



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
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WASHINGTON, D.C. 20301-4000



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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
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Subject: Evacuation Payments During A Pandemic Health Crisis

Existing law and regulation allow the Department of Defense (DoD) to continue payments to employees when agency management officials authorize an evacuation because of natural disasters or for military or other reasons that create imminent danger to their lives. When evacuation is the result of a pandemic health crisis, management officials may declare an employee's home as the designated area, or safe haven, to which the employee may be evacuated. The attached document consolidates guidance on the procedures for declaring the home as safe haven and thereby authorizing evacuation payments for affected employees.

Information on procedures for evacuations unrelated to a pandemic health crisis are found in Chapter 12 and Appendix I, parts A and B, of the DoD Joint Travel Regulations, Volume 2.

for Mil/Reg
David S. C. Chu

Attachment:
As stated



**DEPARTMENT OF DEFENSE
EVACUATION PAYMENTS DURING A PANDEMIC HEALTH CRISIS**

A. General Information

1. Sections 5522 through 5524 of chapter 55 of title 5, United States Code (U.S.C.); part 550, subpart D, of title 5, Code of Federal Regulations (CFR); and chapter 600 of the Department of State Standardized Regulations (DSSR) establish the conditions for, and authorize the payment of, evacuation payments to Federal employees whose departure is officially authorized or ordered from any place where there is imminent danger to the lives of the evacuated employees. Within the Department of Defense, chapter 12 and Appendix I of the Department of Defense (DoD) Joint Travel Regulations, Volume 2, provide further guidance on authorized evacuations.
2. Upon official notification by Federal, State, or local officials, public health authorities and/or tribal governments, of a natural disaster or for military or other reasons that create imminent danger to lives, including a pandemic health crisis affecting certain geographic areas, the decision to evacuate employees and/or dependents from the continental United States or a non-foreign location rests with the Secretary of Defense or the USD(P&R) as the Secretary's designated representative. The following officials also are authorized to order an evacuation within their areas of responsibility:
 - i. The Secretaries of the Military Departments or their designated representatives for the civilian employees and dependents of their respective Departments;
 - ii. The head of a DoD Component or his/her designated representative; and
 - iii. The commander of a U.S. installation or his/her designated representative (including the commander, director, head, chief, or supervisor of an organization or office).

When exercising this authority, officials should attempt, to the maximum extent possible, to coordinate their actions with the appropriate management officials of similarly affected Federal agencies and DoD Components within the impacted geographic area.

3. The decision to evacuate employees and/or dependents from a foreign area rests with the Department of State (DoS).
 - i. In appropriate circumstances, such as a Presidential declaration of national emergency or directed reinforcement of United States (U.S.) Armed Forces in a theatre, or to accommodate force protection or anti-terrorism considerations, the Secretary of Defense, after consultation with the Secretary of State, may authorize the evacuation of all DoD noncombatants. The authority of the Secretary of Defense, however, does not apply to DoD noncombatants attached to Defense Attache' Offices, Marine Security Guard Detachments, DoD elements or personnel that form an integral part of the U.S. Country Teams, and others as determined between the Combatant Commander and the Chief of Mission.
 - ii. When U.S. citizens are endangered but timely communication with DOS is not possible, or there is no DOS presence in the area concerned, and time and communications do not permit the Commander to receive authorization from the Secretary of Defense, through the Under Secretary of Defense (Personnel and Readiness) (USD(P&R)), without jeopardizing the U.S. citizens, a Combatant Commander, the senior commander in the country concerned, or a Defense Attache' is responsible for authorizing or ordering an evacuation of the area.

B. Evacuations Within the United States During Pandemic Health Crises

1. Management officials (hereafter called "authorized management officials") who order an evacuation within the United States must announce a safe haven in the evacuation order (oral or written). Safe haven is defined as the area to which an employee or dependent is evacuated.
2. The authorized management official, in the case of a pandemic, may declare an employee's home (or an alternative mutually agreeable location, including a location under quarantine or confinement), as a safe haven. The announcement of a home or an alternate location as the safe haven during the evacuation period promotes "social distancing" and protects the employee from exposure to additional viruses or mutations of a pandemic virus.

3. The authorized management official, after announcing the safe haven, may provide evacuation payments to evacuated employees. See Section C of this plan.
4. OPM guidance states that an employee at a safe haven, in receipt of evacuation payments, may be assigned to perform work for which he or she is qualified and which is considered necessary or required to be performed during the period of evacuation without regard to the employee's grade or title or whether a telework agreement is in place at the time the order to evacuate is issued. 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 a qualified employee with a disability.
5. A manager or supervisor should communicate regularly with an employee who is performing work from an alternative location (including the employee's home). Regular communication with employees ensures they understand their work assignments and management's expectations during the evacuation period.
6. Failure or refusal to perform assigned work may be a basis either for terminating evacuation payments or for taking a disciplinary action under 5 CFR, part 752, or both. When the employee's inability to perform assigned work is due to lack of knowledge or skills, terminating evacuation payments or taking disciplinary actions is not authorized.
7. An employee whose alternative work location during a pandemic crisis is his or her home may not provide dependent care while performing work. If dependent care is a concern, the employee may request work schedule changes to allow work hours during times dependent care is not a consideration. The employee also may request annual leave or other paid time off, such as earned compensatory time off or earned credits hours, or sick leave if appropriate, when dependent care is an issue.

C. Evacuation Payments for Evacuations Within the United States During Pandemic Health Crises

1. The authorized management official may provide evacuation payments to an employee who receives an evacuation order from his or her regular worksite and whose home (or a mutually agreeable alternative location) is declared a safe haven. Evacuation payments are to be paid on the

employee's regular pay days. An employee's failure to agree with the work location designated in the evacuation order or his/her refusal to perform assigned work may be a basis for terminating evacuation payments, in addition to disciplinary action.

2. Evacuation payments are to be paid on the employee's regular pay days and are based on the rate of pay (including any applicable allowances, differentials, or other authorized payments) to which the employee was regularly entitled immediately before the authorized management official issued the evacuation order, regardless of the employee's work schedule during the evacuation period.
 - i. An employee will continue to receive night pay differential and Sunday premium pay based on the applicable hours of his/her work schedule prior to the evacuation order's effective date unless the employee renegotiates a work schedule in accordance with B.7. of this plan.
 - ii. An employee will continue to receive law enforcement availability pay, administratively uncontrollable overtime pay, standby duty premium pay, regular overtime pay for firefighters, physicians' comparability allowances, supervisory differentials, and non-foreign cost-of-living allowances and post differentials, as applicable.
 - iii. An employee will receive recruitment, relocation, and retention incentive payments, extended assignment incentive payments, and student loan repayments consistent with the employee's signed service agreement(s).
 - iv. The Defense Finance and Accounting Service (DFAS) will make all deductions from evacuation payments that are required by law, including retirement or Social Security deductions, authorized allotments, and income tax withholdings.
3. An employee's evacuation payments may not continue for more than 180 calendar days after the effective date of the evacuation order. Otherwise, evacuation pay will cover the calendar days during which an applicable evacuation order remains in effect, unless terminated earlier for failure to perform work or one of the reasons listed in E.2. of this plan.

4. The authorized management official will determine the days and hours the employee would have been expected to work during the selected time period (but for the evacuation) as follows:
 - i. For employees with a regularly scheduled tour of duty, the authorized management official must determine the days and hours in the employee's normal basic workweek during the selected time period; and
 - ii. For intermittent employees, the authorized management official 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.

D. Allowances for Evacuations Within the United States During Pandemic Health Crises

1. The authorized management official may grant additional special allowance payments based on a case-by-case analysis, to offset the direct added expenses incidental to performing work from the designated safe haven during a pandemic health crisis. The discretionary authority does not change reasonable accommodation obligations under the Rehabilitation Act.
2. Discretionary special allowances might include, but are not limited to, increased costs for a printer, fax machine, scanner, and telecommunications equipment incurred by an employee ordered to work from an alternative work location during an evacuation.
3. An employee is not entitled to special allowances unless the payments are specifically approved by the authorized management official.
4. Conversely, an employee may not be required to absorb increased expenses (e.g., long-distance calls, supplies) primarily to benefit the Department of Defense. Agencies may not augment their appropriations (i.e., require an employee to absorb additional expenses incidental to performing work at an alternative worksite) without specific statutory authority to do so.
5. Employees in the United States who are ordered to evacuate their official duty stations during a pandemic health crisis generally will not receive special 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).

6. Advance salary payments generally are not made to an employee who receives an evacuation order during a pandemic since the employee will receive evacuation payments on his or her regular pay days. If exceptions are made, the advance salary payment is equivalent to a loan and is treated as a debt owed to the Federal Government.

E. Termination of Evacuation Payments

1. Evacuation payments terminate no later than 180 calendar days from the effective date of the evacuation order.
2. Payments terminate earlier than the 180 calendar days for any of the following reasons, as applicable.
 - i. The employee is assigned to a new official duty station outside the evacuation area;
 - ii. The employee signs a telework agreement designating an alternative work location as his or her official duty station whether or not the alternative work location is outside the evacuation area;
 - iii. The employee is separated from his or her position with the Department of Defense.
 - iv. The employee returns to the traditional worksite after rescission of the evacuation order.
 - v. The authorized management official determines that payments are no longer warranted based on guidance provide by the appropriate officials regarding the status of the pandemic health crisis.

F. Employee Payroll Reconciliation Procedures

1. After the evacuation order is terminated, DFAS, in coordination with the employee's supporting Human Resource Office, will review the employee's payroll account and make adjustments on the basis of the rates of pay, allowances, and differentials, if any, to which the employee

otherwise would have been entitled during the effective dates of the evacuation order.

2. The review will determine whether, during the period covered by evacuation payments, an employee was entitled to higher total pay than he or she received in total evacuation payments. The pay computation will take into account any changes in an employee's rate of basic pay that should have occurred during the evacuation payment period but did not (e.g., a within-grade increase) and additional hours worked beyond the number of hours assumed in computing the evacuation payments if time and attendance records were not appropriately submitted.
3. If the employee's total pay determined by the review exceeds the amount of the evacuation payments, the employee will receive the additional amount. If the employee has been overpaid, DFAS will begin action to recover the debt.
4. Debt collection procedures are outlined in DoD 7000.14-R, Department of Defense Financial Management Regulation (DoDFMR), Volume 8, although the authorized management 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.