emergencies. Emergency information will be posted on OPM's Website at www.opm.gov. If you are unable to contact the employing agency during an emergency, please contact OPM at 1-800-307-8298. During periods when there is no emergency, you must call the main OPM Retirement and Insurance phone at 1-888-767-6738.

U.S. Office of Personnel Management
Fact Sheet

Information for Employees About Leave Flexibilities During a Pandemic Health Crisis

1. If you are sick during a pandemic health crisis, you may request:

a. Sick leave
b. Annual leave
c. Unpaid leave under the Family and Medical Leave Act (FMLA)
d. Earned compensatory time off
e. Earned compensatory time off for travel
f. Earned credit hours

If you do not have annual or sick leave or other earned paid time off, you may apply for:

g. Advance sick leave
h. Advance annual leave
i. Voluntary Leave Transfer Program
j. Voluntary Leave Bank Program (if available in your agency)
k. Emergency Leave Transfer Program (if authorized for a specific emergency)

2. If one or more of your family members is affected by a pandemic health crisis, you may request:

a. Sick leave (up to 13 days for general medical needs)
b. Sick leave for a serious health condition (up to 12 weeks)
c. Annual leave
d. Earned compensatory time off
e. Earned compensatory time off for travel
f. Earned credit hours

If you do not have annual or sick leave or other earned paid time off, you may apply for:

g. Advance sick leave
h. Advance annual leave
i. Voluntary Leave Transfer Program
j. Voluntary Leave Bank Program (if available in your agency)
k. Emergency Leave Transfer Program (if authorized for a specific emergency)

3. If your spouse, son or daughter, or parent is affected by a serious health condition, you may request unpaid leave under the Family and Medical Leave Act (FMLA).

4. If you are told to stay home because you have been exposed to a contagious disease, you may request:

a. Sick leave

b. Annual leave

c. Earned compensatory time off

d. Earned compensatory time off for travel

e. Earned credit hours

If you do not have annual or sick leave or other earned paid time off, you may apply for:

f. Advance sick leave

g. Advance annual leave

5. If your child's day care center or school is closed, and your child is not sick, you may request:

a. Annual leave

b. Compensatory time off

c. Compensatory time off for travel

d. Credit hours

If you do not have annual leave or other earned paid time off, you may apply for:

e. Advance annual leave

f. Emergency Leave Transfer Program (if authorized for a specific emergency)

6. If one of your family members dies, you may request:

a. Sick leave (up to 13 days)

b. Annual leave

c. Compensatory time off

d. Compensatory time off for travel

e. Credit hours

7. If you are healthy, but are afraid to go to work because of a pandemic health crisis, you may request:

a. Annual leave

b. Earned Compensatory time off

c. Earned Compensatory time off for travel

d. Earned Credit hours

[NOTE: Because the Federal Government must continue to operate, if you are able to work and told to do so by your supervisor, you must comply. Employee welfare will always be a concern of your organization. If your worksite is unsafe, alternative work arrangements will be made.]

U.S. Office of Personnel Management
Fact Sheet

Information for Employees About Pay Flexibilities During a Pandemic Health Crisis

---

1. Generally, if you are required to work overtime, you may receive:
    a. Overtime pay – For information on computing overtime pay under the Fair Labor Standards Act (FLSA), click here.
    b. Compensatory time off
2. If you are required to work on a holiday during your regularly scheduled tour of duty, you are entitled to receive Holiday pay.
3. If you perform regularly scheduled work on Sundays, you are entitled to receive Sunday premium pay.
4. If you are regularly scheduled to work the night shift, you are entitled to receive Night pay. (Prevailing rate (wage) employees are covered by a separate night shift differential authority. See Subchapter S-8., Pay Administration, at http://www.opm.gov/oca/wage/appfund/.)
5. If you are required to work /telework from home temporarily because of a pandemic health crisis, your locality rate or special rate may continue to be determined based on the location of your regular official worksite.
6. If you are ordered to evacuate from your worksite because of a pandemic health crisis, you may be instructed to perform work at home and receive Evacuation Pay.

What You and Your Family Need To Know About Your Federal Benefits During an Emergency

Federal employees and retirees may contact the Federal Employee and Retiree Emergency Information Center at 1-800-307-8298 or by email at emergencybenefits@opm.gov.

Additional Federal benefits information and all publications of the Office of Personnel Management listed here are available on the OPM Website: www.opm.gov/benefits

Index

- **Introduction**
- **Insurance Benefits**
- Federal Employees Health Benefits Program (FEHB)
- Federal Employees' Group Life Insurance Program (FEGLI)
  - Filing a FEGLI Claim
  - FEGLI Coverage
  - FEGLI Accidental Death and Dismemberment Benefits
- Federal Long Term Care Insurance Program (FLTCIP)
- Federal Flexible Spending Account Program (FSAFEDS)
- **Retirement Benefits**
- Retirees and Survivors
- Disability Applicants
- Civil Service Retirement System (CSRS)
  - CSRS Disability Benefits
  - CSRS Death Benefits
    - CSRS Death Benefits For Spouses of Annuitants
    - CSRS Death Benefits For Spouses of Employees
    - CSRS Children's Benefits
    - CSRS Benefits For Survivors of Unmarried Retirees or Employees
- Federal Employees Retirement System (FERS)
  - FERS Disability Benefits
  - FERS Death Benefits
    - FERS Death Benefits For Spouses of Annuitants
    - FERS Death Benefits For Spouses of Employees
    - FERS Children's Benefits
    - FERS Benefits For Survivors of Unmarried Retirees or Employees
- Thrift Savings Plan
- Unpaid Compensation
- Social Security Benefits
  - Social Security Disability Benefits
  - Social Security Survivor Benefits
  - Social Security Lump-Sum Death Payment
- Workers' Compensation Benefits
  - Workers' Compensation Disability Benefits
  - Workers' Compensation Survivor Benefits
- Death Gratuity Payment Under Public Law 104-208
- Public Safety Officers' Benefits
- **Additional Information**

Introduction

This material focuses on benefits issues Federal employees, retirees and their survivors may face as a result of an emergency such as a hurricane, pandemic health crisis, or terrorist attack. The information that follows is an overview prepared by the Office of Personnel Management (OPM). More detailed information on each benefit program is available from the agency that administers the program.

Employees or their survivors should seek more detailed information from their employing agency, which has the employee's records. Employing agencies also have needed forms and can provide assistance in completing them.

The 1-800-307-8298 emergency phone number provided here will only be available during emergencies. Emergency information will be posted on OPM's Website at www.opm.gov. If you are unable to contact your agency during an emergency, please contact OPM at 1-800-307-8298 during non-emergency periods; please call the main OPM Retirement and Insurance phone at 1- 888-767-6738.

If you are already a retiree or survivor, or if you are unable to contact your employing agency, call OPM at **1-800-307-8298**. OPM will assist you in contacting your employing agency.

Insurance Benefits

Federal Employees Health Benefits Program (FEHB)

In an emergency situation, don't worry about your FEHB health benefits. Your benefits coverage will continue regardless of the severity of the emergency. We have many health plans in the FEHB Program on which we can rely to make sure your benefits continue uninterrupted. During an emergency, continue to see your medical providers as you have previously done. Contact your health plan or go directly to the emergency room or other health care provider for services if for some reason you cannot contact your provider for needed services. Depending on the nature of the emergency, FEHB carriers will be asked to demonstrate maximum flexibility under their OPM contract, including the following:

- Fee-for-service carriers are expected to relax certain provisions such as their pre-certification requirement that the plan must be notified within 2 business days of an emergency admission.

- Fee-for-service carriers and HMOs are expected to relax requirements about notification and levels of benefit payment if victims are taken to non-plan and/or non-PPO hospitals or other treatment centers.

- All carriers are expected to make certain FEHB members get additional supplies of medications as backup for emergency situations if necessary.

If you are covered by a **fee-for-service plan,** (see list below), you may use any medical provider as before, and your plan will reimburse you or pay your provider directly for all covered services. If you have your plan ID card, present it to the provider when you receive services. If you do not have your ID card, you or your provider should call your plan to verify your coverage.

Names, telephone numbers, and Web addresses of all the fee-for-service plans in the FEHB Program are listed below.

Plan Name and Web Address	Telephone Number
	Nationwide
APWU Health Plan www.apwuhp.com	**800-222-2798**
Blue Cross and Blue Shield Service Benefit Plan www.fepblue.org	**local phone number**
GEHA Benefit Plan www.geha.com	**800-821-6136**
Mail Handlers www.mhbp.com	**800-410-7778**
NALC www.nalc.org/depart/hbp	**888-636-6252**
Association Benefit Plan www.mutualofomaha.com	**800-634-0069**
Foreign Service Benefit Plan www.afspa.org	**202-833-4910**
Rural Carrier Benefit Plan www.nrlca.org	**800-638-8432**
Special Agents Mutual Benefit Association (SAMBA) www.sambaplans.com	**800-638-6589**

Federal Employees' Group Life Insurance Program (FEGLI)

Filing a FEGLI Claim

When a Federal employee has died or been dismembered, or when an eligible member of an employee's family has died, please contact the employee's Federal agency to learn whether the employee had coverage under the FEGLI Program.

If a Federal retiree or eligible family member has died, please contact OPM at **1-800-307-8298.** OPM will provide the appropriate claim forms and information about any FEGLI coverage. The employing agency maintains the FEGLI records of its employees.

Please call the Office of Federal Employees' Group Life Insurance (OFEGLI) at **1-800-633-4542** to file a FEGLI claim. When you call, mention the emergency situation. Specially designated personnel will take your claim over the phone. OFEGLI will follow special procedures in emergency situations and will expedite all life insurance claims related to the emergency and will pay them as soon as possible. If you prefer, you may submit a paper claim form, which can be found at www.opm.gov/insure/life or obtained from any Federal agency. If you are submitting a paper claim, mail it to the address shown on the form as soon as possible. Don't wait for a death certificate or agency certification.

FEGLI Coverage

Unless they waive coverage, most Federal employees have Basic Life Insurance under the Federal Employees' Group Life Insurance Program. Basic Life Insurance is equal to the actual rate of annual basic pay (rounded to the next $1,000) plus $2,000, or $10,000, whichever is greater. In addition, there is an Extra Benefit for employees under age 45: double life insurance benefits until age 36, decreasing at 10 percent per year until age 45, at which time the extra coverage will end.

Some employees also may have FEGLI optional insurance coverage. Optional coverage for employees may be $10,000 (Option A - Standard, which doubles in case of accidental death), and/or one to five multiples of pay (Option B - Additional). Option C – Family, insures your eligible family members from one to five multiples of coverage, with each multiple equal to $5,000 upon the death of a spouse and $2,500 upon the death of an eligible child.

Federal retirees may have FEGLI coverage if they met the requirements to carry FEGLI into retirement. The OPM Retirement Office will be able to verify whether a retiree is enrolled in the FEGLI Program.

Life insurance benefits are paid under a statutory order of precedence, as follows:

First, to the designated beneficiary;

Second, if none designated, to the surviving spouse;

Third, if none of the above, to the child or children and descendants of deceased children, by representation;

Fourth, if none of the above, to any surviving parents;

Fifth, if none of the above, to the duly appointed executor or administrator of the estate;

Sixth, if none of the above, to the next of kin as determined by the laws of the state where retiree lived.

There are exceptions to this order if the insurance coverage has been assigned to someone or if there is an eligible court order specifying a different order.

FEGLI Accidental Death and Dismemberment Benefits (Employees Only)

Basic Life Insurance also includes Accidental Death and Dismemberment coverage for employees (not for retirees). Accidental death benefits under Basic are equal to the amount of Basic Insurance, without the Extra Benefit. Accidental death benefits are also available with Option A coverage, providing an additional $10,000 of coverage. Accidental death benefits under Basic and Option A are paid in addition to any other payable FEGLI coverage.

If you are an employee enrolled in the FEGLI program and you lose a limb or your eyesight (in one or both eyes), you may be eligible for Accidental Dismemberment benefits. These benefits are available under Basic Insurance and Option A, for Federal employees only.

Life insurance benefits under the FEGLI program would be paid in addition to any workers' compensation, Social Security, Civil Service Retirement System or Federal Employees Retirement System survivor benefit, or savings plan payment. Read the Federal Employees Group Life Insurance Program Booklet, FE 76-21 (FE 76-20 for Postal employees) on the FEGLI homepage at www.opm.gov/insure/life for more information about life insurance.

Please contact FEGLI at fegli@opm.gov, your employing agency, or OPM at **1-800-307-8298** if you have questions.

Federal Long Term Care Insurance Program (FLTCIP)

If you and/or your family member are enrolled in the FLTCIP and have any questions about your coverage or eligibility for benefits, contact Long Term Care Partners at **1-800-582-3337**.

Federal Flexible Spending Account Program (FSAFEDS)

FSAFEDS is a program allowing employees (but not retirees) to contribute pre-tax salary to an account(s) that may be used to pay for out-of-pocket medical expenses and dependent care. Agencies in the executive branch offer FSAFEDS, which is administered by OPM. Several other agencies administer their own flexible spending account (FSA) program. Your employing agency can tell you if you are enrolled in FSAFEDS or another FSA program.

In an emergency, it is possible, though rare, that a payroll servicing agency may miss taking an FSAFEDS allotment from an employee's pay for one or more pay periods. That should be rare, because these agencies make changes in FSAFEDS allotments only if there is a change in the amount of the allotment. For most enrollees, there is no change in FSAFEDS allotments from one pay period to the next. If an FSAFEDS enrollee dies, no further funds would be contributed to an FSA. Claims will be accepted for expenses paid on behalf of any surviving spouse and dependents until all previously allotted funds are reimbursed.

Please email fsa@opm.gov or call FSAFEDS at **1-877-372-3337** (TTY **1-800-952-0450**) if there are any issues with FSAFEDS allotments or claims causing a hardship on you or your family.

Retirement Benefits

Retirees and Survivors

If you have already retired or are already receiving survivor benefits under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS) and you experience problems receiving your retirement, survivor check, or electronic funds transfer, please call **1-800-307-8298**.

Due to the extraordinary conditions caused by an emergency, OPM may institute expedited procedures for replacement of monthly annuity checks not received in the areas affected. If you receive your monthly annuity by check and mail and service has been interrupted, please call **1-800-307-8298**. Upon verification of identity, OPM will arrange for a replacement payment.

Disability Applicants

Inquiries concerning Federal disability retirement applications currently in review should be directed to the emergency Hotline at (**202) 606-0270**. Individuals handling calls on this line can also provide information to those who are considering filing for a disability retirement. Additionally, the Hotline can provide updates for individuals who have pending reconsideration requests and appeals concerning decisions made on their retirement benefits.

Civil Service Retirement System (CSRS)

CSRS Disability Benefits

Disability retirement benefits are payable to Federal employees under CSRS if they are unable to perform useful and efficient service in their position because of disease or injury. However, if you are a CSRS employee, you would not be considered disabled if you decline your agency's offer of a position which accommodates your disability and is at the same grade or pay level and is within your commuting area. To qualify, the disabling condition must be expected to last at least 1 year, and you must have completed 5 years of Federal civilian service and have been covered under CSRS when disabled. The amount of annuity payable depends on the amount of Federal service you have and your salary level. There is also a guaranteed minimum benefit.

CSRS disability benefits can be applied for through your employing agency.

Your disability benefit would be offset by the part of your Social Security benefit that is based on your CSRS Offset service if you are also covered by Social Security as a Civil Service Retirement System (CSRS) Offset employee. You must apply for Social Security disability benefits if you are a CSRS Offset employee.

Read "Disability Retirement under the Civil Service Retirement System" (RI 83-4) and "Survivor Benefits Under the Civil Service Retirement System" (RI 83-5) for more information about CSRS disability and survivor benefits. Information about how to obtain these pamphlets is on page OPM-VI-H-14.

CSRS Death Benefits

CSRS Death Benefits For Spouses of Annuitants

If your spouse or relative is a CSRS retiree and your spouse has died as a result of an emergency, contact OPM at **1-800-307-8298** to report the death.

If you are the surviving spouse or former spouse of a Federal retiree, you may be entitled to a survivor annuity depending on the survivor benefits choices you and your spouse made when your spouse retired or when you divorced. If you are entitled to a survivor annuity, you may also be entitled to continue your Federal Employees Health Benefits (FEHB) coverage if your deceased spouse was enrolled for self and family at the time of death., OPM will be able to assist you in determining the benefits for which you are eligible when you report the death of your spouse.

CSRS Death Benefits for Spouses of Employees

If your spouse or former spouse is a Federal employee and died as a result of an emergency, you should first try to contact the local servicing human resources office or employing agency. If you are unable to contact the agency, call OPM's Center for Retirement and Insurance Services at **1-800-307-8298** to receive information on how to apply for survivor benefits.

As the surviving spouse or former spouse of a Federal employee, you may be entitled to an annuity. To qualify for a survivor annuity, the length of marriage must total 9 months. This requirement does not apply if there is a child born of the marriage or if your spouse's death is accidental.

If you qualify for an annuity, you will receive the higher of 55 percent of the amount you would have received if your spouse had been retired at the time of death or the lesser of: 22 percent of their highest 3 years average salary or 55 percent of the amount their annuity would have been if you had continued working until age 60 at the same "high-3." OPM will honor a valid court order for spousal benefits.

The survivor annuity ends when you die or if you remarry before age 55.

If you are entitled to a survivor annuity, you may also be entitled to continue your Federal Employees Health Benefits (FEHB) Program coverage if your spouse was enrolled for self and family at the time of death.

Survivor benefits of CSRS Offset employees may be subject to an offset equal to the value of the offset service in the Social Security survivor benefit. The offset applies only if the survivor is eligible for Social Security benefits based on the deceased employee's employment.

Children's Death Benefits For Survivors of Retirees or Employees

Children qualify for survivor annuities if they are under 18 and unmarried. A child 18 or older may also qualify for a survivor annuity if incapable of self support because of a disability incurred prior to reaching age 18. In addition, a son or daughter 18 or older may be eligible for a survivor annuity up to age 22 if he or she is a full-time student at a high school, college, or other recognized educational institution. Each child of a surviving spouse or former spouse will be entitled to a monthly benefit. A child who has no surviving parent or whose surviving parent was never married to the deceased Federal employee will be entitled to a slightly larger monthly benefit. Monthly benefit amounts are reduced proportionally if more than three children are eligible for survivor annuities. The amount of children's benefits is periodically increased by cost-of-living increases. Please consult the OPM Website at www.opm.gov/benefits to obtain the current monthly benefit amounts.

The child's survivor benefit ends at age 18 or age 22, if he or she is a full time student between the ages 18 and 22. The child's survivor benefits could also end if the child marries, dies, or ceases to be a full time student.

CSRS Benefits for Survivors of Unmarried Retirees or Employees

If the deceased Federal employee was unmarried and had no dependent children or living or former spouses eligible for benefits, no monthly survivor annuity benefit is payable. If applicable, a lump sum of the Federal employee's retirement contributions would be paid to the survivors under the statutory order of precedence, as follows: first, to the designated beneficiary; if none designated, to the surviving spouse; if none, to the child or children and descendants of deceased children, by representation; if none, to any surviving parents; if none, to the duly appointed executor or administrator of the estate; if none, to the next of kin.

Federal Employees Retirement System (FERS)

FERS Disability Benefits

The eligibility requirements for FERS disability benefits are similar to those under the Civil Service Retirement System (CSRS), with one exception: A FERS employee needs only 18 months of Federal civilian service, instead of 5 years. FERS disabled employees also may qualify for Social Security disability benefits if they are unable to work in any substantial gainful activity. FERS disability benefits are offset if the employee is also eligible for Social Security disability benefits. Therefore, if you are a FERS employee, you must apply for Social Security benefits through your agency at the same time you file an application for FERS disability benefits. The rules concerning the concurrent receipt of compensation benefits and disability retirement benefits are the same as those for CSRS employees.

FERS Death Benefits

FERS Death Benefits For Spouses of Annuitants

If your spouse is a FERS retiree who died as a result of an emergency, you should contact OPM at **1-800-307-8298** to report the death.

If you are the surviving spouse or former spouse of a FERS retiree, you may be entitled to a survivor annuity depending on the survivor benefits choices you and your deceased spouse made when they retired or when you divorced. If you are entitled to a survivor annuity, you may also be entitled to continue Federal Employees Health Benefits (FEHB) coverage if your spouse was enrolled for self and family at the time of death. OPM will be able to assist you in determining the benefits for which you are eligible when you report the death.

FERS Death Benefits For Spouses of Employees

If your spouse or former spouse is a Federal employee who died as a result of an emergency, you should first try to contact the local servicing human resources office or employing agency. If you are unable to contact the agency, call OPM's Center for Retirement and Insurance Services at **1-800-307-8298** to apply for survivor benefits.

As the surviving spouse or former spouse of a Federal employee, you may be entitled to an annuity. To qualify for a survivor annuity, the length of marriage must total 9 months. This requirement does not apply if there is a child born of the marriage or if your spouse's death is accidental. The deceased employee must also have 10 years of Federal service.

If the deceased Federal employee was married and worked for the Federal Government for at least 18 months, the surviving spouse may receive a lump-sum payment. ,The lump-sum payment (called the Basic Employee Death Benefit) is an amount equal to the higher of one half of the deceased employee's annual pay rate at death or one half of your high-3 average pay, plus an additional amount that is adjusted annually based on changes in the cost of living. Please consult the OPM Website at www.opm.gov/benefits to obtain the current amount.

If you are entitled to a survivor annuity, you may also be entitled to continue your Federal Employees Health Benefits (FEHB) Program coverage if your spouse was enrolled for self and family at the time of death.

Children's Death Benefits For Survivors of Retirees or Employees

The FERS children's benefits rates for retirees and employees are the same as CSRS children's benefits for retirees and employees, with one difference: the way in which benefits are paid. A FERS child benefit will be offset by any children's Social Security benefits any eligible children may be receiving.

FERS Benefits for Survivors of Unmarried Retirees or Employees

If the deceased Federal employee was unmarried and had no dependent children or a living or former spouses eligible for benefits, no monthly survivor annuity benefit is payable. If applicable, a lump sum of the Federal employee's retirement contributions would be paid to their survivors with interest under the statutory order of precedence, as follows: first, to the designated beneficiary; if none designated, to the surviving spouse; if none, to the child or children and descendants of deceased children, by representation; if none, to any surviving parents; if none, to the duly appointed executor or administrator of the estate; if none, to the next of kin.

Thrift Savings Plan

If a Federal employee died with a Thrift Savings Plan (TSP) account, his or her beneficiaries would be entitled to the entire account balance. The balance will be distributed according to their Designation of Beneficiary if the form was completed. If a Designation of Beneficiary was not completed, the account will be distributed according to the statutory order of precedence, as follows: to the surviving spouse; if none, to the child or children and descendants of deceased children, by representation; if none, to any surviving parents; if none, to the duly appointed executor or administrator of the estate; if none, to the next of kin.

The surviving spouse may have the TSP transfer or "roll over" all or any part of the payment to an Individual Retirement Arrangement to postpone paying Federal income taxes. If the surviving spouse rolls over the account, no Federal income tax would be paid on the funds until withdrawal from the Individual Retirement Arrangement. A surviving spouse who receives the payment directly may roll all or any part of the payment over into an Individual Retirement Arrangement within 60 days. However, if the payment is made directly to the spouse, the TSP must withhold 20 percent for Federal income taxes. If the TSP transfers the payment directly to the Individual Retirement Arrangement, there is no Federal income tax withholding.

The Thrift Savings Plan (TSP) is administered by the Federal Retirement Thrift Investment Board. For more information about death benefit payments and tax consequences, ask the Federal employee's employing agency representative or the TSP for the notice, "Important Tax Information About Thrift Savings Plan Death Benefit Payments." The tax advantages of a rollover are not available to the deceased employee's children, parents, or estate.

The above mentioned TSP brochure, as well as more TSP information, is available at www.tsp.gov.

Unpaid Compensation

If a Federal employee dies in service, his or her survivors will receive a lump-sum payment covering the employee's final pay and unused annual leave. The lump sum is paid by the Federal employee's agency under the same order of precedence as the other payments described above.

Social Security Benefits

Social Security Disability Benefits

A Federal employee covered by Social Security may apply for disability benefits from Social Security, provided he or she has worked long enough under Social Security to qualify for benefits. The amount of covered employment needed depends upon age. Also, some of the covered employment must be recent, although some exceptions apply. Disability under Social Security means the individual is so severely disabled that he or she cannot perform any substantial gainful work, and the disability is expected to last at least 1 year or to result in death. Benefits do not begin until after a 5-month waiting period. If you qualify for disability benefits, the amount of the benefit is computed based on your earnings under Social Security, with no reduction for early retirement. The Social Security benefit may be reduced if you are also receiving a benefit based on employment covered by the Civil Service Retirement System.

The Social Security disability benefit may be reduced if you are also receiving workers' compensation. The total of all disability benefits (Social Security, workers' compensation, and benefits under the Civil Service Retirement System or Federal Employees Retirement System) may not exceed 80 percent of your earnings before the disability began.

Social Security Survivor Benefits

Social Security will pay survivor benefits to the surviving spouse and dependent children of a Federal employee who is covered by Social Security. To qualify for benefits, a spouse must be age 60, or between the ages of 50 and 59 and disabled, or any age and caring for a child under age 16 or a disabled child. Children may qualify for benefits if they are under age 18 (or under age 19, if in high school) or disabled. Dependent parents and former spouses also may qualify for survivor benefits. The amount of the benefit depends upon your Social Security earnings and the number of survivors eligible for benefits. The Social Security spousal benefit may be reduced if the survivor is eligible for benefits based on his or her own employment and that employment was not covered by Social Security, such as employment under the Civil Service Retirement System.

Social Security Lump-Sum Death Payment

A lump sum of $255 is payable to the surviving spouse of someone covered by Social Security, provided the deceased employee and the spouse were living together at the time of death or the surviving spouse is entitled to survivor benefits. If there is no surviving spouse, the lump sum is paid to children eligible for benefits. Otherwise, the lump sum is not payable.

Social Security benefits are administered by the Social Security Administration. To file a claim for Social Security benefits, you or your survivors should visit a Social Security District Office, which will initiate the claim. For answers to questions and to set up appointments with a District Office, call 1-800-772-1213 between 7:00 a.m. and 7:00 p.m., Eastern Time.

Workers' Compensation Benefits

Workers' compensation benefits are available to employees and their families if an employee is injured or killed on the job. Compensation benefits are administered by the Department of Labor's Office of Workers' Compensation Programs. All related medical costs are covered in full.

Workers’ Compensation Disability Benefits

If you qualify for either a CSRS or FERS disability retirement and workers’ compensation benefits, you will generally be allowed to choose the higher compensation benefit over the Federal disability retirement. If your agency separates you, apply for CSRS or FERS disability retirement to protect you and your survivor's future annuity rights. CSRS or FERS disability retirement benefits are suspended while you are receiving compensation benefits, but can be activated if the compensation benefit stop or drop below the amount of the annuity benefit. The exception is if you are entitled to a scheduled award, which may be paid at the same time CSRS or FERS disability benefits are paid.

Wage loss benefits are paid as part of workers' compensation benefits if the injury results in disability. If the disability is total, compensation is paid at two-thirds of monthly pay. If the deceased employee is married or has one or more dependents, compensation is paid at three-fourths of the pay rate. Dependents may include a spouse, children, and parents.

The Department of Labor also may pay a scheduled award for a permanent impairment to certain members or functions of the body (such as loss of use of an eye or arm, or loss of function or removal of a kidney due to injury). The amounts payable are specified by the Federal Employees Compensation Act. There is an additional award for serious disfigurement of the head, face, or neck.

Workers' Compensation Survivor Benefits

If an employee dies, the surviving spouse and dependents may qualify for monthly compensation benefits. (However, the surviving spouse must be living with the employee or dependent for support at the time of the death or living apart for reasonable cause or because of desertion.) If no children are eligible, the surviving spouse would receive 50 percent of salary. If there are children, the surviving spouse would receive 45 percent of salary plus an additional 15 percent for each child up to a total of 75 percent of salary. Compensation benefits will be reduced if the employee was covered by the Federal Employees Retirement System, and survivors are eligible for Social Security benefits based on the deceased's Federal employment.

Funeral and burial expenses up to a maximum of $800 may be paid. In addition, a sum of $200 may be paid to a personal representative for reimbursement of the costs of termination as a Federal employee.

The benefits from OPM and workers' compensation are not payable for the same period of time, although the Federal employee's survivor may also be eligible for survivor annuity benefits from CSRS or FERS. The survivor must elect which of the two benefits he or she wishes to receive. Most survivors will choose workers' compensation benefits instead of a survivor annuity because workers' compensation normally pays a higher amount. If the survivor elects workers' compensation benefits, he or she may also elect to receive a lump-sum payment of the CSRS or FERS contributions to the retirement fund. The lump sum is paid under a statutory order of precedence described in the "Benefits of Survivors of Unmarried Retirees or Employees" section, above.

Discretionary Death Gratuity Payment Under Public Law 104-208

The personal representative of any Federal employee who dies from an injury sustained in the line of duty may be paid a death gratuity of up to $10,000 at the discretion of the head of the department or agency. While the payment is discretionary, the Office of the Personnel Management encourages all department and agency heads to make full use of this authority. The gratuity, when combined with certain other payments, may not exceed $10,000. The other payments considered are (1) benefits of up to $800 payable by the Department of Labor to a surviving spouse or children for funeral expenses of a Federal employee who died as a result of injuries sustained in the line of duty,(2) the $200 payable by the Department of Labor for reimbursement of the costs of termination of the deceased employee's status as a Federal employee, and (3) any amount paid under Public Law 103-332 to the representative of any employee of any department or agency with appropriations from a Department of the Interior and Related Agencies Appropriations Act who is killed in the line of duty.

Public Safety Officers' Benefits

The Public Safety Officers' Benefits Act of 1976, as amended, authorizes the Bureau of Justice Assistance, Office of Justice Programs, to pay a benefit to specified survivors of public safety officers found to have died as the direct and proximate result of a personal injury or a traumatic injury involving external force sustained in the line of duty and to claimant public safety officers found to have been permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty. The amount of this benefit is increased by annual cost-of-living adjustments. Please consult the OPM Website at www.opm.gov/benefits to obtain the current amount.

A public safety officer is defined to be any individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, police, corrections, probation, parole and judicial officer, firefighter, rescue squad member, or ambulance crew member. A public agency is an agency of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any unit of State or local government.

The death benefit is payable in a lump sum to the spouse and eligible children of a deceased public safety officer. One-half of the benefit would be paid to the spouse, and one-half of the benefit would be paid, in equal amounts, to the eligible children. Eligible children are defined as children 18 years of age or younger, children 19 through 22 years of age who are full-time students, and children 19 years of age or over and incapable of self support because of a physical or mental disability.

The death benefit will be paid to the deceased public safety officer's parents if no surviving spouse or children are eligible for the benefit. If the public safety officer is not survived by any eligible spouse, children, or parents, no benefit will be paid.

The death benefit is payable to a qualified survivor of a Federal employee in addition to death benefits from the Civil Service Retirement System, the Federal Employees Retirement System, and Department of Labor's Office of Workers' Compensation Program under subchapter I of chapter 81 of title 5, U.S. Code.

Public safety officers found to have been permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty are also entitled to the payment if they are permanently unable to perform any gainful employment.

More information concerning the Public Safety Officers' Benefits Program can be obtained by contacting the Bureau of Justice Assistance at the following address:

Public Safety Officers' Benefits Program
Bureau of Justice Assistance
633 Indiana Avenue, NW.
Washington, DC 20531-0001

Additional Information

You may obtain copies of retirement pamphlets on OPM's Website (www.opm.gov/benefits). You will find pamphlets on a variety of topics, such as CSRS Offset, CSRS and FERS survivor benefits, and more detailed information on the topics covered here.

Questions and Answers for Employees

During a pandemic health crisis, an agency may wish to employ alternative work arrangements in order to achieve its mission or accomplish its performance goals, while promoting the "social distancing" of its employees to ensure their safety and well-being. In addition, the Federal Government offers numerous leave benefits and other paid–time-off flexibilities to assist employees who are adversely affected by a pandemic health crisis.

The following questions and answers address issues such as telework; other alternative work arrangements; leave flexibilities; evacuation payments; health and safety issues; overtime; security clearances; and miscellaneous issues. Some of the questions posed and answered here are hypothetical in nature and do not reflect actual events or circumstances that have occurred (such questions are clearly marked as "*[hypothetical]*").

Employees should consult with their agency human resources offices, since the administration of these programs and policies is addressed in agency internal policies and/or collective bargaining agreements. In addition, agencies will provide guidance and specific direction to their employees on the agency's operating status, including whether employees should work from an alternative worksite for a period of time.

As circumstances warrant, the Office of Personnel Management will issue additional and updated guidance regarding the use of alternative work arrangements and pay and leave flexibilities to address issues that may arise during a pandemic health crisis.

Frequently Asked Questions on Telework

1. ***What is telework?***

   Telework is voluntarily working from home or another site, such as the home of a relative, official Federal telework site, etc. convenient to the residence of the employee.

2. ***Do all Federal agencies have a telework policy?***

   Most Federal agencies have a telework policy and are responsible for ensuring such policies meet Federal laws and regulations.

3. ***How do employees request telework arrangements?***

   You may request telework by writing or speaking with your supervisor, who will make a decision based on your agency's telework policy and his or her assessment of your eligibility to telework. You are eligible for telework if you are performing well and responsible for work that could be performed outside the office at least 1 day a week.

4. ***Can management be forced to implement telework arrangements?***

   No. There currently is no authority for agency heads or OPM to order management to implement telework arrangements. Telework arrangements are voluntary. OPM is committed to providing agencies, managers, supervisors, and employees with current guidance and support to facilitate the use of telework in the Federal sector, including guidance on teleworking during an emergency as part of agency contingency planning.

5. ***Can my supervisor prevent me from teleworking?***

   Your agency has the option of declining a telework request or terminating a telework agreement. Use of telework must meet the organization's needs. Subject to any applicable collection bargaining agreement, management decides whether the employee can work off-site, depending on the nature of the position and the level of the employee's performance.

6. ***May Federal agencies cover additional costs incurred by employees as a result of telework?***

   In accordance with the authorizing law, an agency may pay for some expenses incurred while an employee is conducting business for the Government at a telework site, such as a DSL line and an additional phone line.

7. ***[hypothetical] Due to the pandemic, an employee teleworks from home and may not be able to report to their official worksite. Will locality pay be affected?***

   During a pandemic health crisis, your regular office may be considered your official worksite, even if your telework arrangement requires you to report there once a week and you are unable to do so. In this emergency situation, you will be entitled to the locality rate of your official worksite.

8. ***[hypothetical] While teleworking, an employee is injured at home. Is this a line-of-duty injury?***

   Teleworkers who work from home must provide an appropriate workspace and should certify that it is free from hazards. Government employees causing or suffering work-related injuries and/or damages at the alternative worksite (home, telework center, or other location) are covered by the Military Personnel and Civilian Employees Claims Act, the Federal Tort Claims Act, or the Federal Employees' Compensation Act (workers' compensation), as appropriate.

Frequently Asked Questions on Alternative Work Schedules

1. ***[hypothetical] I am on a flexible work schedule. I am teleworking from home during the pandemic. May I choose to work extra hours each day so I can earn credit hours?***

   You must comply with your agency's policies for earning credit hours. Credit hours are any hours within a flexible work schedule which are more than your basic work requirement and which you choose to work to vary the length of a workweek or a workday. Your agency's plans should address any policies on limiting or restricting the earning and use of credit hours. The law prohibits carrying over more than 24 credit hours from one pay period to the next. For additional information, visit: www.opm.gov/oca/worksch/HTML/awsfws.asp.

2. ***Will I be able to continue working a flexible work schedule if a pandemic influenza reaches my area?***

   If you work a flexible work schedule already, your agency may let you keep doing so during a pandemic health crisis. However, your agency may decide to have you work another schedule. Changes in your work schedule are within the discretion of your agency, as long they are consistent with law, regulations, and any applicable collective bargaining agreement. For additional information, visit: www.opm.gov/oca/worksch/HTML/awsfws.asp.

3. ***Can my agency mandate an alternative work schedule (i.e., a flexible or compressed work schedule)?***

   Different rules apply depending on whether you are a bargaining unit or non-bargaining unit employee and whether your agency has a flexible or compressed work schedule. Bargaining unit employees may participate in an alternative work schedule program only under the terms provided in a collective bargaining agreement. Therefore, an agency that wishes to establish a flexible or compressed work schedule program for bargaining unit employees must negotiate the establishment and terms of the program with the exclusive representative of the bargaining unit.

   A majority of affected employees in a non-bargaining unit must vote to be included in a compressed work schedule program when participation in the program is mandatory. For purposes of this vote, a majority is obtained when the number of affirmative votes exceeds 50 percent of the number of employees and supervisors in the organization proposed for inclusion in a compressed work schedule. (If participation in the compressed work program is voluntary for each employee, a vote is unnecessary because employees who elect not to participate are not included and are unaffected.) For additional information, see www.opm.gov/oca/worksch/HTML/AWScws.asp

   Agencies may unilaterally install flexible work schedule (FWS) programs in units staffed by non-bargaining employees. For additional information, see www.opm.gov/oca/worksch/HTML/awsfws.asp.

4. ***Must agencies request approval from OPM prior to establishing a flexible or compressed work schedule to deal with a pandemic influenza?***

   Agencies do not need OPM approval to establish flexible or compressed work schedules. We encourage agencies to prepare for all emergency situations and address the use of flexible or compressed work schedules in their contingency plans. For additional information, see www.opm.gov/oca/worksch/HTML/awsfws.asp.

Frequently Asked Questions on Evacuation Payments

1. ***If my agency orders me not to report during a pandemic influenza, will I continue to be paid? Will I be required to use my annual leave?***

   There are a number of alternative work arrangements agencies may offer you to ensure work continues during a pandemic health crisis. For example, an agency may direct employees who are under an approved telework agreement to telework from home. Or an agency may order employees to evacuate their worksites, direct them to work from home, and pay them evacuation payments. Evacuation payments reflect the regular pay you would have received for the time period you would have been expected to work (but for the evacuation). An agency may require you to perform any work considered necessary during the period of the evacuation without regard to your rank or grade level.

If you refuse to work from home, you may lose your evacuation payments, and you may be required to use your accrued annual leave (i.e., "enforced leave"), you may be furloughed, or you may be disciplined, as appropriate. In addition, if you have a telework arrangement with your agency, you may be required to work from home.

In some circumstances, however, an agency may order a furlough, in which case an employee may be placed in a temporary nonduty, nonpay status.

2. ***[hypothetical] My office is open, but the schools are closed and I cannot find child care. May I receive evacuation payments so I may work at home while caring for my children?***

   You may receive evacuation payments only if your agency authorizes them. During a pandemic health crisis, your agency may order you to evacuate your worksite, authorize evacuation payments, and require you to work from home. You should arrange for child care during your work hours from home. If you are ordered to work from home, you may not care for your child while performing work. However, you may request a change in your work schedule so you can arrange to work during the time you are not responsible for child care.

Frequently Asked Questions on Leave Flexibilities

1. ***What are my leave options if I have been diagnosed with the flu?***

   If you've been diagnosed with the flu, you may use accrued sick leave or annual leave, request advance sick leave or annual leave, request donated leave under your agency's voluntary leave transfer or leave bank programs or an established emergency leave transfer program, or use any earned compensatory time off, earned compensatory time off for travel, or earned credit hours. In addition, if the flu develops into a serious health condition you may use your entitlement to unpaid leave under the Family and Medical Leave Act (FMLA) and take a total of up to 12 weeks of leave without pay. An employee may substitute his or her accrued annual leave and sick leave, as appropriate, for unpaid leave under the FMLA.

2. ***May I take sick leave if I have been exposed to the flu?***

   You may use accrued sick leave if you've been exposed, but only if your doctor or health authorities feel your exposure would put others at risk. You also have the option of using accrued annual leave or other paid time off if you've been exposed.

3. ***May I request donated leave from my co-workers before using all of my annual and sick leave?***

   Yes. You may request to become a leave recipient before you use up your annual and sick leave. However, your agency must confirm that your anticipated absence without paid leave will be at least 24 hours. (For part-time employees or employees on uncommon tours of duty, the period of absence without paid leave is prorated.) You may not use donated leave until you have exhausted your annual and sick leave.

If OPM has established an emergency leave transfer program, you are not required to exhaust your available paid leave before receiving donated annual leave.

4. ***[hypothetical] I have "use or lose" annual leave, which I scheduled to use before the end of the leave year. My agency has cancelled all scheduled annual leave until further notice because employees must be at work due to a pandemic influenza. It looks like this situation will continue through the beginning of the new leave year. Will I be forced to forfeit my "use or lose" annual leave?***

   If you schedule "use or lose" annual leave in writing before the third biweekly pay period prior to the end of the leave year, and the leave is cancelled because you are required to work during a pandemic influenza, you may request restoration of the forfeited annual leave. See the fact sheet on *Restoration of Annual Leave* at www.opm.gov/oca/leave/HTML/RESTORE.asp.

5. ***If I take sick leave to care for my wife, will my "use or lose" annual leave be restored?***

   No, only "use or lose" annual leave forfeited because of a period of absence due to your own sickness or injury may be restored. If you are using sick leave, donated leave, or other paid time off during a pandemic health crisis, you must be diligent about scheduling and using any excess annual leave ("use or lose" annual leave) by the end of the leave year. There is no statutory or regulatory authority to restore forfeited "use or lose" annual leave in this situation.

6. ***[hypothetical] A family member has the flu, or complications from the flu, and I must care for him or her. What are my leave options?***

   You may use a total of up to 104 hours (13 days) of sick leave each leave year to provide general medical care to a family member and up to 12 weeks of sick leave to care for a family member who develops a serious health condition. If you have already used any portion of the 13 days of sick leave for general medical care of a family member, subsequent sick leave must be subtracted from the 12 weeks. If you have used up to 13 days of sick leave to care for a family member with a serious health condition, the already used sick leave must be subtracted from the 13 days of sick leave for general medical care of a family member. You may also choose to use annual leave, accrued compensatory time off, compensatory time off for travel, or credit hours; request to receive donated annual leave; or take up to 12 weeks of unpaid leave under the FMLA to care for a spouse, son or daughter, or parent with a serious health condition. You may substitute your accrued annual leave and sick leave, as appropriate, for unpaid leave under the FMLA.

7. ***If I exhaust all of my annual and sick leave, what are my options?***

   If you have used up all annual and sick leave, you may request advance annual and/or sick leave. Annual leave requests cannot exceed the amount you'd normally accrue during the remainder of the leave year.

   A maximum of 30 days of sick leave may be advanced if you have a serious disability or ailment. You may also request donated leave under your agency's leave transfer or leave bank programs or the emergency leave transfer program (if established by OPM.)

8. ***[hypothetical] My child's school has been closed because of the flu pandemic. My child is not sick, but I cannot find a babysitter. What are my leave options?***

   If you need to be at home because of a school closure, you may request annual leave for the duration of the closure. You may also request to use other paid time off, such as earned compensatory time off, earned compensatory time off for travel, or earned credit hours. You may not use sick leave unless your child is sick.

   In addition, if your agency has ordered you to evacuate your worksite and work from home during a pandemic health crisis, you may receive evacuation payments. However, you may not care for your child while you perform work.

9. ***[hypothetical] My fiancé is very sick with the flu and I am the only person available to take care of him/her. May I use sick leave?***

   You may use up to 12 weeks of accrued sick leave to care for a family member. The term "family member" includes any individual who has a close association with the employee that is equivalent to a family relationship. Your agency will determine whether your fiancé is covered by this definition.

10. ***May I receive donated annual leave from my co-workers to care for a sick family member?***

    Only if you have exhausted your own available paid leave. If OPM has established an emergency leave transfer program, you may also receive donated leave from the emergency leave transfer program.

Frequently Asked Questions Regarding Mandated Leave

1. ***If someone exhibits signs of the flu, may a supervisor order him/her to leave work? If so, will the employee be paid during the absence?***

   A supervisor can remind you or your colleague of the leave options for seeking medical attention, such as requesting sick or annual leave. If you're on approved sick or annual leave you will continue to be paid during your absence. Although an employee's use of leave is generally voluntary, in some situations you could be directed to take leave. This action generally requires advance notice, opportunity to reply, and an agency decision.

2. ***If a supervisor orders an employee to leave work, will the employee be placed on administrative leave, or be required to use his/her annual or sick leave?***

   Excused absence (administrative leave) is not an entitlement, and supervisors are **not** required to grant it. Agency policy on excused absences should be consistent with the Administration's Governmentwide policy on granting excused absence during a pandemic influenza, which will be addressed in separate guidance.

You may be required to use your sick or annual leave, or be placed on leave without pay if your medical condition warrants. These actions generally require advance notice, opportunity to reply, and an agency decision. The agency must have documentation sufficient to prove that its action was justified, and you may have the right to appeal.

3. ***Can my supervisor require me to have a medical exam or physical and prevent me from returning to work until a doctor clears me?***

   If your job requires you to be in a certain physical condition to perform adequately, you may be required to submit to a medical exam before returning to work. Most positions do not have established physical or medical requirements. If the criteria are met for requiring a medical examination and you refuse the exam, you risk discipline up to and including removal from Federal service.

Frequently Asked Questions Regarding Requiring Employees To Work

1. ***If I have direct contact with the public in my job (e.g., investigator, park ranger, healthcare professional, police officer, firefighter), will I be required to report for work? If I refuse, do I risk sanction?***

   You are expected to report for work. Failure to report for work without an administratively acceptable reason runs the risk of you being considered absent without leave and may warrant disciplinary action. Your agency will decide if the reason for your absence is acceptable.

   Employees and supervisors should discuss any precautions—including personal protective equipment, hand hygiene and cough etiquette, social distancing measures, and other administrative policies—that might reduce the risks associated with work involving direct contact with the public.

2. ***May I leave work or remain home because I feel I may contract the flu from co-workers?***

   Any concern you may have about contracting the flu from a co-worker must be addressed with your supervisor. He or she can recommend an appropriate solution such as teleworking, changing work areas, or taking annual leave. If you refuse to report without cause, you risk disciplinary action.

3. ***May my agency discipline me if I am absent without leave (AWOL), despite my good faith efforts to report for work?***

   At their discretion and after consideration of the facts and circumstances, your agency may discipline you. If you feel you will have difficulty reporting, be sure to discuss the situation with your supervisor.

4. ***May I refuse to use required safety equipment (e.g., protective equipment or decontamination stations) provided by my agency?***

   Your agency may require you to follow certain procedures or use protective equipment when your health or safety is in jeopardy. You are expected to comply with agency safety and health policies, and failure to do so may result in disciplinary action.

Frequently Asked Question Regarding Security Clearances and Background Checks

1. ***How are security clearances and background checks affected by emergency hiring during a pandemic?***

   The requirements for such checks would remain unchanged for emergency hires; however, activities to complete them might vary (e.g., alternatives may be needed for face-to-face interviews with persons affected by a pandemic). Likewise, the requirements for background checks for ID badges (minimum NACI review) for Government building access would apply to emergency hires as well. As with other temporary appointees, suitability rules would not apply.

Frequently Asked Questions Regarding Overtime

1. ***What are the rules about the number of overtime hours a supervisor may require me to work?***

   No statutory or regulatory limits apply to the amount of overtime work a manager may require an employee to perform. However, an employee may be excused from overtime work for reasons such as the employee's illness or the illness of a family member. For information on computing overtime pay, see www.opm.gov/oca/pay/HTML/FACTOT.asp and www.opm.gov/oca/pay/HTML/computeflsa.asp.

2. ***[hypothetical} I am working from home because of a pandemic influenza. I chose to work 4 hours in addition to my regular 8 hour per day work schedule. May I receive overtime pay for the additional 4 hours I worked?***

   No, unless your agency required you to work the additional 4 hours. In unusual situations, your agency may approve overtime after the fact, if warranted. You should check with your servicing human resources office for the requirements for receiving overtime pay.

3. ***Can management direct me to work on a Saturday or Sunday if my normal work schedule is Monday through Friday?***

   Yes. Changes in your work schedule are permissible as long as they are consistent with law, regulations, and any applicable collective bargaining agreement.

Frequently Asked Question Regarding Hazardous Duty Pay or Environmental Differentials

1. ***May employees receive hazardous duty pay or environmental differential pay for potential exposure to pandemic influenza?***

   No. There is no authority to pay hazardous duty pay (HDP) or environmental differential pay (EDP) for potential exposure to pandemic influenza.

Miscellaneous Question

1. ***If I'm asked to work during the pandemic and I contract the flu while at work, will I be covered by workers' compensation?***

   If an employee (or family member of an employee) believes illness or on-the-job death resulted from a work-related incident, he or she will be able to file a workers' compensation claim. However, the Department of Labor rules on entitlement to workers' compensation, and each case will be judged on its own merit. To apply for workers' compensation benefits, you will first need to contact your local servicing human resources office. Information on workers' compensation benefits for Federal employees can be found at www.dol.gov/esa/regs/compliance/owcp/fecacont.htm or by telephone at 866-OWCP-IVR (866-692-7487).

Links to Additional Information on Pandemic Influenza

Direct access to the **National Strategy for Pandemic Influenza**:

www.whitehouse.gov/homeland/pandemic-influenza.html

The **Federal Government's one-stop website** for avian and pandemic influenza information:

www.pandemicflu.gov

Department of Health and Human Services, **Centers for Disease Control websites** providing access to U.S. Government Pandemic Influenza information and other useful information at:

www.cdc.gov/flu.

www.cdc.gov/germstopper/work.htm

Collecting Workforce Data During a Pandemic Influenza Episode

The President, Congress, and heads of agencies will need to know how a pandemic influenza affects the Government's capacity to carry out its many functions by geographic area. That information will allow leaders to intelligently redeploy resources and adjust the means of performing work. Agencies must follow the specific workforce data collection instructions issued at the time of a pandemic influenza episode. The instructions provided below and in Attachments A – D must be followed only upon notification by OPM.

Since there are major difficulties in collecting accurate data on absences and deaths specifically related to a pandemic influenza, OPM will collect indirect measures based on data sources that are largely automated. Payroll providers will supply information on certain categories of paid and unpaid leave, by agency and State, which will be compared to prior-year baseline data. Agencies will report deaths by any cause, and those numbers will also be compared to baseline data. Agencies will also report on employees who are teleworking from alternative worksites, including their homes. Some agencies are able to capture telework data through their time and attendance systems, while others are taking steps to develop this capability.

OPM will notify agencies if and when this reporting needs to begin and will designate the contact point to which reports should be sent. OPM-VIII-C-1 (Attachment A) shows information that will be collected from payroll providers. (In rare cases that will be an in-house payroll function.) OPM VIII-D-1 (Attachment B) shows information that will be collected from agencies through their Chief Human Capital Officer or Human Resources Director.

A. Instruction Sheet to Payroll Providers for Reporting Federal Workforce Data During a Pandemic Influenza

B. Instruction Sheet to Departments/Agencies for Reporting Federal Workforce Data During a Pandemic Influenza

C. Federal Employees Status Report – Payroll

D. Federal Employees Status Report – Telework and Deaths

Instruction Sheet to Payroll Providers For Reporting Federal Workforce Data During a Pandemic Influenza

Instructions for: Federal Employees Status Report – Payroll **(Attachment A)**

Completed by: Payroll Providers – Data required on all customer agencies.

Base-Line Reporting Periods: 14-day biweekly pay period for the previous year

Reporting Periods: Most recent 14-day biweekly pay period

Report due: Payroll providers to provide data to OPM after the end of each pay period.

Definitions:

Top Row:

- ***Total # Federal Employees*** means the total number of Federal civilian employees employed by the agency on the last day of each reporting period.
- **Total # Hours Sick Leave means sick leave for self or family care.**
- ***Total # Hours Other Paid Leave*** means the total number of hours of paid leave used during each reporting period. Other paid leave includes annual leave, sick leave, excused absence (i.e., administrative leave), earned compensatory time off, earned compensatory time off for travel, and earned credit hours. Other paid leave excludes military leave, home leave, shore leave, military funeral leave, court leave, and bone-marrow/organ donor leave.
- ***Total # Hours Unpaid Leave*** means the total number of hours of unpaid leave used during each reporting period. Unpaid leave includes leave without pay, leave without pay under the Family and Leave Act, and furlough. Unpaid leave excludes absence without leave (AWOL), suspension, military leave without pay (LWOP-US), and workers' compensation (OWCP) leave without pay.

Left Column:

- ***Outside U.S.*** means locations outside the 50 States, outside the District of Columbia, and outside any U.S. territory or possession.

- ***U.S. Territories/Possessions*** means American Samoa, Navassa Island, Northern Mariana Islands, Jarvis Island, Baker Island, Guam, Howland Island, Johnston Atoll, Kingman Reef, Midway Islands, Palmyra Atoll, Puerto Rico, U.S. Virgin Islands, and Wake Atoll.

- ***States*** means the 50 United States and the District of Columbia.

- ***U.S. Totals*** means computed totals for the 50 States and the District of Columbia.

- ***Grand Totals*** means computed totals for ***Outside U.S***. + ***U.S. Territories/Possessions*** + ***U.S. Totals***.

- ***% of Total Federal Employees*** means computed percentages for each column based on the ***Total # Federal Employees***. OPM will calculate.

- ***Wash, DC Metropolitan Area*** means the District of Columbia; the counties of Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince George's, Queen Anne's, St. Mary's, and Washington in Maryland; the city of Baltimore in Maryland; the counties of Adams and York in Pennsylvania; the counties of Arlington, Clarke, Culpeper, Fairfax, Fauquier, Frederick, King George, Loudoun, Prince William, Spotsylvania, Stafford, and Warren in Virginia; the cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, Manassas Park, and Winchester in Virginia; and the counties of Berkeley, Hampshire, Jefferson, and Morgan in West Virginia.

Instruction Sheet to Departments/Agencies For Reporting Federal Workforce Data During a Pandemic Influenza

Instructions for: Federal Employees Status Report – Telework and Deaths **(Attachment B)**

Completed by: Departments and agencies

Reporting Periods: Biweekly

Report due: Departments and agencies to provide data to OPM after the end of each pay period

Definitions:

Top Row:

- ***# Federal Employees at Alternate Worksite*** means the total number of Federal civilian employees who worked from a location other than their official worksite at any time during the reporting period. Include any telework employees or employees receiving evacuation pay who continue to work from home (or an alternative telework site) during the pandemic influenza. Do not include employees who are on TDY or other travel status.

- ***Cumulative # Federal Employee Deaths*** *means the total number of Federal civilian employees who have died since the beginning of the first reporting period, as determined by OPM.*

Left Column:

- ***Outside U.S.*** means locations outside the 50 States, outside the District of Columbia, and outside any U.S. territory or possession.

- ***U.S. Territories/Possessions*** means American Samoa, Navassa Island, Northern Mariana Islands, Jarvis Island, Baker Island, Guam, Howland Island, Johnston Atoll, Kingman Reef, Midway Islands, Palmyra Atoll, Puerto Rico, U.S. Virgin Islands, and Wake Atoll.

- ***States*** means the 50 United States and the District of Columbia.

- ***U.S. Totals*** means computed totals for the 50 States and the District of Columbia.

- ***Grand Totals*** means computed totals for ***Outside U.S.*** + ***U.S. Territories/ Possessions*** + ***U.S. Totals***.

- ***Wash, DC Metropolitan Area*** means the District of Columbia; the counties of Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince George's, Queen Anne's, St. Mary's, and Washington in Maryland; the city of Baltimore in Maryland; the counties of Adams and York in Pennsylvania; the counties of Arlington, Clarke, Culpeper, Fairfax, Fauquier, Frederick, King George, Loudoun, Prince William, Spotsylvania, Stafford, and Warren in Virginia; the cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, Manassas Park, and Winchester in Virginia; and the counties of Berkeley, Hampshire, Jefferson, and Morgan in West Virginia.

Federal Employees Status Report – Payroll

Department/Agency: _____

For Biweekly Payperiod Ending: _____

Geographic Location	Total # Federal Employees	Total # Hours Sick Leave	Total # Hours Other Paid Leave	Total # Hours Unpaid Leave
OUTSIDE U.S.				
U.S. TERRITORIES/POSSESSIONS				
STATES				
ALABAMA				
ALASKA				
ARIZONA				
ARKANSAS				
CALIFORNIA				
COLORADO				
CONNECTICUT				
DELAWARE				
DISTRICT OF COLUMBIA				
FLORIDA				
GEORGIA				
HAWAII				
IDAHO				
ILLINOIS				
INDIANA				
IOWA				
KANSAS				
KENTUCKY				
LOUISIANA				
MAINE				
MARYLAND				
MASSACHUSETTS				
MICHIGAN				
MINNESOTA				
MISSISSIPPI				
MISSOURI				
MONTANA				

Geographic Location	Total # Federal Employees	Total # Hours Sick Leave	Total # Hours Other Paid Leave	Total # Hours Unpaid Leave
NEBRASKA				
NEVADA				
NEW HAMPSHIRE				
NEW JERSEY				
NEW MEXICO				
NEW YORK				
NORTH CAROLINA				
NORTH DAKOTA				
OHIO				
OKLAHOMA				
OREGON				
PENNSYLVANIA				
RHODE ISLAND				
SOUTH CAROLINA				
SOUTH DAKOTA				
TENNESSEE				
TEXAS				
UTAH				
VERMONT				
VIRGINIA				
WASHINGTON				
WEST VIRGINIA				
WISCONSIN				
WYOMING				
U.S. TOTALS				
GRAND TOTALS				
% OF TOTAL FEDERAL EMPLOYEES				
WASH, DC METROPOLITAN AREA				

Federal Employees Status Report – Telework and Deaths

Department/Agency: _____

For Biweekly Payperiod Ending: _____

Geographic Location	# Federal Employees at Alternate Worksite	Cumulative # Federal Employee Deaths
OUTSIDE U.S.		
U.S. TERRITORIES/POSSESSIONS		
STATES		
ALABAMA		
ALASKA		
ARIZONA		
ARKANSAS		
CALIFORNIA		
COLORADO		
CONNECTICUT		
DELAWARE		
DISTRICT OF COLUMBIA		
FLORIDA		
GEORGIA		
HAWAII		
IDAHO		
ILLINOIS		
INDIANA		
IOWA		
KANSAS		
KENTUCKY		
LOUISIANA		
MAINE		
MARYLAND		
MASSACHUSETTS		
MICHIGAN		
MINNESOTA		
MISSISSIPPI		
MISSOURI		

Geographic Location	# Federal Employees at Alternate Worksite	Cumulative # Federal Employee Deaths
MONTANA		
NEBRASKA		
NEVADA		
NEW HAMPSHIRE		
NEW JERSEY		
NEW MEXICO		
NEW YORK		
NORTH CAROLINA		
NORTH DAKOTA		
OHIO		
OKLAHOMA		
OREGON		
PENNSYLVANIA		
RHODE ISLAND		
SOUTH CAROLINA		
SOUTH DAKOTA		
TENNESSEE		
TEXAS		
UTAH		
VERMONT		
VIRGINIA		
WASHINGTON		
WEST VIRGINIA		
WISCONSIN		
WYOMING		
U.S. TOTALS		
GRAND TOTALS		
WASH, DC METROPOLITAN AREA		

Planning for Pandemic Influenza
Human Resources Information for Departments and Agencies
U.S. Office of Personnel Management

Table of Contents Identified for Specific Audience Groups

(Text Version)

Installment Guide

Foreword (All audiences) (updated May 1, 2009)

Table of Contents (updated May 2009)

I. Policy Guidance on Human Resources Management (All audiences) (reviewed May 2009)

A. Introduction: Workforce Implications of Pandemic Influenza (All audiences)

B. Index and Quick Reference Guide (All audiences)

C. Hiring Flexibilities (All audiences)

D. Leave Flexibilities (All audiences)

E. Pay Flexibilities (All audiences)

F. Benefits (All audiences)

G. Alternative Work Arrangements (All audiences)

H. Information Regarding Overseas Employees (All audiences)

I. Miscellaneous (All audiences)

II. Telework Guidance (All audiences) (updated May 2009)

A. A Guide to Telework in the Federal Government (All audiences)

B. Fact Sheet: Telework and Emergency Preparedness (All audiences)

C. Telework Training (All audiences)

III. Questions and Answers (All audiences) (reviewed May 2009)

A. Accomplishing Work During a Pandemic Health Crisis (All audiences)

B. Leave Flexibilities for Employees Adversely Affected by A Pandemic Health Crisis (All audiences)

C. Employee and Labor Relations During a Pandemic Health Crisis (All audiences)

D. Hiring Flexibilities During a Pandemic Health Crisis (All audiences)

E. Miscellaneous Questions (All audiences)

IV. Fact Sheets (reviewed May 2009)

A. Fact Sheet: Applying for Retirement, Death Benefits, Social Security Benefits, Thrift Savings Plan, and Office of Workers Compensation Benefits (HR Professionals, Managers and Employees)

B. Fact Sheet: Federal Employee Insurance Programs During a Pandemic Health Crisis (HR Professionals, Managers and Employees)

C. Fact Sheet: Information for Managers About Flexible Work Arrangements (HR Professionals and Managers)

D. Fact Sheet: Information for Managers and Work/Life Coordinators About Employee Assistance Programs (EAPs) (HR Professionals and Managers)

E Fact Sheet: Evacuation Payments During a Pandemic Health Crisis (HR Professionals, Agencies and Managers)

Additional material may be added in future installments

V. Pandemic Planning Guides and Agency Strategies (reviewed May 2009)

A. What Should an Agency Do To Prepare for a Pandemic Health Crisis? (HR Professionals and Agencies)

B. What Should a Supervisor Do To Prepare for a Pandemic Health Crisis? (HR Professionals and Managers)

C. What Can a Supervisor Do To Accomplish Work During a Pandemic Health Crisis? (HR Professionals and Managers)

D. What Can an Agency Do To Prepare for Workplace Disruptions During a Pandemic Health Crisis? (HR Professionals, Agencies and Managers)

E. What Pay and Leave Flexibilities and Requirements Should an Agency Prepare To Manage During a Pandemic Health Crisis? (HR Professionals, Agencies and Managers)

F. What Can an Agency Do To Prepare for Labor Relations Issues That May Arise in the Event of a Pandemic Health Crisis? (HR Professionals, Agencies and Managers)

G. What Hiring Strategies Could an Agency or Manager Use During a Pandemic Health Crisis? (HR Professionals, Agencies and Managers)

H. What Can an Agency Do To Prepare for Telework During a Pandemic Health Crisis? (HR Professionals, Agencies and Managers)

I. Human Resources Strategies for a Pandemic Health Crisis (HR Professionals, Agencies and Managers)

J. Evacuation Payments During a Pandemic Health Crisis—Sample Agency Plan (HR Professionals, Agencies and Managers)

VI. Human Resources Information Specifically for Employees (reviewed May 2009)

A. Fact Sheet: Information for Employees About Flexible Work Arrangements (HR Professionals, Managers and Employees)

B. Fact Sheet: Information for Employees About the Employee Assistance Program (EAP) (HR Professionals, Managers and Employees)

C. Fact Sheet: Information for Employees About Health Benefits During a Pandemic (HR Professionals, Managers and Employees)

D. Fact Sheet: Information for Employees About FLTCIP and FSAFEDS (HR Professionals, Managers and Employees)

E. Fact Sheet: Information for Employees About Applying For Federal Employee Group Life Insurance Benefits (HR Professionals, Managers and Employees)

F. Fact Sheet: Information for Employees About Leave Flexibilities During a Pandemic Health Crisis (HR Professionals, Managers and Employees)

G. Fact Sheet: Information for Employees About Pay Flexibilities During a Pandemic Health Crisis (HR Professionals, Managers and Employees)

H. Guide: What You and Your Family Need To Know About Your Federal Benefits During an Emergency (HR Professionals, Managers and Employees)

I. Questions and Answers for Employees (Managers and Employees)

Additional material may be added in future installments

VII. Links to Additional Information on Pandemic Influenza (All audiences) (reviewed May 2009)

VIII. Collecting Workforce Data During a Pandemic Influenza Episode (reviewed May 2009)

A. Instruction Sheet to Payroll Providers for Tracking Federal Employees During a Pandemic (Agencies)

B. Instruction Sheet to Departments/Agencies for Tracking Federal Employees During a Pandemic (Agencies)

C. Attachment A: Federal Employees Status Report – Payroll (Agencies)

D. Attachment B: Federal Employees Status Report –Telework and Deaths (Agencies)

UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
1900 E Street, NW
Washington, DC 20415