



United States Department of Agriculture

Office of the Deputy Secretary
Washington, D.C. 20250

March 15, 2020

To: All Employees
From: Stephen Censky, Deputy Secretary
Subject: Manager and Employee Telework Flexibilities Related to COVID-19 While Continuing USDA's Services to the American People

This is an update of USDA's telework guidance, consistent with guidance released on March 15, 2020 from the Office of Management and Budget to [maximize the use of teleworking](#) to promote social distancing to decrease and slow down the spread of COVID-19.

USDA is working to enhance telework without interrupting customer service and with a focus on maintaining the safest, most affordable food supply in the world. USDA offices should remain open and operational for the delivery of services. If an office or program requires in-person work, Mission Areas are to develop plans to maintain that continuity or make back up plans for that continuity.

If you are requesting to close an office or reduce services, this must be requested and approved in advance by the Department via the Operational Facility Guidance that is incorporated into the [Playbook](#).

PART 1 – UPDATED TELEWORK GUIDANCE:

In keeping with the need to ensure mission continuity and the continued delivery of USDA's services to the American people, supervisors at facilities in locations with documented community spread of COVID-19 may begin maximizing telework for telework-eligible employees beginning on Tuesday, March 17, 2020 through Friday, April 3, 2020. This includes the National Capital Region, Washington State, California Bay area, and New York City area where all USDA offices will remain open and operational even as we move to maximize the use of telework. This timing will be assessed continually as the COVID-19 situation evolves.

Similarly, supervisors at all other locations/states may begin maximizing telework for telework-eligible employees beginning on Thursday, March 19, 2020 through Friday, April 3, 2020.

Again, the continued delivery of our services to the American people must be maintained as supervisors make decisions on maximizing telework, and USDA offices are to remain open. Due to the diversity of USDA's operations and the services we deliver, many employees will need to continue to report to work to perform functions that cannot be performed remotely, and some employees may be able to work from home several days a week, but not every day, due to our service responsibilities. With this in mind, supervisors should identify opportunities to shift staff

who are not currently telework-eligible over to telework-eligible status. Supervisors and employees should work together to maximize telework to the extent possible while ensuring USDA operations and services continue. In granting expanded telework, supervisors should ensure the ability to maintain mission continuity and services.

While supervisors are authorized to maximize telework as outlined above, any changes that would impact the operational status of a facility or impact the services delivered (e.g., complete closure of a USDA facility or reduction in services provided) must be requested and approved before implementation following the [Playbook](#) that was issued by USDA to the Department March 10, 2020 that has been provided to agencies. This is to ensure that USDA leadership has a Departmental view on all operations and can continue to best serve our customers in the most efficient and effective manner possible.

Employees who are telework eligible, but not telework ready, should gather necessary equipment and materials to become telework ready. Weather and Safety leave is not authorized for employees who are not at higher risk of COVID-19, who are not telework eligible, or are eligible but have declined to telework in USDA locations that will remain open. Additional flexibilities of work schedule for employees impacted by school closures or are at higher risk of COVID-19 are outlined below.

Employees in the National Capital Region, Washington State, California Bay area, and New York City area can expect to hear from their Mission Area/Agency by the evening of Monday, March 16, 2020 on the telework plans of their Mission Area and/or Agency. Employees in all other locations can expect to hear from their Mission Area/Agency by the evening of Wednesday, March 18, 2020 on the telework plans of their Mission Area and/or Agency.

Telework Capacity Tests:

Previously scheduled telework capacity tests are cancelled except for the Research, Education, and Economics (REE) mission area, which is still scheduled for Monday, March 16, 2020.

PART TWO – FLEXIBILITIES FOR EMPLOYEES DUE TO SCHOOL CLOSURES:

Last week, USDA issued additional flexibilities for employees who are impacted by school closures. These flexibilities remain in place. School closures can encompass closure of the local school system or closure of individual schools. In areas where there are school closures 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 start and end 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

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 THREE – FLEXIBILITIES FOR EMPLOYEES AT HIGHER RISK OF COVID-19:

Last week, USDA issued guidance on flexibilities for employees at higher risk of COVID-19. The guidance below modifies the original guidance to provide an expanded list of medical conditions that put an individual at higher risk for COVID-19. In addition, the guidance authorizes managers to grant Weather and Safety Leave for employees at higher risk of COVID-19 who are not telework eligible.

The *Center for Disease Control and Prevention (CDC)* has identified people at risk for serious illness from COVID-19 to include: 1) Older Adults, 2) People who have serious chronic medical conditions, and 3) pregnant women. Individuals in these categories are cautioned by the CDC to take action that will reduce the risk of getting sick with COVID-19.

Older adults are considered those individuals who are 60 years of age and older. The CDC has identified underlying medical conditions that may increase the risk of serious COVID-19 for individuals of any age:

- Blood disorders (e.g., sickle cell disease or on blood thinners)
- Chronic kidney disease as defined by an employee's doctor
- Chronic liver disease as defined by an employee's doctor (e.g., cirrhosis, chronic hepatitis)
- Compromised immune system (immunosuppression) (e.g., seeing a doctor for cancer and treatment such as chemotherapy or radiation, received an organ or bone marrow transplant, taking high doses of corticosteroids or other immunosuppressant medications, HIV or AIDS)
- Current or recent pregnancy in the last two weeks
- Endocrine disorders (e.g., diabetes mellitus)
- Metabolic disorders (such as inherited metabolic disorders and mitochondrial disorders)
- Heart disease (such as congenital heart disease, congestive heart failure and coronary artery disease)

- Lung disease including asthma or chronic obstructive pulmonary disease (chronic bronchitis or emphysema) or other chronic conditions associated with impaired lung function or that require home oxygen
- Neurological and neurologic and neurodevelopment conditions [including disorders of the brain, spinal cord, peripheral nerve, and muscle such as cerebral palsy, epilepsy (seizure disorders), stroke, intellectual disability, moderate to severe developmental delay, muscular dystrophy, or spinal cord injury].

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 not conducting medical examinations and inquiries unless in certain circumstances. 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 for 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 condition during this period. Any information provided by an employee related to their medical condition must remain confidential and secured consistent with existing USDA policy.
- Managers/supervisors may ask the employee to describe the type of assistance requested to reduce the risk of exposure (e.g., telework, changes in tour of duty or duty location):
 - Change to work schedules to include changing start and end 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.);
 - 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); and
 - Other accommodations such as parking for individuals who use public transportation to commute to work. Employees should work with reasonable accommodations coordinator to identify types of assistance.

In addition to the flexibilities outlined above, Weather and Safety leave may be granted for a “condition that prevents the employee or group of employees from safely traveling to or

performing work at an approved location.” Because COVID-19 prevents employees who are at higher risk from safely traveling to or performing work at an approved location, supervisors may grant Weather and Safety leave for those employees who are not telework eligible.

PART FOUR – EMPLOYEE ASSISTANCE PROGRAM

We know this outbreak is stressful to USDA employees. It may be difficult to cope with the fear and anxiety about a disease, particularly when there is uncertainty. All agencies should ensure that their employees have access to information about their Employee Assistance Programs (EAP). For most USDA agencies, the Employee Assistance Program is offered through Federal Occupational Health.

PART FIVE – NEW EMPLOYEES

Agencies should develop and implement plans permitting remote onboarding of new employees, to the extent possible by March 27, 2020. In addition, agencies should also develop plans allowing for new employees to become productive as quickly as possible.

Thank you for your continued dedication to the American people as we adjust to this rapidly evolving situation, protect our employees, and continue delivering important USDA services.