



United States Department of Agriculture

Office of the Deputy Secretary
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Guidance Ensuring Telework Readiness, Flexibilities for USDA Employees Impacted by COVID-19 Related School Closures Where Federal Office(s) Remain Open, and Flexibilities for Reasonable Accommodation of USDA Employees Considered at a Higher Risk of COVID-19

PART 1: Ensuring Telework Readiness

Continuity of Operations Planning and Pandemic Planning: Mission areas should be fully incorporating telework into their Continuity of Operations Plans (COOP) and pandemic plans. COOP and Pandemic plans can allow greater flexibility to expand telework to a larger segment of the workforce in support of agency operations. Agencies should have written telework agreements in place and communicate expectations for telework in emergency situations. Agencies can order employees to telework during a COOP and pandemic event.

Continuity of Operations Plan and Pandemic Plans for Non-Telework Positions: For positions which cannot telework even under COOP or Pandemic plans, mission areas should be ensuring plans are in place should facilities be closed.

Ensuring Telework Readiness: Effective immediately, all employees who are on a telework agreement should be bringing their equipment home each night, so they are prepared to telework. If an office closes, telework program participants are expected to continue working from home. Telework program participants are ineligible for weather and safety leave during a closure except in rare circumstances when one of the exceptions under 5 CFR 630.1605(a)(2) applies. They must telework for the entire workday, take other leave (paid or unpaid) or other time off, or use a combination of telework and leave or other paid time off. Existing performance management expectations remain in place.

Telework during Asymptomatic Self-Quarantine/Care of Family Members: For an employee covered by a telework agreement, telework can be an alternative to the use of sick leave for exposure to a quarantinable communicable disease for an employee who is asymptomatic or caring for a family member. An employee who is caring for a family member may be permitted to telework while the employee is free from care duties and has work to perform to effectively contribute to the agency's mission.

Technology Infrastructure Stress Testing: USDA is ensuring it has a solid technology infrastructure in place to support a high level and volume of connectivity so employees can work seamlessly from alternate locations (e.g., home) if necessary while maintaining established records and security requirements. USDA's Office of the Chief Information Officer (OCIO) will be working with Mission Area Associate Chief Information Officers (ACIOs) to lead a Department-wide strategy on telework stress testing. OCIO has already reached out to ACIOs to plan for what a stress test would look like and when it may occur. ACIOs will work closely with Mission Area Chiefs of Staff and Subcabinet members in coordination with OCIO to schedule the timing of the stress test. Which agencies and offices participate in the stress test is up to Mission Area leadership. Mission area and agencies should

not be independently scheduling their own stress tests at this time, but rather should work with OCIO who will create a USDA-wide schedule.

PART 2: Flexibilities for USDA Employees Impacted by COVID-19 Related School Closures Where Federal Office(s) Remain Open

In areas where there are school closure(s) related to COVID-19, but Federal offices remain open, managers are authorized to provide the following flexibilities to impacted employees:

- Change to work schedules to include changing arrival and departure times and adjustments to flexible and compressed work schedules
- Authorization of unscheduled annual leave or other time off (e.g., credit hours, comp time, etc.)
- Authorization of unscheduled telework for telework eligible employees

School closures encompasses closure of the local school system or closure of individual schools: In granting these flexibilities, managers should ensure ongoing mission continuity.

Unscheduled Telework while Caring for Dependents: As outlined in USDA's Telework Program directive (DR 4080-811-002), telework is not a substitute for dependent care. However, USDA's telework directive does not preclude a teleworking employee from having a caregiver in the home who provides care to the dependent(s) while the employee teleworks. Also, a dependent may be permitted in the home provided they do not require constant supervision or care (i.e., older child or adolescent) and their presence does not disrupt the ability to telework effectively.

Managers should consider the full range of flexibilities described above in conjunction with unscheduled telework. A teleworking employee should be expected to account for work and non-work hours during his or her tour of duty and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g., to care for small children). Existing performance management expectations remain in place.

PART 3: Flexibilities for Reasonable Accommodation of USDA Employees Considered at a Higher Risk of COVID-19

The *Center for Disease Control and Prevention (CDC)* has identified people at risk for serious illness from COVID-19 to include: 1) Older Adults and 2) People who have serious chronic medical conditions. Older adults are considered those individuals who are 60 years of age and older; and serious chronic medical conditions including heart disease, diabetes, and lung disease. Pregnant women may be considered as higher risk individuals. Individuals in these categories are cautioned by the CDC to take action that will reduce the risk of getting sick with COVID-19.

The Equal Employment Opportunity Commission (EEOC) enforces the *Americans with Disabilities Act (ADA)* and *The Rehabilitation Act* to prevent discrimination in the workplace of disabled individuals. This includes the requirement for providing reasonable accommodation and enforcing rules about medical examinations and inquiries. While the rules related to the ADA and the Rehabilitation Act continue to apply, they do not interfere with or prevent agencies from exercising advice and guidance originating from the CDC.

In cases where employees in a high-risk category request reasonable accommodation(s) to limit their exposure to the COVID-19 virus, managers and supervisors are expected to be flexible in granting reasonable accommodations that should ensure ongoing mission continuity.

In the event an employee voluntarily discloses, or self certifies to a pre-existing medical condition and requests accommodations to limit their exposure risk, managers and supervisors are authorized to consider the following flexibilities of the requesting employee to mitigate the possibility of a high-risk employee contracting COVID-19 in the workplace:

- Employees may self-certify (in writing) to being in a high-risk category. Employees are not required to provide supporting medical documentation to confirm an existing serious chronic medical conditionⁱ during this period;
- Managers/supervisors may ask the employee to describe the type of assistance requested to reduce the risk of exposure:
 - Change to work schedules to include changing arrival and departure times and adjustments to flexible and compressed work schedules;
 - Authorization of unscheduled annual leave or other time off (e.g., credit hours, compensatory time, etc.); and
 - Authorization of unscheduled telework for telework eligible employees (A teleworking employee should be expected to account for work and non-work hours during his or her tour of duty and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties.)

Existing performance management expectations remain in place.

ⁱ Any information provided by an employee related to their medical condition must remain confidential and secured consistent with existing USDA policy.