



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
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The Director

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OPM PANDEMIC MEMO #2

MEMORANDUM FOR AGENCY HEADS, MEMBERS OF THE PRESIDENT'S
MANAGEMENT COUNCIL AND CHIEF HUMAN CAPITAL
OFFICERS

FROM: LINDA M. SPRINGER
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Subject: Information on Planning for Pandemic Influenza – Second Installment

On June 9, the Office of Personnel Management (OPM) provided you with our first installment of information for use by Federal departments and agencies in preparing for a possible pandemic influenza outbreak. The first installment included information and links to general guidance on leave, pay, hiring, alternative work arrangements and other critical human capital issues in relation to pandemic influenza. As part of our tasking to provide guidance on human capital management and COOP planning criteria and update telework guides, we are pleased to share our second installment.

In this second installment, we are now providing additional general information, answers to specific pandemic-related questions, updated fact sheets and guides, and some information designed especially for employees. Specifically, the attached installment includes –

- Policy Guidance on Pay, Benefits and Alternative Work Arrangements (I-E-G)
- Questions and Answers (III-A-E)
- Fact Sheets and Guides (IV-A-D)
- Human Resources Information Specifically for Employees (VI-A-E and H)
- Tracking Employees During a Pandemic (VIII-A-D)

This material will be provided to you both electronically and in hard copy with instructions to help you insert it in the notebook we delivered to you as the first installment. Additionally, this information will be featured on OPM's web page at www.opm.gov/pandemic. We encourage you to use the electronic version in sharing available information through your own web site.

Our third and final installment in August will include sections on telework guidance, additional fact sheets and guides, and several planning guides.

OPM remains committed to working with you to develop both guidance and employee information for making decisions and communicating effectively. Should you have any additional suggestions on specific guidance or authorities for dealing with pandemic influenza in your agency, please submit such comments through your Chief Human Capital Officer.

Attachment

HUMAN CAPITAL PLANNING FOR PANDEMIC INFLUENZA

(2nd Installment)

Information for Departments and Agencies
U.S. Office of Personnel Management
2006

Human Capital Planning for Pandemic Influenza

Information for Departments and Agencies

U.S. Office of Personnel Management

I. Policy Guidance on Human Capital Management

- A. Introduction: Workforce Implications of Pandemic Influenza (previous installment)
- B. Index and Quick Reference Guide (previous installment)
- C. Hiring Flexibilities (previous installment)
- D. Leave Flexibilities (previous installment)
- E. Pay Flexibilities (included)
- F. Benefits (included)
- G. Alternative Work Arrangements (included)
- H. Information Regarding Overseas Employees (future installment)
- I. Miscellaneous (previous installment)

II. Telework Guidance

(future installment)

III. Questions and Answers

(included)

- 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 Pandemic Health Crisis Related Human Resources Management Questions

IV. Fact Sheets

(included)

- 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)

Additional material may be added in future installments

V. Pandemic Planning Guides and Agency Strategies

(future installment)

VI. Human Resources Information Specifically for Employees

- A. Fact Sheet: Information for Employees About Flexible Work Arrangements (included)
- B. Fact Sheet: Information for Employees About the Employee Assistance Program (EAP) (included)

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- C. Fact Sheet: Information for Employees About Health Benefits During a Pandemic **(included)**
- D. Fact Sheet: Information for Employees About FLTCIP and FSAFEDS **(included)**
- E. Fact Sheet: Information for Employees About Applying For Federal Employee Group Life Insurance Benefits **(included)**
- F. Fact Sheet: Information for Employees About Leave Flexibilities During a Pandemic Health Crisis (future installment)
- G. Fact Sheet: Information for Employees About Pay Flexibilities During a Pandemic Health Crisis (future installment)
- H. Guide: What You and Your Family Need To Know About Your Federal Benefits During an Emergency **(included)**

Additional material may be added in future installments

VII. Links to Additional Information on Pandemic Influenza (previous installment)

VIII. Collecting Workforce Data During a Pandemic Influenza Episode **(included)**

- A. Instruction Sheet to Payroll Providers for Reporting Federal Workforce Data During a Pandemic
- B. Instruction Sheet to Departments/Agencies for Reporting Federal Workforce Data During a Pandemic
- C. Attachment A: Federal Employees Status Report – Payroll
- D. Attachment B: Federal Employees Status Report –Telework and Deaths

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.

[Link to guidance](#)

[Link to Overtime Guidance](#)

[Link to Night Pay Guidance](#)

[Link to Sunday Pay Guidance](#)

[Link to 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. [Link to guidance](#)

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

[Link to guidance](#)

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). [Link to guidance](#)

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

Federal Long Term Care Insurance Program (FLTCIP) – Information about long-term insurance for current and retired Federal government employees and their families. [Link to guidance](#)

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"). [Link to guidance](#)

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. [Link to guidance](#)

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

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. [Link to guidance](#)

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. [Link to guidance](#)

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

Part A. 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.

[Link to GSA Bulletin](#)

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). [Link to guidance](#)

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. [Link to guidance](#)

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. [Link to guidance](#)
- 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.) [Link to guidance](#)

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. [Link to guidance](#)

c. Evacuation Payments

Introduction

An agency may authorize evacuation payments under 5 U.S.C. 5523 for employees ordered to evacuate their worksites to a *safe haven* because there is imminent danger to the life of the employee or the lives of dependents or the immediate family of the employee. (A *safe haven* is a designated area to which an employee or dependent will be or has been evacuated.) The head of an agency or designated official must make the determination that the employee was officially ordered or authorized to evacuate. The agency head or designee may order the evacuation of all agency employees, employees assigned to certain geographic areas, or employees in certain components/divisions of the agency and may specify the period of time within which evacuation payments will be granted. Agencies must follow the regulations in 5 CFR part 550, subpart D, for evacuations from or within the United States and certain nonforeign areas. Under 5 CFR 550.401(d), evacuation payments must be made in accordance with procedures established by the agency.

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's authority to make evacuation payments to evacuated employees is limited to a period of up to 180 calendar days. An agency may grant additional allowance payments as necessary to offset direct added expenses incident to the departure—e.g., travel and subsistence expenses.

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. The employee's supervisor must determine the work necessary to be performed during the evacuation. Agencies may terminate evacuation payments for employees who fail or refuse to perform assigned work.

In a pandemic health crisis, an agency may authorize evacuation payments to employees who are ordered to evacuate their regular worksites and work from home. The head of an agency may delegate authority to a designated official to order the evacuation of all agency employees, employees assigned to certain geographic areas, or employees in certain components/divisions of the agency. In this unique situation, an employee's home, including a home under quarantine, may be designated as a "safe haven," since a policy to evacuate to a safe haven promotes "social distancing" and protects employees from being exposed to additional viruses or mutations of the pandemic virus. An agency may grant special allowance payments on a case-by-case basis to offset the direct added expenses incident to performing work from home during a pandemic health crisis. 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. OPM will issue additional guidance specifically addressing the administration of evacuation payments during a pandemic influenza. This guidance also will address situations where an employee is unable to work from home during a pandemic influenza.

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.

Part B. 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. [Link to guidance](#)

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.

Part C. 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.

Part D. 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 1 year under 5 CFR part 316
- 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); and
- 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; and
- 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 <http://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, 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.

Part E. 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 <http://www.opm.gov/oca/pay/HTML/FACTOT.asp> and <http://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 <http://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 <http://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 <http://www.opm.gov/perform/reward.asp>, <http://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 <http://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 Capital 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 Capital 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 <http://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 and Guides

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.

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

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 <http://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 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 <http://www.dol.gov/esa/regs/compliance/owcp/fecacont.htm>.

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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).

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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.

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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.

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 **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 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.

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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.

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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.

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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.

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

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 - 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.

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.

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 Paid Leave** means the total number of hours of paid leave used during each reporting period. 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. 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: _____

	Total # Federal Employees	Total # Hours 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			
NEBRASKA			

	Total # Federal Employees	Total # Hours Paid Leave	Total # Hours Unpaid Leave
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: _____

	# 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		
MONTANA		
NEBRASKA		

	# Federal Employees at Alternate Worksite	Cumulative # Federal Employee Deaths
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		
<i>U.S. TOTALS</i>		
<i>GRAND TOTALS</i>		
WASH, DC METROPOLITAN AREA		