

**2019 Novel Coronavirus Disease (COVID-19)  
Army Frequently Asked Questions (FAQs) – Version 1  
Date: 31 March 2020 / Time: 1530 EST**

Due to the rapidly evolving nature of COVID-19, Department of the Army Headquarters provides this consolidated list of frequently asked questions that pertains to Department of the Army Civilians. This listing of questions will not supersede any guidance provided by OMB, OPM, or DoD, but serves to supplement where not otherwise addressed. This document will be updated as needed.

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**Appendix A:** Appendix A. – Excerpt from draft AR 690-610, Hours of Duty, Alternative Work Schedules, and Holidays

**A. Weather and Safety Leave**

**1. When is it appropriate to grant Weather and Safety Leave when dealing with COVID-19?**

**A:** Weather and Safety Leave is a leave category provided in current government-wide regulations at Title 5, Code of Federal Regulations (CFR), Part 630, Subpart P (Weather and Safety Leave). It may be authorized to a civilian employee under the following circumstances:

- The employee is asymptomatic of COVID-19 and subject to movement restrictions (i.e. quarantine or isolation) under the direction of public health authorities.
- The employee is asymptomatic and directed by a medical professional, public health authority, commander, or supervisor, to not report to the worksite. Note that a commander or supervisor may direct the employee to stay home because of possible exposure or because the employee shows symptoms that might be COVID-19.
- The employee is at higher risk to COVID-19 as identified by the CDC and not telework eligible. (Review the OMB memorandum, “Updated Guidance on Telework Flexibilities in Response to Coronavirus,” dated March 12, 2020, for more information about this scenario.)
- Other circumstances when an employee is not able to safely travel to or perform work at an approved location.

**2. Is an exception needed to approve Weather and Safety Leave?**

**A:** No. Consistent with the guidance provided in response to COVID-19, and when the criteria outlined in Subpart P are met, Weather and Safety Leave should be granted. No exception is necessary to do so.

**3. DoD Instruction (DODI) 1400.25, Volume 610 (DoD Civilian Personnel Management System: Hours of Duty), contains relevant agency specific policy pertaining to Weather and Safety Leave. In Enclosure 3, paragraph 2.a.(2), it states, "It is within the administrative authority of a commander or head of activity to close all or part of an activity and to grant Weather and Safety leave to non-emergency DoD employees during such closure." As far as this pertains to Army locations, when would this be appropriate?**

**A:** In more typical circumstances where group dismissals on Weather and Safety Leave are related to weather, as described in Enclosure 3, paragraph 2.a.(4) of the referenced DoDI, such leave is used in specified geographical areas. In geographical areas where conditions affect more than one DoD activity, the commander or head of the activity employing the largest number of civilian employees will make the determination whether an emergency exists and assess the appropriateness of authorizing a group dismissal for non-emergency employees. Decisions by other commanders and heads of activities within the same geographical area that vary with the decision of the major geographical area commander or activity head must be coordinated with the major geographic area commander or activity head in order to ensure consistent treatment of similarly affected employees.

However, in light of the unique situation we are encountering involving COVID-19, Commanders or other heads of activities, may choose to make such a decision for all or portions of their organization.

Group dismissal announcements for Army activities located inside the Washington DC area are controlled by, and should follow OPM's Washington, DC, Area Dismissal and Closure Procedures.

**4. How does Weather and Safety Leave apply to Civilians who are subject to travel or movement restrictions?**

**A:** Employees subject to travel or movement restrictions may be approved Weather and Safety Leave, when other leave is not appropriate and the employee is not able to telework.

**5. When does Weather and Safety Leave apply for symptomatic employees?**

**A:** Weather and Safety leave does not apply for symptomatic employees. Sick leave would normally be used to cover such a period of sickness, as provided in 5 CFR 630.401(a)(2). However, consistent with question A.1., DoD recognizing it weather and safety as potentially appropriate when a commander or supervisor directs an employee to stay home because of possible exposure or because the employee shows symptoms that might be COVID-19. However, in most cases identified where an employee is sick, the employee will use their accrued sick leave in those circumstances.

**6. Are there any differences in guidance issued by OPM/OMB and DoD on the use of weather and safety leave?**

**A:** With regard to Weather and Safety Leave, the situation is rapidly evolving as the nature of the emergency develops. As conditions change, updated guidance is issued by OPM/OMB to support the civilian workforce and mission needs. DoD's questions and answers published on 15 March 2020 are consistent with OPM/OMB's guidance.

**7. Are the health protection condition (HPCON) levels (e.g., 0 through Delta) that are used to determine the appropriate use of weather and safety leave the same as the 'risk-based measured responses' described in the DoD policy memo "Force Health Protection (Supplement 2)", dated 25 February 2020?**

**A:** HPCON levels are not addressed in weather and safety leave regulations.

**B. Approved Leave or Absences**

**8. Can Civilian's annual leave be cancelled in support of COVID-19 containment, to prevent them from traveling?**

**A:** No, the agency does not have the authority to cancel an employee's leave simply because they desire to prevent the employee from traveling. However, under current OPM and DoD guidelines, employees are subject to movement restrictions (quarantine or isolation) only under the direction of a public health authority due to a significant risk of exposure to a quarantinable communicable disease, such as COVID-19. An employee's immediate supervisor and/or the chain of command have the authority to cancel leave when there is a mission-based reason for the employee to return to work. Employees who are directed to return to work but fail to do so could be charged with absence without leave (AWOL). AWOL can result in disciplinary action.

**9. Can commands/supervisors restrict Civilians' movement while they're on approved personal leave?**

**A:** Commands/supervisors do not normally have the authority to restrict the movement of their civilian employees when on approved personal leave. Though the Secretary of Defense issued a memorandum on 13 March 2020 that directed a stop movement of all travel for Army personnel, for civilian employees this only applies to official, government-funded travel (i.e., travel related to Permanent Change of Station (PCS) moves, temporary duty, and home leave for employees assigned overseas who meet the requirements of 5 USC 6304(b)).

There will be instances in which supervisors may restrict employee movement, such as travel involving employees designated in an on-call status where the employee is required to remain within a reasonable call-back radius, consistent with 5 CFR 551.431 (Time spent on standby duty or in an on-call status). Such restrictions are, however, mission-related.

Commands (supervisors) should encourage employees to follow travel advisories issued by the CDC or State Department, and inform employees that exposure to a quarantinable communicable disease such as COVID-19 may result in subsequent movement restrictions (quarantine or isolation) by public health authorities.

**10. Should commands follow the DCS, G-1's guidance addressing leave?**

**A:** Yes. Questions concerning the interpretation of that guidance and its application to specific facts should be addressed to a commander's servicing legal office.

**11. Are supervisors allowed to cancel an employee's leave/approved absence if it is known they will be traveling to countries (or locations) with reported cases of COVID-19, or throughout CONUS to locations with reported cases?**

**A:** Currently, supervisors cannot disapprove a civilian employee's personal leave usage on this basis. They should remind employees they may be subject to movement restrictions, if traveling to locations in which the CDC has issued a Travel Health Notice.

**12. What is Army's guidance for permitting supervisors to cancel previously approved leave/absences based on levels of force protection condition or HPCON operations?**

**A:** It depends upon the type of leave/absence; however, related to accrued leave such as annual leave, credit hours, compensatory time, and compensatory time off for travel, an employee has a right to request and be approved for accrued leave for any purpose (with the exception of sick leave), subject to his or her leave approving official's right to approve the timing of when the annual leave may be taken, consistent with mission requirements. Supervisors have a right to schedule it in a manner that ensures mission accomplishment. Force protection condition and HPCON operations have no impact, unless connected to mission accomplishment.

Sick leave cannot be disapproved when there is an accrued amount available to the employee and it is otherwise consistent with Title 5, Code of Federal Regulations (CFR), Part 630.

**C. Telework**

**13. What is the difference between telework and remote work?**

**A:** A telework employee's official duty station is the location of the regular worksite for the employee's position (i.e., the place where the employee would normally work absent a telework agreement), as long as the employee is scheduled to report physically at least twice each biweekly pay period on a regular and recurring basis to the regular worksite.

A remote employee resides and works at a location typically beyond the local commuting area of the employing organization's worksite and is not scheduled to report to the regular duty station at least twice each bi-weekly pay period. A remote work employee's duty location is coded in DCPDS as the location that they remotely work from.

Reference: Department of Defense Instruction, 4 April 2012, subject: Telework Policy

**14. Given DoD's temporary exception to policy of DoDI 1035.01, Telework, that permits DACs to telework during an emergency with a child in the house, will Army issue its own telework policy?**

**A:** Army follows DoD's policy so the exception was effective on 8 March 2020, the date DoD issued the exception. DoD clarified that in emergency circumstances, civilians may be permitted to telework with a child or other persons requiring care or supervision at their home. However, employees must still coordinate with their supervisor and account for work and non-work hours by taking appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g., to care for a child or dependent). Employees should be coded in DCPDS as telework eligible and have telework training and a current telework agreement. The telework agreement for DoD organizations and agencies is DD Form 2946.

Online Telework training can be found at <https://www.telework.gov>

References:

- Memorandum, DoD/OUUSD, 8 March 2020, subject: Civilian Personnel Guidance for DoD Components in Responding to Coronavirus Disease 2019.
- Department of Defense Instruction, 4 April 2012, subject: Telework Policy.

**15. On 8 March 2020, the Department of Defense (DoD) issued guidance to provide limited exception to the DoD Telework Policy to allow Civilian employees to telework during an emergency (e.g. continuity of operations event, office closure due to adverse or inclement weather, or pandemic health crisis) with a child or other persons requiring care or supervision present at home through 31 December 2020.**

- a) Will Army issue a blanket waiver to this policy? If so, how long will the waiver apply (e.g., indefinitely or through 31 December 2020)?

**A:** DoD's waiver applies through 31 December 2020 and an Army waiver is not required. However, the Assistant Secretary of the Army (Manpower and Reserve Affairs) reiterated DoD's temporary waiver on 16 March 2020 in a memorandum that addressed telework flexibilities.

- b) Can you clarify DoD's intent with this limited exception?

**A:** All organizations are encouraged to maximize the use of telework now for as many telework-eligible employees as possible. The situation surrounding COVID-19 is evolving. Commands are encouraged to identify and code positions that are appropriate for telework as telework eligible. Employees who agree to telework must take online telework training and complete telework agreements. The telework agreement for DoD components and agencies is the DD Form 2946.

**16. What are a supervisor's options if an employee refuses to telework?**

**A:** Telework-ready employees (with telework agreements in place) are expected to telework for the duration of an emergency pursuant to a pandemic, and/or when the regular worksite is closed or closed to the public due to natural or manmade emergency situations (e.g. snowstorm, hurricane, act of terrorism, etc.); or when Government offices are open with the option for unscheduled telework when weather conditions or health conditions make commuting

hazardous, or circumstances compromise employee safety. Telework-ready employees unable to work due to personal situations (e.g. illness or dependent care responsibilities), must take appropriate leave. Work schedules and hours of duty may be modified for telework ready employees as necessary, but are subject to local management procedures and approval and/or may also be subject to collective bargaining agreement requirements. If a telework ready employee refuses to telework during such scenarios, disciplinary action may be taken.. However, supervisors should consult with their servicing Civilian Personnel Advisory Center (CPAC) and/or legal office, if they encounter this situation. At this time, an employee without a telework agreement cannot be mandated to telework, unless a COOP plan is activated or an evacuation order has been issued consistent with 5 CFR 550, Subpart D, even if the employee is telework eligible. Therefore, disciplinary action would not be appropriate in that situation.

#### **D. Alternative Work Schedules**

**17. Could a command incur night differential or other premium pay expenses when adjusting schedules under an AWS for COVID-19 related purposes? For example, a command changes schedules for its employees to 12 hours on, 12 hours off, to minimize the number of people coming onto post or to distribute the network load for teleworkers.**

**A:** It depends upon the employee's schedule, whether they're in the Federal Wage System or General Schedule, how many hours the employee is working in the pay period, and whether the time worked in those eligible hours were directed. Normal requirements apply.

Night shift differential, which applies to employees in the Federal Wage System, is paid for regularly scheduled work performed at night. This generally means work scheduled before the beginning of the administrative workweek.

Night shift differential should not be paid solely because a prevailing rate employee elects to work credit hours, or elects a time of arrival or departure at a time of day when night differential is otherwise authorized, except that prevailing rate employees are entitled to night differential for regularly scheduled non-overtime work when a majority of the hours of a flexible work schedule (FWS) schedule for a daily tour of duty occur during the night. (Reference 5 U.S.C. §§ 5343(f) and 6123(c)(2).)

Night pay is paid for employees in the General Schedule and other employees who are covered by 5 U.S.C. § 5545(a), whose regularly scheduled work is performed at night. This generally means work scheduled before the beginning of the administrative workweek. If an employee's tour of duty includes 8 or more hours available for work during daytime hours (i.e., between 6 a.m. and 6 p.m.), he or she is not entitled to night pay even though he or she voluntarily elects to work during hours for which night pay is normally required (i.e., between 6 p.m. and 6 a.m.). Agencies must pay night pay for those hours that must be worked between 6 p.m. and 6 a.m. to complete an 8-hour daily tour of duty. Further, an employee is entitled to night pay for any non-overtime work performed between 6 p.m. and 6 a.m. during designated core hours.

Other premium pay entitlements, such as overtime and compensatory time, when used with respect to FWS programs, refers to all hours in excess of 8 hours in a day or 40 hours in a week that are officially ordered in advance, but does not include credit hours. With respect to compressed work schedules (CWS) programs, overtime hours refers to any hours in excess of those specified hours for full-time employees that constitute the compressed work schedule. For part-time employees, overtime hours are hours in excess of the compressed work schedule for

a day (but must be more than 8 hours) or, for a week (but must be more than 40 hours). "Compensatory time off" is time off on an hour-for-hour basis in lieu of overtime pay.

Night Shift Differential for FWS: 5 CFR 532.505

Night Pay for GS: 5 CFR 550.121 & 122

Overtime for GS, exempt employees: 5 CFR 550.113

Overtime for GS, nonexempt employees covered by FLSA: 5 CFR 551 Subpart E

Overtime for FWS employees: 5 CFR 532.503

**18. As members of management, what are our options and references for establishing AWS where they have not previously existed, or may warrant expansion with respect to flexibility applied?**

**A:** OPM, DoD, and Army currently have guidance published that pertains to AWS. Links to relevant information are included below.

Army Regulation (AR) 690-990-2, Hours of Duty, Pay and Leave, Annotated, is the current regulation covering AWS effective now. However, this will soon be superseded in part by the publishing of AR 690-610, Hours of Duty, Alternative Work Schedules, and Holidays. This regulation is in the final stages of publication at Army Publishing Directorate. In the interest of ensuring all have the most up-to-date information in this regard, and in light of the current circumstances, the contents of the section in AR 690-610 pertaining to AWS are included as Appendix A as guidance.

**OPM:** <https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/alternative-work-schedules/>

**DoD Instruction 1400.25, Volume 610:**

<https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/140025/1400.25-V610.pdf?ver=2019-11-25-093150-147>

**AR 690-990-2:**

[https://armypubs.army.mil/ProductMaps/PubForm/Details.aspx?PUB\\_ID=56340](https://armypubs.army.mil/ProductMaps/PubForm/Details.aspx?PUB_ID=56340)

**E. Travel**

**19. What is the policy or guidance for stop movements on PCS for Civilians?**

**A:** For overseas travel, effective March 13, 2020, all DoD civilian personnel and their family members, traveling to, from, or through Centers for Disease Control and Prevention (CDC) Travel Health Notice Level 3 (COVID-19) designated locations, will stop movement for the next 60 days. This policy applies to Permanent Change of Station (PCS), Temporary Duty (TDY) and government-funded leave (i.e. renewal agreement travel).

For domestic travel, effective March 16, 2020, all DoD civilian personnel and their family members, whose transportation is government-funded, will stop movement until 11 May 2020. This policy applies to PCS and TDY.

**20. Are there any exceptions to these stop movements? If so, how do we obtain approval?**

**A:** For overseas travel, the employee's Combatant Commander has authority to approve exceptions for compelling cases where the travel is: (1) determined to be mission essential; (2) necessary for humanitarian reasons; (3) warranted due to extreme hardship. This authority may be delegated in writing no lower than the first general or flag office or member of the Senior Executive Service in the traveler's chain of command or supervision.

For domestic travel, Office of the Under Secretary of the Army has authority to approve exceptions for compelling cases where the travel is: (1) determined to be mission essential; (2) necessary for humanitarian reasons; (3) warranted due to extreme hardship. No further delegation is granted.

O-6 commanders and above have the authority to disapprove and end the processing of requests for travel exceptions to the stop movement order.

**21. How do we handle Civilians who are currently in transit for new assignments through PCS? Related to those impacted in this manner, will time be extended in the current location for additional periods?**

**A:** Transportation Offices will continue to counsel and process customer requests for HHG shipments up to the point of Transportation Service Provider selection status. Exceptions may grant for customers requiring shipments to be picked due to termination of rental lease agreement, home sale, or termination of government / privatized housing in order to place into storage at origin. Individuals pending retirement and separation within the next 60 days do not require an exception. HHG shipments that have been granted to a Transportation Service Provider, but that have NOT yet been serviced (e.g. packing has not begun) should have pickup dates changed to a future date by the PPSO in coordination with the customer. HHG shipments already in transit, Personal Property Shipping Office should use prudent traffic management in determining further action (e.g. shipments at origin approved for SIT at origin, store en route, allow shipments that have already departed the origin area to continue and approve storage in transit at the destination. Vehicle Processing Centers (VPC) are postured to cancel or reschedule a Privately Owned Vehicle (POV) turn-in or pick-up appointment at a VPC; retrieve a vehicle that was turned in at a VPC for transportation; remove a vehicle from storage that was turned in at a VPC; and/or answer specific questions about POV transportation or storage under the DoD's stop shipment guidance.

**A:** Yes, time will be extended in the current location for additional periods; adjustments to DEROS will be accomplished.

**22. What are the funding implications for PCS delays?**

**A:** Funds need to be adjusted when crossing FY time lines in accordance with fiscal law guidelines.

**23. Are there ongoing discussions with the other DoD Components to determine the PCS impact on employees transferring between Components?**

**A:** This travel restriction is DoD wide. Same policy will be applied regardless DoD Components.

## **F. Temporary Duty (TDY)**

**24. What is the Army guidance for Civilian employees returning to work from TDY in an areas affected by reported cases of COVID-19?**

**A:** Please see FRAGO 7 to HQDA EXORD 144-20 Army Wide Preparedness and Response to Coronavirus (COVID-19) Outbreak.

**25. What leave status is used for a Civilian employee when a host nation is not allowing travelers into the country, and an employee was on TDY or approved leave/absence when this occurred and therefore cannot report back to work?**

**A:** It depends upon the circumstances, and whether or not the employee is able to telework from his or her current location. If an employee is able to telework with proper approval from the supervisor, he or she should do so. Where telework is not feasible, employees should be placed into a Weather and Safety Leave status until told otherwise, given they are unable to safely travel to or perform work at an approved location.

## **G. Employee Relations**

**26. What is the Army policy on quarantining Civilians in overseas locations affected by reported cases of COVID-19? Who makes the decision to quarantine a civilian?**

**A:** Only public health officials have the authority to determine who may quarantine an individual. For locations overseas, management should consult with their respective legal office to determine an appropriate authority in their location(s).

**27. Can supervisors limit Civilians from returning to work when they traveled in or to areas impacted by COVID-19?**

**A:** DoD has indicated in their Questions & Answers dated 15 March 2020 that supervisors should identify whether the employee is telework-ready and offer the employee the option to telework. If the employee is not telework-ready because, for example, he or she cannot perform their duties at an alternate location, then the supervisor should consider utilizing Weather and Safety Leave (if consistent with the guidance provided respective to that leave category), administrative leave, or other leave flexibilities (paid or unpaid) available.

Additionally, OPM emphasized in their questions and answers provided on 7 March 2020 that excused absence (administrative leave) may be used if other options are exhausted and if it is necessary to prevent an employee from being at the worksite and putting other employees at risk before a supervisor can appropriately place an employee on enforced leave or indefinite suspension.

## **H. Defense Performance Management and Appraisal Program**

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

**A:** Due to the rapidly evolving nature of COVID-19, this question has been raised to DoD and additional guidance is anticipated.

However, as of 31 Mar 2020, if, as a result of the current COVID-19 concerns, Rating Officials are unable to conduct their final performance appraisal discussions in a face-to-face manner, Rating Officials may perform the discussions telephonically and should perform them within the customary timeframes for doing so. In the event the employee does not have access to the electronic MyPerformance appraisal tool, it is recommended the employee email their written self-assessment to their supervisor, if they have the ability to do so properly. Current guidance regarding COVID-19 should be followed in the event the employee mails or hand-delivers their written self-assessment to their supervisor.

If, as a result of the current COVID-19 concerns, the initial performance plan discussions for the 2021 performance cycle are unable to take place in a face-to-face manner, they may also be conducted telephonically and should be performed within the customary timeframes for doing so. In the event the employee does not have access to the electronic MyPerformance appraisal tool, it is recommended the employee email their input into their performance elements and standards to their rating official, if they have the ability to do so properly. Current guidance regarding COVID-19 should be followed in the event the employee mails or hand-delivers their input into their performance elements and standards.

In accordance with DoD Instruction 1400.25, Volume 431, DoD Civilian Personnel Management System: Performance Management and Appraisal Program, at paragraph 3.2.d., “[e]mployees who perform under an approved performance plan for a minimum of 90 calendar days will be rated based on the period of demonstrated performance. Further, at 3.2.g.(2), it states, “[w]hen supervisors or employees do not have access to the electronic My Performance appraisal tool, they must use the paper copy of DD Form 2906 to document the performance plan progress review(s), and rating of record.”

Coordinate paper copy DD Form 2906s with your respective servicing CPAC for proper recording and upload of the DD Form 2906 to the electronic Official Personnel Folder (eOPF). DD Form 2906s completed outside of the MyPerformance appraisal tool are not maintained in that system.

## **I. Labor Relations**

### **29. Is Army expecting DoD to issue labor relations or bargaining guidance related to COVID-19?**

**A:** Any labor relations guidance prepared by DoD or Army is considered internal management labor guidance that will be distributed to the LR community.

## **J. Position Designations**

### **30. What are the requirements for designating Emergency Essential (E-E), Non-Combatant Essential (NCE), Key, and Mission Essential (ME) positions and the differences between the various designations?**

**A.** In accordance with section 1580 of title 10, United States Code, Emergency Essential (E-E) is a position-based designation where: (1) it is the duty of the employee to provide immediate and continuing support for combat operations or to support maintenance and repair of combat essential systems of the armed forces; (2) it is necessary for the employee to perform that duty in a combat zone after the evacuation of nonessential personnel, including any dependents of

members of the armed forces, from the zone in connection with a war, a national emergency declared by Congress or the President, or the commencement of combat operations of the armed forces in the zone; and (3) it is impracticable to convert the employee's position to a position authorized to be filled by a member of the armed forces because of a necessity for that duty to be performed without interruption.

In addition to E-E, positions can be designated Non-Combatant Essential (NCE), position-based designation to support expeditionary requirements in other than combat or combat support situations. An NCE employee could be deployed to support emergency operations, humanitarian missions, disaster relief, or other expeditionary missions in the continental United States or overseas, that are not considered "combat" locations. DD Form 2365 includes an option to designate NCE status of employees. The key difference between E-E and NCE designations is that E-E includes all types of contingency missions even those in support of combat operations and NCE includes everything other than combat operations.

As defined in DoD Directive (DoDD) 1200.7, "Screening the Ready Reserve," a Key position is a Federal position that shall not be vacated during a national emergency or mobilization without seriously impairing the capability of the parent Federal Agency or office to function effectively.

A position may also be designated as Mission Essential (ME), consistent with the criteria described in DoD Instruction (DoDI) 3020.42, "Defense Continuity Plan Development," dated February 17, 2006, certified as current as of April 27, 2011, and any other component-unique policies or definitions. Mission essential positions are those that are needed to ensure the continued operation of mission essential functions of an activity, as defined in DoDI 3020.42.

**31. How are positions designated and who has the authority to determine E-E, NCE, Key, and ME position designations?**

**A.** Positions are designated based on the work requirements under various conditions associated with mission needs. For positions designated as E-E and NCE, the official position description must be annotated as such. Personnel filling E-E positions must meet and maintain certain requirements pertaining to physical health, training and mobility. Employees must agree to the conditions of employment required for E-E and NCE. The agreement must be maintained in the employee's OPF.

The determination of functions that are "essential" to the position in support of the mission requirements is typically a local or command decision. This decision is based on the type of work and supporting activities necessary to ensure organization or facility continuity of operations and/or completion of tasks that are considered essential to the mission. A designated mission essential position could also be coded as E-E, NCE, or Key, or may just remain ME, without any other requirements and associated designations.

**32. Is there a need to review and update position descriptions with E-E, key, or mission essential designations as a result of COVID-19?**

**A.** Yes. When a pandemic is declared, Civil Authorities reserve the right to evacuate personnel to mitigate or contain the spread of the virus. In the event such operation is directed by the Federal Government, it is imperative that commands can quickly identify the personnel that must stay in place to continue the execution of critical activities and mission that impacts national security. Assistant G-1, Civilian Personnel Message # 2020015, Subject: For Action - Position Coding DCPDS, dated 13 Mar 2020, directs all ACOMS, ASCCs and DRUS to ensure

all organizations in the C2 scope and area of operations review and correct the coding of every position and employee in their workforce.

## **K. Hiring Actions**

### **33. Are there any current hiring restrictions and if so, what are they?**

**A.** DoD has placed restrictions on the appointment of civilian personnel in order to reduce the risk of transmission of COVID-19, and to protect military and civilian personnel and their families, as well as our contract workforce from exposure. These restrictions are currently in effect through May 11, 2020. ***All Entrance on Duty (EOD) dates for hiring actions in CDC Travel Health Notice Level 3 countries are postponed unless an Exception to Policy (ETP) is approved.***

For OCONUS hiring, DoD Components *may continue* the civilian recruitment process, to include entrance on duty involving PCS, to CDC Travel Health Notice Level 2 countries for *essential personnel only*. Although the civilian recruitment process may also continue for non-essential positions in CDC Travel Health Notice Level 2 countries, associated entrance on duty involving PCS for *non-essential personnel* who have not yet begun travel is *postponed unless an ETP is approved*. DoD Components may continue OCONUS merit promotion and other actions not requiring PCS travel (e.g., career ladder promotions, reassignments, details; etc.).

For hiring within CONUS, DoD Components may continue the civilian recruitment process for all CONUS positions but must not establish an EOD date for any selectee recruited from outside of the local commuting area unless and ETP is approved. Absent an approved ETP, DoD Components may only EOD civilian employees recruited from within the local commuting area. DoD Components may also EOD civilian employees who work remote to the installation or office, provided neither the gaining organization nor new employee conducts any travel during the stop movement, consistent with current restrictions.

Exceptions may be granted in writing to these restrictions for compelling cases where the travel is (1) determined to be mission-essential; (2) necessary for humanitarian reasons; or (3) warranted due to extreme hardship. The Under Secretary of the Army and the Vice Chief of Staff of the Army (VCSA) have been delegated approval authority for travel exceptions for all Department of the Army personnel and family members assigned to installations, facilities, and surrounding areas in the United States and its territories. The geographic combatant commanders have been delegated the authority for travel exceptions for Department of the Army personnel and family members assigned to the combatant command.

Secretariat and ARSTAFF principal officials, as well as ACOM, ASCC, and DRU commanders will submit a signed memorandum along with a completed spreadsheet (see attachment 2 to ALARACT 028/2020) to request an exception to stop movement.

Justification for travel should include the impact of not traveling and the COVID-19 risk management considerations. Requests will be submitted via task management tool (TMT) through the ECC (DACS-ZDV-ECC) with the title "VCSA DA: ETP stop move 'organization name/date'."

For positions assigned to a geographic combatant command, requests for ETP will be submitted in accordance with the prescribed procedures of the gaining G-1 (see ALARACT 028/2020).

#### **L. Priority Placement Program (PPP)**

##### **34. What, if any, impacts will apply to the PPP policy as a result of the stop movement on PCS?**

**A.** If an overseas PPP registrant matches a CONUS position, the PPP match should be worked in accordance with standard PPP policy, including extension of the PPP job offer. If the job offer is accepted, a reporting date will be established after the COVID-19 travel restrictions are lifted unless an exception is granted. If the overseas PPP registrant declines the offer, the DoD Component may proceed with the hiring actions consistent with the guidance above. Note that travel from a CDC Travel Health Notice Level 2 country to a CONUS location is currently permitted, and DoD Components may commence with associated travel arrangements. For travel from a CDC Travel Health Notice Level 2 country to another Level 2 country, the DoD Component must postpone travel for non-essential civilian personnel, unless an ETP is approved (see question # 35).

If a CONUS vacancy has been committed to a PPP registrant who is unable to report due to COVID-19 travel restrictions, the CONUS vacancy cannot be filled with another candidate on a permanent basis. ACOMs/ASCCs/DRUs and the AASA may contact the Army PPP Component Coordinator within the Assistant G-1 for Civilian Personnel to request approval to fill the vacancy on a temporary basis without further PPP clearance. The Army PPP Component Coordinator will coordinate with the DoD Workforce Shaping Office as necessary to obtain such approval.

#### **M. Compensation / Travel Allowances / Overseas Entitlements**

##### **35. What is the Army guidance for authorizing Separate Maintenance Allowance as a result of COVID-19?**

**A:** Separate Maintenance Allowance (SMA) may be granted when the commander of geographic ASCCs (e.g. USARPAC, USAREUR, USAREUR, USARCEN, USARNORTH, USARSO and USARAF) determines that adverse, dangerous, unhealthful living conditions, such as lack of medical facilities, warrant exclusion of an employee's family from the employee's assigned post or determines that there is a need to exclude family members from accompanying an employee to the area. This may be further delegated, in whole or in part, to the lowest practical level (e.g. USAREUR Civilian Personnel Directorate or USARPAC Human Resources Directorate)

##### **36. What is the impact on entitlements and allowances for the early return of dependents from overseas locations affected by COVID-19?**

**A:** Post Allowance and Living Quarters Allowance payment can be reduced in result of the early return of dependents (Reduced size of family members)

##### **37. Can we request approval to have the annual pay cap lifted for Korea as a result of COVID-19?**

**A:** No. The waiver of annual pay limitation was only granted for certain employees who perform qualifying work while in an overseas location that (1) is in the area of responsibility of the United States Central Command (CENTCOM) or (2) was formerly in the CENTCOM area of

responsibility, but moved to the areas of responsibility of the Commander of the United States Africa Command in 2019, as identified in section 1104 of National Defense Authorization Act (NDAA) for 2019.

However, if AASA, Commanders/Heads of ACOMs, ASCCs, and DRUs determine that an employee is needed to perform emergency work that is critical to the mission of the agency, at their sole discretion, annual pay limitation is allowed, instead of bi-weekly pay limitation. "Emergency" means a temporary condition posing a direct threat to human life or property, including a forest wildfire emergency (5 CFR 550.103). Such a condition may occur because of a natural disaster, such as a flood, hurricane, or epidemic.

## **N. General Questions**

### **38. Can Civilians be quarantined or isolated the same as military personnel?**

**A:** No. Under normal circumstances, OPM and DoD guidance provides that Civilian personnel are subject to movement restrictions (quarantine or isolation) only under direction of "local or public health authority." Within CONUS, this is typically the CDC, under the delegated authority they have received from the Health and Human Services. DoDI 6200.03, Public Health Emergency Management Within the DoD, grants military commanders additional authorities to restrict movement of civilians when the military commander has declared a DoD public health emergency. It also states coordination with civilian public health officials, including the CDC, may be required. This is generally reinforced in the Force Health Protection Supplement 2 (Attachment 1 of the DoD Civilian Workforce Guidance) and Force Health Protection Guidance Supplement 4.

### **39. What is the definition of "local or public health authority?" Does this include an employee's non-government, private primary care provider?**

**A:** It depends upon the state and what authorities have been provided (if any) to local health authorities. Based on what's included in the below CDC link addressing these authorities, "local" should not be broadly interpreted to include primary care physicians.

Link: <https://www.cdc.gov/quarantine/aboutlawsregulationsquarantineisolation.html>

From a Federal perspective, CDC indicates that they may issue a federal isolation or quarantine order, under the authority provided to them as delegated from the U.S. Secretary of Health and Human Services. Related to state, local, and tribal authorities, the CDC's website indicates that these laws can vary from state to state and can be specific or broad. In some states, local health authorities implement the state law.

Though primary care physicians may encourage individuals to self-isolate or self-quarantine, unless there a "police power" provided by the state, local, or tribal authority (an associated power that accompanies these terms), primary care physicians lack the authority to direct quarantine and isolation (despite physicians potentially using these terms while encouraging individuals to do so due to their assessment of risk).

### **40. Who has the authority to furlough Civilians for COVID-19 reasons, if there isn't enough work to be performed and/or there's a reduction in goods/services?**

**A:** A furlough of 30 days or less that is resulting from the need to place an employee in a temporary status without duties and pay because of a lack of work or funds, or other non-disciplinary reasons, is an adverse action that can be initiated by a Proposing Official that may be the first-level supervisor in the employee's chain of command. The final decision to suspend, reduce in grade or pay, furlough or remove from Federal Service will be made by the Deciding Official, who is normally a supervisor higher in the employee's chain of command than the supervisor who proposed the action. Furloughs are addressed in 5 USC, Chapter 75, and 5 CFR 752 (Adverse Actions). Supervisors should ensure labor obligations are fulfilled prior to effecting an action of this nature, where not addressed in a current, in-force collective bargaining agreement.

**Appendix A. – Excerpt from draft AR 690-610, Hours of Duty, Alternative Work Schedules, and Holidays (not yet published; included as guidance.)**

**“Chapter 3  
Alternative Work Schedules**

**3–1. General**

a. An AWS is a work schedule option that permits an employee to work a non-traditional schedule including a compressed work schedule or a flexible work schedule. Employees have a right to request an alternative work schedule. These types of work schedules enable managers and supervisors to meet their mission goals, while at the same time, help employees better balance work, personal and family responsibilities.

b. Absent adverse agency impact resulting from an AWS, commanders, and directors/heads shall adopt and publish policies permitting AWS programs that balance mission achievement with the personal benefits to employees. Implementation or termination of an AWS program covering bargaining unit employees is subject to existing and applicable labor obligations (for example, any applicable collective bargaining agreement) and must be coordinated with the servicing CPAC labor relations specialist and the local labor union(s). In the event a decision is made to pursue termination of an existing AWS Program, or where it is determined not to adopt a proposed AWS Program, because the AWS has, or will have, an adverse agency impact, the ACOM, ASCC, and DRU commanders and directors/heads have the delegated authority to make an adverse agency impact determination. This authority may be further delegated in writing to no lower than local commanders and activity heads.

c. There are two categories of AWS authorized for adoption and implementation within DA: compressed work schedules (CWS) and flexible work schedules (FWS). The basic work requirement (that is, the number of hours during biweekly pay period, excluding overtime hours, which an employee is required to work) for full-time employees working either category of AWS is 80 hours per pay period.

**3–2. Compressed work schedules**

a. CWS are fixed work schedules that enable full-time employees to complete the basic 80-hour biweekly work re-quirement in less than 10 workdays. Although a supervisor may change or stagger the arrival and departure time of employees, there are no provisions for employee flexibility in daily reporting and quitting times under a CWS program.

b. Employee participation in a CWS program is voluntary. Non-bargaining unit employees cannot be required to participate in a CWS unless a majority of the employees in the non-organized unit vote to be included in a CWS. For employees in a bargaining unit, the CWS program must be successfully negotiated with the union prior to implementation.

c. The two most common types of CWS arrangements in Army are the 4–10 and the 5/4–9 compressed plans.

(1) The 4 –1 0 compressed plan is a CWS in which a full-time employee has a basic work requirement of 10 hours per day, for 4 days, 40 hours per week, and 80 hours per biweekly pay period.

(2) The 5/4–9 compressed plan is a CWS in which a full-time employee has a basic work requirement of eight, 9–hour days and one 8–hour day for a total of 80 hours in a biweekly pay period.

d. There is no legal authority for credit hours under a CWS program.

e. The regular day off (RDO) for an employee on a CWS is/are a fixed day(s) of each pay period that the employee is not scheduled to work. Employees on an RDO are not in a pay or leave status.

f. Arrival and departure times should be established for employees on a CWS.

g. When an employee covered by a CWS program is assigned to a temporary duty station, the employee may be per-mitted to continue to work the approved CWS schedule (if appropriate) or required to change their schedule to conform to operations at the temporary worksite. Additionally, employees scheduled for training will be required to change to a regular schedule where necessary to meet the requirements of the training.

### **3–3. Flexible work schedules**

a. FWS are work schedules that consist of workdays with core hours and flexible hours. Core hours are the designated period of the day when all employees on an FWS must be at work (for example, 0900 to 1500). Flexible hours are the part of the workday when employees on an FWS may, within limits, choose their arrival and departure times (for example, start no earlier than 0600 and end no later than 1800).

b. For employees in a bargaining unit, the FWS program must be successfully negotiated with the union prior to implementation. FWS schedules may be established for non-bargaining unit employees without a vote from the employees but actual participation in the FWS is voluntary.

c. There are five models of FWS arrangements available within DA.

(1) Flexitour schedules allow an employee to elect start/stop times within the flexible hours which then become fixed.

(2) Gliding schedules require an employee to work 8 hours in each day and 40 hours in each week. Employees may select a start/stop time each day and may change those times within the established flexible hours.

(3) Variable day schedules contain core hours on each workday in the week. A full-time employee has a basic work requirement of 40 hours in each week of the biweekly pay period, but the employee may vary the number of hours worked on a given workday within the week, within the limits established for the organization.

(4) Variable week schedules contain core hours on each workday in the biweekly pay period. A full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but 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.

(5) Maxiflex schedules contain work hours on fewer than 10 workdays in the biweekly pay period. A full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but in which 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.

d. A command or activity's FWS plan may permit employees to earn credit hours. Credit hours are any hours within a FWS that are in excess of an employee's basic work requirement that the employee elects to work, with supervisory approval. Only employees on an FWS may elect to work credit hours in excess of a basic work requirement.

(1) A supervisor cannot require an employee to work credit hours; an employee should seek supervisory approval to work credit hours. If overtime has been previously approved, credit hours cannot be worked in conjunction with the over-time. Commands and activities should require that an employee obtain supervisory approval prior to working credit hours.

(2) The employee's tour of duty defines the limits within which an employee on an FWS must complete the basic work requirement.

(3) Senior executive service employees participating in FWS programs are not permitted to accumulate credit hours.

(4) Full-time employees may carry no more than 24 credit hours over to the next pay period. Part-time employees may carry no more than one-fourth of the hours in the employee's biweekly basic work requirement over to the next pay period.

(5) Credit hours are only paid out at the employee's current rate of pay if: (a) their Federal employment ends, (b) the employee's participation in an FWS is terminated (for example, the employee opts out of a FWS or changes to a CWS), or (c) the employee transfers to another agency.

(6) Credit hours may not be earned during excused absences, (for example, weather emergencies).

(7) Employees must obtain approval from their supervisor prior to working credit hours on a non-workday. In deciding whether to grant the employee's request, supervisors should consider the amount of leave, if any, the employee has taken during the pay period.

e. When an employee covered by an FWS program is assigned to a temporary duty station, the employee may be permitted to continue to work their approved FWS schedule (if appropriate) or required to change their schedule to conform to operations at the temporary work site. Additionally, employees scheduled for training will be required to change to a regular schedule when necessary to meet the requirements of the training.

### **3-4. Hybrid work schedules**

a. Establishment or implementation of hybrid work schedules (that is, schedules that combine unique attributes of CWS and FWS) is not authorized. (For example, allowing an employee to combine a compressed 5/4/9 schedule with a flexible schedule that allows the employee to work any time during the morning flexible band and depart after completing the required number of hours, is contrary to Office of Personnel Management (OPM) guidance and DOD policy and cannot be permitted).

b. Employees on a maxiflex schedule, however, may work fewer than 10 workdays in a pay period provided that the employee does not work a fixed number of days per pay period in excess of 8 hours.

### **3-5. Modifying or terminating an alternative work schedule**

a. An existing AWS may be modified or terminated when continuation of the AWS creates adverse agency impact.

b. Where a proposed AWS would have an adverse impact on the agency, the AWS may not be established.

c. A finding of adverse agency impact must be documented in writing. Authority to make this finding is delegated to the Administrative Assistant to the Secretary of the Army, and the commanders/heads of ACOMs, ASCCs, and DRUs and can be further delegated to

the appointing authority, but not lower than an installation commander or activity head. The finding must be based upon a demonstration of one or more of the following:

- (1) A reduction of an Army productivity.
- (2) A diminished level of Army services furnished to the public.
- (3) An increase in the cost of Army operations (other than an administrative cost to process the establishment of an AWS program) as demonstrated by the organization or activity at issue.

d. Subject to any applicable collective bargaining agreement provisions and fulfillment of associated labor obligations, individual employee participation in an AWS program may be discontinued at any time by a supervisor if there are documented concerns regarding the employee's job performance or misconduct, or if mission achievement would be significantly impacted by the employee's continued participation in the program.

(1) Employee's must be provided with written notification stating the reason for termination of the AWS. The notification should be provided at least one biweekly pay period prior to discontinuing the employee's participation in the program.

(2) Supervisors must adhere to any applicable collective bargaining agreements and the requirements of 5 USC 6131 prior to terminating an AWS schedule (even for just an individual employee in a bargaining unit) or when determining not to implement a proposed AWS because of adverse agency impact. For bargaining unit employees, a decision to terminate an existing AWS because of adverse agency impact must be coordinated with the exclusive representative prior to implementation and in accordance with any collective bargaining agreement provisions. If an impasse results involving a management determination of adverse agency impact, the dispute goes to the Federal Service Impasses Panel (the Panel), which will determine within 60 days whether the agency's determination is supported by adequate evidence. If it is, the Panel must act in favor of the agency. An existing AWS schedule may not be terminated or modified until a negotiated agreement is reached or the Panel acts on the impasse. In all cases, implementation, modification, or termination of an AWS program covering bargaining unit employees requires appropriate coordination with the exclusive representative.

e. Once the decision has been made to pursue modification or termination of an AWS program or individual employee participation in a program, short of unusual circumstances (for example, short notice special projects, military action, natural disaster, temporary duty, training, and furlough.), management shall provide the impacted employees with at least one biweekly pay period of advance notice."