

National Aeronautics and Space Administration



**NASA Office of Human Capital Management (OHCM)
Continuity of Operations (COOP)/Pandemic Desk Guide**

Version 4

**Agency Human Resources Division
NASA Headquarters
SREF-3000-0011
October 2009**

Document History Log

Status (Basic/Revision /Cancelled)	Revision Date	Description of Change
Basic	January 2007	Basic Release
Revision (Version 2)	April 2008	Changes Incorporated into Version 2: <ul style="list-style-type: none"> • Added Document History Log • Added Appendix A, Acronyms and Abbreviations, and shifted other appendices • Standardized format and content presentation • Completed general editing
Revision (Version 3)	September 2009	Changes Incorporated into Version 3: <p>General:</p> <ul style="list-style-type: none"> • Changed title of document. (Previous title: NASA Office of Human Capital Management Guidelines for Use During National and/or Regional Emergency Situations (Including Pandemic Health Crises)) • Added HRO and OCHMO acronyms. • Added more details as to the differences in how to use flexibilities depending on if situation is an emergency or a pandemic health crisis. • Added Example and Note boxes where needed. • Rearranged information and separated Section 3 into Sections 3, 4, 5, and 6 to better organize information. • Added social distancing information. <p>Section 1, Introduction:</p> <ul style="list-style-type: none"> • Added information to 1.2, Background. • Updated 1.4 About This Document. <p>Section 2, References:</p> <ul style="list-style-type: none"> • Added numerous references. <p>Appendices:</p> <ul style="list-style-type: none"> • Updated Appendix A, Acronyms and Abbreviations. • Deleted Appendix B, NASA Telework Program During National and/or Regional Emergency Situations (Including Pandemic Health Crises). • Renumbered remaining appendices. • Added subheading numbers to Appendix B, Evacuation Payments During a Pandemic Health Crisis, and Appendix C, Pandemic Flu Questions and Answers.
Revision (Version 4)	October 2009	Changes Incorporated into Version 4: Paragraph 3.1, Communicating with Employees During an Emergency: removed references indicating notices will be posted on EOC Web site.

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SECTION 1 – INTRODUCTION

1.1 Purpose

The purpose of this document is to provide guidance to National Aeronautics and Space Administration (NASA) personnel on the continuation of service in the event of national and/or regional emergencies including Pandemic Health Crises. This guide provides some roles and responsibilities with regards to the actions taken during these emergencies.

1.2 Background

The changing threat environment and recent emergencies, including localized acts of nature, accidents, technological emergencies, and military or terrorist attack-related incidents, have shifted awareness to the need for Continuity of Operations (COOP) and Pandemic Health Crisis Plans to continue the Agency’s essential functions across a broad spectrum of emergencies. NASA needs to plan and prepare for national and/or regional emergency situations. As a result, this document was developed to provide guidance to NASA Center Human Resources (HR) Offices (HROs) in preparing for such emergency situations as they relate to HR-related issues.

Since each Center is unique and may be affected by different scenarios, the information contained in this document is to serve as a guide when responding to emergency situations. Agency policy and guidance must provide the maximum amount of flexibility to allow Centers to respond to emergency situations in a manner that is appropriate for the local situation. Centers must carefully balance flexibility decisions with Agency and Center mission and goals.

1.3 Overview of Flexibilities

During an emergency situation or a pandemic health crisis, there are flexibilities available to Centers. Work schedules, pay, and leave are examples of HR-related areas where Center management can provide flexibility to employees during an emergency situation or pandemic crisis. It is important to note that there are general differences in what flexibilities may be available to use depending on the type of emergency or health crisis. The following are some general examples:

Examples of Emergency Situations vs. Pandemic Health Crises and Differences in Using Flexibilities			
Emergency Situations		Pandemic Health Crises	
Affected area likely to have severely reduced infrastructure and public services.	Wide-spread power outages would prevent many employees from teleworking from their home. They may be given the option of working from a different location.	Affected employees who are sick, but may not have sufficient sick leave to cover the absence.	Employees may be advanced sick leave or may qualify for a voluntary leave transfer program.

Examples of Emergency Situations vs. Pandemic Health Crises and Differences in Using Flexibilities			
Emergency Situations		Pandemic Health Crises	
The Center is able to open shortly after an event, but streets are impassable.	If employees are unable to access the Center, but still have electricity and computer access, they may be able to telework.	Affected employees who are not sick, but may need to be available to care for immediate family members.	If the employee is unable to work due to the need to care for a sick family member, the employee may be given the option to telework or work an Alternate Work Schedule (AWS) so that they can work when they are not needed to care for the family member.

In these and other similar situations, the Center may evaluate the flexibilities available and implement those that will allow the Center’s work to continue until the event is over and employees can return to a normal work schedule and location. During an emergency situation, an entire Center or region is likely to be affected; however, during a pandemic health crisis, while the Center may be functioning, the number of employees affected is likely to vary during the course of the pandemic event. In either case, the flexibilities outlined in this guide will enable Centers to best address the situation as it affects each Center.

1.4 Applicability

This guide is for use by NASA Center HRO personnel.

1.5 About This Document

This document provides guidelines, as well as additional specific information on several pertinent topics contained in appendices. If the reader is directed to an appendix, the reader should reference appendices included with this document, unless another document is specified. The following appendices are included in this document:

- Appendix A, Acronyms and Abbreviations
- Appendix B, Evacuation Payments During a Pandemic Health Crisis
- Appendix C, Pandemic Flu Questions and Answers

SECTION 2 – REFERENCES

This document contains references that, in some cases, are for specific subparagraphs; however, this section generally lists the primary document or code. The following references were used in the preparation of this desk guide:

- a. Advance Payments; Rates; Amounts Recoverable, 5 U.S.C. § 5522.
- b. Duration of Payments; Rates; Active Service Period, 5 U.S.C. § 5523.
- c. Review of Accounts, 5 U.S.C. § 5524.
- d. Payments During Evacuation, 5 C.F.R. Part 550, Subpart D.
- e. NPD 1040.4, NASA Continuity of Operations (COOP).
- f. NPD 3000.1B, Management of Human Resources.
- g. NPR 1040.1, NASA Continuity of Operations (COOP) Planning Procedural Requirements.
- h. NPR 3600.X, NASA Telework Policy, Draft. (As of the publishing of this desk guide, this reference has not yet been finalized. However, pertinent information from the NPR was used in the development of this desk guide.)
- i. NPR 3800.1, Employee Benefits; Chapter 7, Operation of NASA Telework Programs.
- j. NPR 8715.2, NASA Emergency Preparedness Procedural Requirements.
- k. Department of Health and Human Services Flu Web site:
<http://www.pandemicflu.gov/index.html>.
- l. Department of Health & Human Services Pandemic Flu Planning Checklist for Individuals & Families. (To access the checklist, go to:
<http://www.flu.gov/professional/pdf/individuals.pdf>.)
- m. Department of Labor Office of Workers' Compensation Programs Web site:
www.dol.gov/esa/regs/compliance/owcp/fecacont.htm.
- n. Employee Express Web site: <https://www.employeeexpress.gov/DefaultLogin.aspx>.
- o. NASA Desk Guide on Telework Programs, December 2005. (To access the document, go to: <http://nasapeople.nasa.gov/references/deskguides.htm>, then click the **Telework Programs** link.)
- p. NASA Desk Guide on Work Schedules (Tour Types), May 2003. (To access the document, go to: <http://nasapeople.nasa.gov/references/deskguides.htm>, then click the **Work Schedules (Tour Types)** link.)

- q. NASA Occupational Health Web site: www.ohp.nasa.gov.
- r. Office of Personnel Management (OPM), Emergency Leave Transfer Program. (To access the information, go to: <http://www.opm.gov/oca/leave/html/EMERG.asp>.)
- s. OPM, Evacuation Payments During a Pandemic Health Crisis. (To access the document, go to: <http://www.opm.gov/oca/pay/html/PandEvac.asp>.)
- t. OPM, Planning for Pandemic Influenza: Human Resources Information for Agencies and Departments, May 2009. (To access this document, go to: http://www.opm.gov/pandemic/OPM-Pandemic_AllIssuances.pdf.)
- u. Pandemic Influenza 2009: Additional Guidance, OPM Memorandum CPM 2009-14, July 31, 2009. (To access the memorandum, go to: <http://www.chcoc.gov/Transmittals/TransmittalDetails.aspx?TransmittalID=2452>.)
- v. Pandemic Influenza Preparedness, Response, and Recovery: Guide for Critical Infrastructure and Key Resources, U.S. Department of Homeland Security; September 19, 2006. (To access the document, go to: <http://www.flu.gov/professional/business/>. Scroll down to the **Critical Infrastructure Guide** heading, and click the document link.)
- w. Personnel Bulletin: 2008-36-SH, From Deputy Director, Workforce Management and Development Division: Use of Excused Leave, December 31, 2008. (To access the document, go to: <http://smart.nasa.gov/hr-only>, then click the **Agency Personnel Policy Documents** link. Click the **Year 2008** link, and then click the **Use of Excused Leave** link.)

SECTION 3 – COMMUNICATION AND EMPLOYEE STATUS

3.1 Communicating with Employees During an Emergency

The NASA Emergency Operations Center (EOC) is responsible for managing and communicating information during emergency situations. The Office of Human Capital Management (OHCM) under the authorization of the EOC will coordinate the development and release of employee notices about the emergency. This includes any public health notices authorized by the Office of the Chief Health and Medical Officer (OCHMO). The NASA Shared Services Center (NSSC) will prepare and release the notices to the NASA workforce.

If the scope and nature of the emergency requires, the EOC will activate a call center for use in accounting for employees and to provide information about the emergency. Should this occur, the NSSC will issue a notice informing employees that the call center has been activated and will publicize the dedicated toll-free telephone number.

3.2 Employee Emergency Contact Information

Employee emergency contact information may be used for a variety of purposes including:

- Notifying an employee of important emergency information.
- Providing information to the employee's contact about the emergency.
- Obtaining information on the status and location of the employee in the event of an emergency.

Since any of these situations could occur without warning, it is essential that employees enter and keep current their emergency contact information. Employees should ensure that their personal contact information is always kept updated in Employee Express so they may be notified if there is an emergency at the Center. Employee Express provides space for a primary contact and two alternate contacts. One contact should be near the geographical area of the employee's worksite and at least one contact should be from outside of the geographical area of the employee's worksite. It is important for employees to provide as much information as possible relating to each contact so that depending on the emergency situation, the appropriate person is notified.

Example: If an employee is incapacitated while at work, an emergency contact in close proximity to the employee's worksite could be notified. On the other hand, if there is an emergency situation at the Center and the employee is evacuated from the area, a contact outside of the geographical area of the worksite could be notified.

Employees enter and change their emergency contact information in the Employee Express System. The system can be accessed at <https://www.employeeexpress.gov/DefaultLogin.aspx>. The NSSC will issue an annual reminder to employees to enter and update this information. Center HROs are responsible for reviewing their Center employees' emergency contact information in the NASA Organizational Profile System (NOPS) to ensure it is complete. In cases where information is

missing or incomplete, the HRO will work with the employee's supervisor to encourage the employee to complete this information.

3.3 Tracking and Reporting Personnel Absences

3.3.1 Pandemic Health Crises

The Web-based Time and Attendance System (WebTADS) will be used to track and report employees in a work/non-work status during pandemic health crises. Therefore, it is vital for managers/supervisors to ensure that employees, regardless of worksite, enter daily work status. Center HROs and Center payroll liaisons must collaborate to ensure that reporting requirements are accomplished, relative to work and non-work status. Telework hours must be displayed to ensure that time and attendance reports are properly recorded.

WebTADS can report staffing levels by pay period and real-time daily reports. The real-time daily reports, however, will only be accurate if employees and supervisors ensure that time and attendance is recorded completely and accurately on a daily basis. In the event that a real-time daily report on staffing levels is needed and the Center cannot assure that the daily WebTADS entries are complete and accurate, Center HROs will devise a means to determine and report daily on the number of Center employees in a work and non-work status. In some cases, there may be additional reporting requirements and the OCHMO may need help from supervisors and HROs to track potential cases of illnesses.

3.3.2 Other Emergencies

The call center process will be used during catastrophic-type emergency situations, other than pandemic health crises, as the primary means to track and report the status of employees. As described in paragraph 3.1, Communicating with Employees During an Emergency, the EOC will activate the call center for employee tracking based on the type and scope of the emergency situation. Information and guidance on how to report the status of employees through the call center will be disseminated using a variety of media to maximize the opportunity of employees, family members, and friends to report or obtain information on the status of affected employees. Reports on the status of employees will be generated from call center data and provided to appropriate management officials and external agencies (e.g., Office of Personnel Management (OPM), Department of Homeland Security (DHS), members of Congress).

SECTION 4 – WORK AND PAY FLEXIBILITIES

During an emergency situation, NASA Centers have a number of flexibilities available to them. As expected, not every option will be suitable in every emergency situation. This section provides some of the flexibilities available.

4.1 NASA Emergency Workplace Flexibility Guidelines

4.1.1 Telework

The Telework Program and responsibilities for supervisors, managers, and employees are detailed in NASA Procedural Requirements (NPR) 3600.X, NASA Telework Policy. (As of the publication of this desk guide, the NPR is still being updated. It will be published as soon as it is complete.) To allow Centers maximum flexibility, all employees may be considered for telework status even if their normal work duties would prohibit it. Employees may be assigned work other than their normal work if the employees possess the knowledge and skills necessary to perform the other work.

Example: While an airplane mechanic cannot take an airplane home to work on it, during an emergency situation, the supervisor may assign other work for which the employee has the knowledge and skills to perform (e.g., reviewing schematics, etc.).

The following are some key considerations relating to telework options during an emergency situation or pandemic health crisis:

- During emergency situations, including a pandemic health crisis, the Telework Program shall play a vital role in preserving essential Agency and Center functions and will provide an option for employees to continue working during times when many employees are prevented from reporting to their traditional worksite.
- Supervisors may direct employees to telework during a COOP situation even if a telework agreement is not currently in place.
- Employees directed to telework for COOP purposes should be made aware that participation in a telework arrangement during emergency periods does not constitute eligibility for participation in a telework arrangement after the emergency has ended.
- In addition, a formal telework agreement is not necessary for short-term emergency situations.

4.1.2 AWS

Managers and supervisors may implement AWSs instead of traditional fixed work schedules. AWS can be a useful tool to enable employees to have work schedules that help balance work and family or personal responsibilities and to promote health and safety through social distancing. Information about AWSs can be obtained from the NASA Desk Guide on Work Schedules (Tour Types) at:

<http://nasapeople.nasa.gov/references/deskguides.htm>. Centers may establish whatever AWSs are needed, consistent with Federal law and regulation, to facilitate continued operations during a pandemic health crisis or other emergency situations.

Note: In an emergency situation, AWS options may consist of options not normally provided to employees and supervisors. Shift work and split shifts are two examples of AWSs that may also enable Centers to implement social distancing in the event of a pandemic health crisis.

4.2 Evacuation Pay

Evacuation payments may be made to employees who are ordered to be evacuated from the regular worksite during a pandemic health crisis and directed to work from home (or an alternative location mutually agreeable to NASA and the employee). Refer to Appendix B, Evacuation Payments During a Pandemic Health Crisis. This evacuation pay plan applies only during pandemic health crises. In the event of a catastrophic type of emergency (e.g., a weather-related event such as a hurricane, terrorist attack, etc.), specific guidance will be provided regarding the pay status of employees and the applicability of evacuation pay to that emergency.

SECTION 5 – PANDEMIC-RELATED ISSUES

5.1 Employees Who Become Ill at the Workplace

If during a pandemic health crisis a supervisor/manager observes an employee exhibiting signs of illness, general concern may be expressed regarding the employee's health and a reminder may be made to the employee of leave options for seeking medical attention, such as requesting sick or annual leave. Although leave is generally voluntary, NASA may direct an employee to take leave; however, directing an employee to take leave may constitute enforced leave, which is an adverse action. Any action to direct an employee to take leave for medical reasons must be coordinated with the Center's HRO and the Center's Occupational Health Office.

During a pandemic health crisis, employees should have in place a designated individual and a back-up individual to provide transportation from their NASA worksite to their residence or medical facility in the event that they become ill during the workday. This is particularly important if the health crisis involves a highly contagious disease that would preclude the employee from using his/her regular car pool or public transportation. Employees need to share their emergency work-to-home transportation plans with their supervisor in case they become incapacitated due to illness during the workday.

In the event that a pandemic health crisis is expected, the NSSC will issue a notice to employees informing them of the need to establish a plan for work-to-home transportation should they become ill at work and the need to share this plan with their supervisor.

5.2 Social Distancing to Reduce Spread of Illnesses

According to the Centers for Disease Control and Prevention (CDC), social distancing is one method of reducing the spread of pandemic illnesses such as influenza. The CDC defines social distancing as increasing the physical distance between people.

Note: While local officials may recommend social distancing when the severity of an illness increases, Centers may institute work flexibilities to encourage social distancing, thus reducing the spread of the illness within the Center community.

NASA Center HROs may consider all flexibilities when determining which options will best meet the needs of the Center. Consideration should be given to continuation of business services while protecting employees from the spread of the illness and allowing sick employees to remain at home for the duration of their illness. Refer to paragraph 4.1, NASA Emergency Workplace Flexibility Guidelines, for additional information.

5.3 Returning to the Workplace Following Illness

In the event of an influenza pandemic health crisis, the NASA OCHMO has advised that employees may return to the workplace after their fever subsides and their temperature has returned to normal for 3 days. In the event the pandemic health crisis involves an illness other than influenza, OHCM will coordinate with the OCHMO on when it is safe for employees to return to the workplace and provide that information to Center Human Resources Officers and coordinate employee notices through the NSSC. Centers will decide when it is necessary to require administratively acceptable medical documentation covering the period of absence due to illness, but must keep in mind that during a National or regional health crisis, access to medical professionals may be limited.

SECTION 6 – OFFICIAL TRAVEL RESTRICTIONS

The NASA OCHMO, in coordination with the CDC, Department of Health and Human Services (HHS), and OHCM, will provide official travel restriction policy and guidance during emergency situations. OHCM will communicate the travel restrictions to all Center Human Resource Officers and coordinate their posting on the EOC Web site. This will include instructions to employees who are on official travel in a restricted area at the time an emergency is declared or intending to return to a restricted area following conclusion of their official travel. Notices informing employees of the travel restrictions will be prepared and issued by the NSSC. Travel bans will be in place after geographic regions are identified as being infectious or contagious by appropriate medical or occupational health authorities. Until the travel bans are removed, employee travel will not be authorized to the restricted areas. Additional information about the impact of a pandemic health crisis on the work status of employees can be found in Appendix C, Pandemic Flu Questions and Answers.

APPENDIX A – ACRONYMS AND ABBREVIATIONS

Acronyms that are used in this guide are identified upon first use in this document. Thereafter, the acronym is used. In cases where the first or only instance of the use of an acronym is in a table or graphic, it may not be spelled out on first reference. Since many acronyms and abbreviations have multiple meanings, the following list includes those used in this guide and the applicable meaning:

ACRONYM/ ABBREVIATION	MEANING
AWS	Alternate Work Schedule
CDC	Center for Disease Control
C.F.R.	Code of Federal Regulations
COOP	Continuity of Operations
DHS	Department of Homeland Security
EOC	Emergency Operations Center
FEHB	Federal Employees Health Benefits
FICA	Federal Insurance Contributions Act
FLSA	Fair Labor Standards Act
FMLA	Family Medical Leave Act
HHS	Department of Health and Human Services
HR	Human Resources
HRO	Human Resources Office
IG	Inspector General
LWOP	Leave Without Pay
NASA	National Aeronautics and Space Administration
NOPS	NASA Organizational Profile System
NPD	NASA Policy Directive
NPR	NASA Procedural Requirements
NSSC	NASA Shared Services Center
OCHMO	Office of the Chief Health and Medical Officer
OHCM	Office of Human Capital Management
OPM	Office of Personnel Management
U.S.C.	United States Code
WebTADS	Web-based Time and Attendance System

APPENDIX B – EVACUATION PAYMENTS DURING A PANDEMIC HEALTH CRISIS

An evacuation payment is a means to pay an employee his or her regular salary when ordered to evacuate his or her regular worksite and work from home (or an alternative location mutually agreeable to the Agency and the employee) during a pandemic health crisis. Evacuation payments are paid on the employee's regular pay days.

B.1 Authority

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

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

Managers and supervisors are encouraged to communicate regularly with employees who are performing work from home during a pandemic health crisis. Regular communication with employees will ensure they understand their work assignments and management's expectations during the period of the evacuation. Failure or refusal to perform assigned work may be a basis for terminating evacuation payments, as well as disciplinary action under 5 Code of Federal Regulations (C.F.R.) Part 752 (Adverse Actions).

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 (e.g., change to a flexible 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.

B.2 Ordering an Evacuation

As provided for in NASA Policy Directive (NPD) 3000.1B, Management of Human Resources, the following officials have authority to order employees to evacuate their regular worksites and perform work from their homes (or an alternative location mutually agreeable to the Agency and the employee) during a pandemic health crisis:

- (1) NASA-wide:
 - (a) Deputy Administrator,
 - (b) Associate Administrator, Associate Deputy Administrator, and Chief of Staff,
 - (c) Associate Administrator for Institutions and Management,
 - (d) Assistant Administrator for Human Capital Management.
- (2) Centerwide:
 - (a) Center Directors or designee(s),
 - (b) For Headquarters, Executive Director, Headquarters Operations.
- (3) Office of the Inspector General (IG):
IG or designee(s).
- (4) NSSC:
Executive Director or designee(s).

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

B.3 Evacuation Payments

Evacuation payments may be made to an employee who is ordered to evacuate his or her regular worksite and work from home (or an alternative location mutually agreeable to the Agency and the employee) during a pandemic health crisis. Evacuation payments will be paid on the employee's regular pay days, since these payments reflect the employee's regular pay.

Evacuation payments will be based on an employee's rate of pay (including any applicable allowances, differentials, or other authorized payments) to which the employee was regularly entitled immediately before the issuance of the order to evacuate, regardless of the employee's work schedule during the evacuation period. For example, an employee is considered to be regularly entitled to night pay differential (5 U.S.C. § 5545(a) and § 5343(f)) and Sunday premium pay (5 U.S.C. § 5544(a) and § 5546(a)) for applicable hours in the employee's normal basic workweek. An employee is considered to be regularly entitled to law enforcement availability pay (5 U.S.C. § 5545a), administratively uncontrollable overtime pay (5 U.S.C. § 5545(c)(2)), standby duty premium pay (5 U.S.C. § 5545(c)(1)), regular overtime pay for firefighters (5 U.S.C. § 5545b), physicians' comparability allowances (5 U.S.C. § 5948), supervisory differentials (5 U.S.C. § 5755), and nonforeign area cost-of-living allowances and post differentials (5 U.S.C. § 5941), as applicable. An

employee will receive recruitment, relocation, and retention incentive payments (5 U.S.C. § 5753 and § 5754) and extended assignment incentive payments (5 U.S.C. § 5757) consistent with the employee's signed service agreement. All deductions must be made from evacuation payments that are required by law, including retirement or Social Security (Federal Insurance Contributions Act (FICA)) deductions, authorized allotments, and income tax withholdings.

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

B.4 Additional Allowance Payments

An authorizing official in his or her sole and exclusive discretion, may grant additional special allowance payments, based on a case-by-case analysis, to offset the direct added expenses incidental to performing work from home (or an alternative location mutually agreeable to the Agency and the employee) during a pandemic health crisis. The discretionary authority does not change reasonable accommodation obligations under the Rehabilitation Act. Examples of discretionary special allowance payments might include increased costs for a computer, printer, fax machine, scanner, and telecommunications equipment incurred by an employee ordered to work from home (or an alternative location mutually agreeable to the Agency and the employee) during the evacuation period. In approving additional allowance payments, authorizing officials should consider the degree to which the additional costs arise out of specifically directed job requirements when other options are not available. That is, the additional costs must be incurred in order to accomplish the work as directed and do not arise out of an employee's preference to perform the work in a more costly manner. An employee is not entitled to additional allowance payments for such increased costs unless the allowance payments are specifically approved by an authorized official. However, an employee may not be required to absorb increased expenses (e.g., long-distance calls, supplies, or delivery services) incidental to performing work from home (or an alternative location) if the increased expenditures primarily benefit the Federal Government, since an agency may not augment its appropriations (i.e., require an employee to absorb additional expenses incidental to performing work from home, without specific statutory authority to do so).

In most situations, employees who are ordered to evacuate their official duty stations to a different geographical area outside of their normal commuting area during a pandemic health crisis will receive additional allowance payments to offset the direct added expenses incident to travel outside the limits of their official duty station (e.g., travel and subsistence expenses).

In most situations, an advance salary payment will not be made to an employee who is ordered to evacuate his or her official duty station during a pandemic health crisis, since the employee will receive evacuation payments on his or her regular pay day. However, an authorizing official may

make exceptions in unusual circumstances. (An advance salary payment may be made when an agency official has determined that payment in advance of the date on which the employee otherwise would be entitled to be paid is required to help the employee defray immediate expenses incidental to an employee's departure). An advance salary payment is equivalent to a loan and must be treated as a debt owed to the Federal Government.

Except in the case of travel expenses, Centers will determine the method and process to pay employees for any additional allowance payments that are authorized.

B.5 Termination of Payments

The authorizing official must terminate an employee's evacuation payments on the date of the earliest of the following events, as applicable:

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

B.6 Review and Reconciliation of Employee Payroll Accounts

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

B.7 References

- 5 U.S.C. 5522 - 5524
- 5 C.F.R. Part 550, subpart D
- OPM's Fact Sheet, "Evacuation Payments During a Pandemic Health Crisis"
(<http://www.opm.gov/oca/pay/html/PandEvac.asp>)

APPENDIX C – PANDEMIC FLU QUESTIONS AND ANSWERS

C.1 General Information

1. *If NASA 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?*

NASA 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, employees may be directed to telework during the emergency situation or the Center may authorize alternate work schedules or shifts to minimize social contact.

NASA 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). NASA 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, may be furloughed, or other action taken, as appropriate. In addition, NASA may direct employees who are under an approved telework agreement to telework from home.

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

During a pandemic health crisis, NASA will strive to protect the health of employees while ensuring that the work is accomplished. The Agency/Center may use a number of alternative work arrangements to promote the social distancing of employees. The Agency/Center may also require employees to work from home during a pandemic crisis. Decisions of this nature will be made following Government-wide guidance issued in the event of a pandemic health crisis.

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, NASA 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 child(ren) while performing work. However, the employee may request changes in his or her work schedule (e.g., change to a flexible schedule) to allow the employee to work during the periods he or she is not responsible for caring for the child(ren) (e.g., when the child(ren) is (are) sleeping or when a spouse or other family member is available to care for the child(ren)). 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. Supervisors and managers should use all available and reasonable scheduling flexibilities to assist employees in meeting family needs during the crisis period.

4. *Under what circumstances should a Center communicate to its employees that there is a confirmed influenza case among one or more of its employees (without identifying the person/ specific office)?*

The infected employee's right to privacy should be protected to the greatest extent possible; therefore, his or her identity should not be disclosed. In the case of pandemic influenza, or any communicable disease, management should share only that information determined to be necessary to protect the health of the employees in the workplace. If social distancing, information sharing, or other precautions to assist employees in recognizing symptoms or reducing the spread of the illness can be taken without disclosing information related to a specific employee, that is the preferred approach.

Managers should work with their workplace safety contacts and local health officials to determine appropriate information regarding transmission of the illness and precautions that should be taken to reduce the spread of pandemic influenza or any other contagious disease in the workplace. While much media attention has been devoted to pandemic influenza, managers should treat this as they would any other illness in the workplace, and continue to protect employee privacy interests while providing sufficient information to all employees related to protecting themselves against the spread of illness.

C.2 Leave Flexibilities

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 voluntary leave transfer 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 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 the voluntary leave transfer program, it must be determined 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 the voluntary leave transfer 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.

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 NASA reimburse me for my plane tickets?*

NASA 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 Center eating establishments are closed due to the 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 or 9 hours). For many reasons, an employee in this situation may want to bring a lunch to work. If the employee exceeds the normal lunch period, the employee may request annual leave, other paid time off, or leave without pay to account for the additional time away from work.

7. *(Hypothetical) I have "use or lose" annual leave, which I scheduled to use before the end of the leave year. NASA 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.

8. *(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 the leave transfer program. Finally, an employee may invoke his or her entitlement to unpaid leave under 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.

9. *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 Leave Without Pay (LWOP), 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 the voluntary leave transfer 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.

10. *(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.

11. *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 the voluntary leave transfer 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.

C.3 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, NASA may direct an employee to take leave. However, directing an employee to take leave may constitute enforced leave, which is an adverse action and must always be coordinated in advance with the Center's HRO and the Center Medical Facility. In individual cases, when employees refuse to vacate the workplace, supervisors should contact the HRO to ensure that prudent practices are in place to make appropriate decisions.

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. NASA's determination to provide excused absence will be made in consideration of any Government-wide policy on granting excused absence during a pandemic influenza or the Center Director in coordination with the Center HR Director may determine local conditions allow for the use of excused absence (administrative leave). The duration of any excused absence (administrative leave) is dependent on the specific circumstances but is typically a short period.

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 supervisor 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 all cases, such action must be worked through the Center's HRO.

In the case of a pandemic, agency personnel actions aimed at preventing the spread of a disease may occur because of the guidance or direction of public health officials regarding the general danger to public health.

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 NASA 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 must consult their Center HRO 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 C.F.R. 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 NASA and Center 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.

C.4 Requiring Employees to Work

1. *If NASA 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 NASA. NASA 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 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 (AWOL) and may be subject to disciplinary action, up to and including removal from Federal service. NASA 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 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 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 NASA, 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 NASA?*

When NASA 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 NASA 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?*

NASA is working to protect the health and safety of employees in the workplace by following recommendations from HHS, the CDC, and OPM. 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 AWOL. An agency may take disciplinary action for AWOL, up to and including removal from Federal service.

C.5 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.

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 C.F.R. 630.403, NASA 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. NASA may take disciplinary action for AWOL, up to and including removal from Federal service.

C.6 Labor Relations

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 must seek guidance and advice from their Center HRO and Office of Chief Counsel.

C.7 Overtime

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

While no statutory or regulatory limits apply to the amount of overtime hours a manager may require an employee to perform there is a statutory limit on the amount of overtime and other premium pay (e.g., holiday pay, Sunday pay, night pay, etc.) that an employee may be paid during the calendar year. An employee may be excused from overtime work for reasons such as illness or the illness of a family member. 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, not unless you were directed to work the additional 4 hours. Overtime pay generally is required under the Fair Labor Standards Act (FLSA) and 5 C.F.R. Part 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 Center HRO.

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.

C.8 Excused Absence (Administrative Leave)

1. *When should an excused absence be used?*

The Agency does not anticipate the need for widespread use of excused absences (administrative leave), which should be regarded as a tool of last resort in dealing with emergency situations. The Center Director in coordination with the Center HRO shall determine if local conditions allow for the use of excused absence (administrative leave). The duration of any excused absence (administrative leave) is dependent on the specific circumstances but is typically a short period.

2. *In determining whether to grant excused absence, is there a distinction between employees who develop influenza as a result of their work (e.g., working in a city with a high incidence of infection or working with the public or suspected sick individuals during an outbreak) versus employees who become sick after traveling on vacation to an outbreak area?*

No. Employees who are sick are expected to use sick leave or other available leave options.

3. *If an employee is ordered to serve in a pandemic influenza high-risk area, is the employee eligible to use excused absence upon returning, to prevent the spread of the disease to others, even though the employee has no symptoms?*

No, excused absence would not be appropriate in this circumstance. An employee may request sick leave if he or she has been exposed to influenza when a doctor or health authorities feel the employee's exposure to the influenza would put others at risk. The employee would also have the option of requesting annual leave or other available paid time off if he or she has been exposed. For social distancing, telework may also be appropriate.

4. *If the worksite is closed due to pandemic influenza, will employees be placed on excused absence (administrative leave)?*

The Agency does not anticipate the need for widespread use of excused absence (administrative leave), which should be regarded as a last resort in dealing with a pandemic health crisis. Excused absence may be appropriate if the employee is prevented from working due to the Agency's action (e.g., closure) and the employee cannot be ordered to work from home or an alternative worksite because of work-related reasons.

C.9 Benefits

1. *Will FEHB carriers pay for routine flu testing?*

Federal Employees Health Benefits (FEHB) plan carriers will provide benefits for medically necessary services. If a patient presents himself/herself to the physician or emergency room with symptoms of the flu and the provider conducts an exam and lab test, the health plan will provide benefits.

2. *Will FEHB carriers pay for testing on demand by the patient and, if so, are the participating physicians aware that the carriers will defray those costs?*

See the answer to the preceding question. FEHB carriers will provide benefits only for medically necessary services.

3. *Has any consideration been given to suspending normal co-pays and deductibles for testing, given the current circumstance?*

No. Usual co-payments and deductibles will apply.

4. *Is OPM encouraging carriers to cover the cost of out-of season flu vaccinations and/or the available treatment drugs?*

The U.S. Preventive Services Task Force recommends all patients 50 years of age or older be offered influenza vaccine annually. Most FEHB carriers provide benefits for one routine immunization per flu season. If a patient has not had a flu shot already this season, the carrier would provide benefits for the inoculation. If a patient is diagnosed with flu, including the H1N1 virus, the health plan will provide benefits for prescription drugs and other medically necessary treatment.

5. *If an employee is without benefits and is forced to take sick leave, is there an obligation to provide benefits?*

No. If the employee has no benefits (i.e., no insurance benefits), he or she does not become eligible for such benefits as a result of illness or because the individual's employer takes precautionary measures to protect the workforce.

6. *Might an employee be eligible for workers' compensation payments if he or she contracts the influenza virus from a coworker?*

If an employee believes his or her illness resulted from a work-related incident, the employee can file a workers' compensation claim. Workers' compensation benefits are administered by the U.S. Department of Labor, and each case will be judged on its own merit. To apply for workers' compensation benefits, the employee must first contact his or her local servicing human resources office. Information on workers' compensation benefits for Federal employees can be found at www.dol.gov/esa/regs/compliance/owcp/fecacont.htm.

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SREF-3000-0011