

# **TSA Human Capital FAQs for Novel Coronavirus Disease 2019 (COVID-19) Version 2 - April 22, 2020**

The Centers for Disease Control and Prevention (CDC) has determined that infection with COVID-19 meets the definition for “severe acute respiratory syndromes” set forth in Executive Order (E.O.) 13674. Therefore, this novel coronavirus is a “quarantinable communicable disease,” as defined by E.O. 13295, as amended by E.O.s 13375 and 13674.

The following questions and answers are meant to provide guidance to TSA employees and their supervisors. Individual circumstances may vary, requiring adjustment on the part of local management in consultation with senior management and/or subject matter experts.

Further questions may be directed to [TSACIMG.CoordLead@tsa.dhs.gov](mailto:TSACIMG.CoordLead@tsa.dhs.gov). More information is also available on the [TSA COVID-19 iShare page](#).

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## **COVID-19 – Quarantine, Diagnosis, and Documentation**

### **1. What medical documentation can be required before allowing an employee to return to duty who had a positive diagnosis of COVID-19?**

An employee may be required to provide medical documentation to his or her supervisor to return to work following a period of administrative leave/excused absence. Documentation must follow the [COVID-19 Return to Workplace and Medical Documentation](#) guidance.

### **2. What do we do when an employee has symptoms or reports being exposed to a person (e.g. friend or family member) with a confirmed diagnosis?**

- a. Tell the employee to stay home or return home if they reported to the work site.
- b. Direct the employee to contact local public health officials, or his/her medical provider.
- c. Instruct the employee to follow the directions of the health department or their healthcare provider, including the possible direction for quarantine or isolation.
- d. Employees directed to quarantine/isolate should telework if possible. If not, these employees may request emergency paid sick leave (EPSL) and/or be placed on weather & safety leave.

### **3. How do we track additional telework, emergency paid sick leave, or weather and safety leave that is approved as a result of the outbreak?**

All telework occurring during the COVID-19 response must use the pay code Telework Home in eTAS or Transaction Code 01 – Telework Home in WebTA.

All Weather and Safety Leave must be recorded in in eTAS or webTA as Transaction Code 66 – Weather and Safety Leave for the days that they are in an approved paid quarantine/isolation status. Please refer to the HCAccess Bulletin dated March 26, 2020, for specific instructions regarding the application of night and split-shift differentials associated with placement on Weather and Safety Leave.

Emergency Paid Sick Leave (EPSL) hours must be recorded in eTAS as EPSL and/or in webTA as Transaction Code 01 – EPSL and must use the appropriate code based on why the leave is used:

- For EPSL reason 1) above: EPSL, Full Rate Isolation
- For EPSL reason 2) above: Full Rate Quarantine
- For EPSL reason 3) above: Full Rate Medical
- For EPSL reason 4) above: EPSL, 2/3<sup>rd</sup> Rt Ind Care
- For EPSL reason 5) above: EPSL, 2/3<sup>rd</sup> Rate School Close

**4. We have a lot of employees who have self-identified as higher risk, can I ask for medical documentation to support these claims to ensure operational coverage?**

No. Employees cannot be asked to provide information as to why they are self-certifying as being in a CDC higher risk category nor may they be asked probing questions about medical conditions.

However, while no specific medical documentation is required prior to approval, employees should be informed that they may be required to provide medical documentation at a later date substantiating his or her self-certification. Subsequent certification/documentation is not to identify specific conditions and should only confirm that the employee is in fact at a higher-risk. This information may not be used for any other purpose such as fitness-for-duty determinations.

**5. Do employees have to identify which higher risk category they are in?**

No, employees do not have to identify which risk category they are in and the supervisor cannot ask them to specify.

**6. May an employee receive weather and safety leave if they are not in the higher risk category but their spouse is?**

No. Non-telework eligible employees who are healthy but prefer not to report to the worksite during this time must request personal accrued leave or request advanced leave. Managers are encouraged to be flexible in approving unscheduled leave requests during this time.

**7. Do we need to track notices that are sent to employees approved for Weather and Safety Leave and/or Administrative Leave?**

No, Human Capital is not requiring any official tracking or reporting of issued notices. However, local management may determine if local tracking is appropriate to ensure that all employees are receiving the required notices based on their specific situation.

## **GENERAL LEAVE**

**1. Is weather and safety leave authorized for a telework program participant who is not under quarantine/isolation but was exposed to a confirmed case of COVID-19?**

No, a telework program participant would generally be expected to perform telework at home as long as the employee is asymptomatic. If a telework program participant in these circumstances needs time off for personal reasons or to care for a family member, then the employee should request personal leave (e.g., annual leave or sick leave) or emergency paid sick leave, if applicable.

However, if a teleworking employee becomes too ill to work due to symptoms associated with COVID-19, that employee may be approved for Weather and Safety leave while seeking further medical guidance.

**2. If an employee, who has been receiving weather and safety leave due to exposure to COVID-19, becomes symptomatic (ill), should he or she continue to receive weather and safety leave?**

Yes, a symptomatic employee should be placed, or remain, on weather and safety leave pending a diagnosis of COVID-19.

If the employee subsequently tests positive for COVID-19 diagnosis, he or she **will be placed on administrative leave/excused absence** for a period not to exceed 14 calendar days. Hours must be recorded in eTAS as Admin\_Excused and/or in webTA as **Transaction Code 66 – Admin/Excused Absence**.

Extensions beyond the initial 14 days of administrative leave/excused absence for an employee that has tested positive for COVID-19 will be made based on documentation submitted by the employee from the healthcare provider for periods of 7 calendar days at a time. Local management should follow the [COVID-19 Return to Workplace and Documentation](#) guidance when determining when it is appropriate for employees to return to duty.

**3. If an employee runs out of sick leave, can TSA grant advanced sick leave to an employee who is ill with COVID-19 symptoms or positive for COVID-19, or must care for a family member who is ill due to COVID-19?**

Employees who become ill with COVID-19 symptoms or COVID-19 may be placed on weather and safety leave. This includes employees who are not telework-eligible or telework eligible employees who have become too ill to work. Hours must be recorded in eTAS or webTA as Transaction Code 66 – Weather and Safety Leave for the days that they are in an approved paid quarantine/isolation status.

An employee with a positive COVID-19 diagnosis, **will be granted administrative leave/excused absence** for a period not to exceed 14 calendar days. Hours must be recorded in eTAS as Admin\_Excused or in webTA as **Transaction Code 66 – Admin/Excused Absence**.

Employees who are caring for a family member who has been told to quarantine due to COVID-19 related illness may be eligible for emergency paid sick leave. If the employee chooses not to use emergency paid sick leave, or the specifics of the situation do not meet the eligibility requirements, employees may request to use leave options such as accrued leave, LWOP, or request advanced leave.

**4. If an employee is healthy (asymptomatic) but prefers to stay home following direct contact with an individual exposed to a COVID-19 or has a family member who has been quarantined due to exposure to COVID-19 for which pay/leave status is the employee approved?**

Employees who think they have been exposed to, or could be infected with, COVID-19 must immediately report their symptoms to their local public health officials, or a healthcare provider, and follow their guidance. Employees are required to contact their supervisor as well to coordinate the appropriate duty status while seeking medical guidance.

An asymptomatic employee who is covered by a telework agreement will be expected to perform telework at home during the agreed upon period of quarantine/isolation. If a telework program participant in these circumstances needs time off for personal reasons, then the employee would be expected to take other personal leave or paid time off (e.g., annual leave or sick leave to care for a family member).

For employees who are not currently covered by a telework agreement, supervisors may consider whether an employee has some portable duties (e.g., reading reports; analyzing documents and studies; preparing written letters, memorandums, reports and other correspondence; setting up conference calls, or other tasks that do not require the employee to be physically present), that would allow him/her to telework on an ad-hoc telework basis. An agreement should be signed to cover the period the employee is permitted to work from the approved alternate location (e.g., home).

An employee who has been exposed to COVID-19 and is unable to telework may be approved for either emergency paid sick leave or weather and safety leave after discussing the situation with his or her supervisor.

To use weather and safety leave, an employee will need to provide documentation from his or her local health department, a health care provider, or through self-certification. To assist in reducing already overwhelmed health departments, an employee may self-certify that he or she spoke with a health official, **either directly or via their healthcare provider**, and was told to quarantine. A self-certification must include the name of the public health official **or healthcare provider** that the employee spoke with as well as the date and time of the conversation.

To use emergency paid sick leave, required documentation must be provided verbally to the supervisor or in writing (email from a valid email address is acceptable). Supervisors should document and retain the information provided verbally by the employee requesting EPSL. An employee is required to provide the following information prior to taking EPSL: employee's name; date(s) for which leave is requested; the EPSL qualifying reason for the leave in this case advised to self-quarantine; a statement by the employee that he/she employee is unable to work or telework because of the qualified reason for the leave; and the name of the health care provider who advised the employee to self-quarantine due to concerns related to COVID-19.

Employees who are caring for a family member who has been told to quarantine due to COVID-19 related illness may be eligible for emergency paid sick leave. (See [Coronavirus Disease COVID-19 HCAM](#) for more information.)

**5. If an employee comes to work and shows symptoms of illness, what should the supervisor do? May the employee be granted administrative leave/excused absence and if so, for how long? What is needed before the employee can return to work?**

When a supervisor observes an employee at the workplace exhibiting medical symptoms, he or she can 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. If the employee indicates possible exposure to COVID-19, employees may request to use emergency paid sick leave or Weather and Safety Leave to seek guidance from a local public health official or a healthcare provider.

Supervisors may refer to CDC's [Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#) for some tips on how to handle employees showing symptoms of acute respiratory illness.

**6. Can I invoke the Family and Medical Leave Act (FMLA) for a COVID-19 (coronavirus) infection?**

Generally, yes as COVID-19 may be a serious health condition.

**7. Should a manager grant weather and safety leave if an employee has been diagnosed as being infected or likely has been infected with coronavirus, according to a public health official?**

An employee with a positive COVID-19 diagnosis may request to use EPSL for up to 80 hours (depending on remaining employee entitlement) or to be placed on administrative leave/excused absence for a period not to exceed 14 calendar days.

Extensions beyond the initial 14 days of administrative leave/excused absence will be considered on a case-by-case basis for periods of 7 calendar days at a time. Local management should follow the guidance of the healthcare provider when considering the extension request and must follow the [Return to Workplace and Medical Documentation](#) guidance.

**8. What will happen if I am told to stay home or go home. Will I be charged sick time, annual leave, or Leave without Pay (LWOP)?**

If it is determined that a period of quarantine/isolation is appropriate for an asymptomatic person (i.e. not displaying symptoms of COVID-19 or other illness) or for a person awaiting COVID-19 test results, the period of quarantine will be 14 days from the date of last known exposure. These employees are expected to telework, if eligible. If the employee is not telework eligible, the employee may be placed on weather and safety leave.

Alternatively, the employee may request emergency paid sick leave when subject to a Federal, State, or Local quarantine or isolation order related to COVID-19 or when advised by a health care provider to self-quarantine due to concerns related to COVID-19. For employees who can telework, the employee is expected to continue to work unless the employee becomes too ill to continue to work.

**9. I see that I can grant extensions, but can I recall higher-risk employees at the end of the initial 14-day period?**

No, if an employee self-certifies that s/he is still in a higher risk category, the extension should be granted.

**10. Can an employee cancel scheduled leave to use weather and safety leave?**

Generally, if an employee is on approved paid leave (e.g., annual leave, sick leave, time-off award, or compensatory time off) when a closure or excused absence decision is made prior to the start of the workday, the employee will remain on leave. However, given the unique

circumstances surrounding the COVID-19 response, management officials are encouraged to use discretion in determining whether it is appropriate for previously scheduled leave to be cancelled and give consideration to whether employees are on weather and safety leave or administrative leave/excused absence due to quarantine or illness.

For Example:

- If an employee is on weather and safety leave due to reduced operations and is scheduled to use sick leave for a medical appointment but the appointment is cancelled, the employee's sick leave must be cancelled because the reason for the use of sick leave no longer exists.
- If an employee is on weather and safety leave due to reduced operations and is scheduled to use annual leave for a trip, but the trip has been cancelled due to COVID-19, it would be appropriate for the annual leave to be cancelled.
- If an employee is on weather and safety leave due to reduced operations and is scheduled to use annual leave for a trip, and the trip is still going to occur, the employee should be charged with annual leave as planned.
- If an employee is on emergency paid sick leave, weather and safety leave, or administrative leave/excused absence due to medically directed quarantine or having tested positive for COVID-19, the employee's previous leave requests should be cancelled and s/he should remain on emergency paid sick leave, weather and safety leave, or administrative leave/excused absence.

- 11. If an employee currently in a Temporarily Not Medically Qualified status (currently on LWOP) who has already advised us that one of the high-risk factors applies (and this is not the condition for which the officer is temporarily not medically qualified) is found to be Medically Qualified following a reconsideration, does the officer need to return to work to self-identify as a higher-risk employee and be eligible for the weather and safety leave?**

The employee remains on the previously approved LWOP for the duration of the LWOP request. When the LWOP request ends, the employee does not need to return to the airport to self-identify as being higher-risk, this can be done via phone call or email.

- 12. An employee is currently in an LWOP status and scheduled to return to work. The employee has already advised us that one of the high-risk factors applies. Does the officer need to return to work to officially self-identify as an employee who is at higher risk of complications from COVID-19 to become eligible for the weather and safety leave due to the higher-risk status?**

No, approval for weather and safety leave can be provided over the phone or via email to ensure the safety of the employee.

- 13. Can I be approved to use my 24 hours of weather and safety leave in smaller increments or does it have to be used in three consecutive days?**

Yes, employees can be approved to use the 24 hours in increments as short as 15 minutes.

**14. Do employees have to submit the OPM-71 form to request weather and safety leave or administrative leave/excused absence?**

No, the requirement for the OPM-71 has been waived for the duration of the COVID-19 response. However, local management may request that it be completed to facilitate record-keeping and tracking.

**15. Can a manager approve weather and safety leave for an employee who is not higher risk but lives with family members that are?**

No. Employees who are healthy but prefer not to report to work for personal reasons, that employee must request accrued leave, advanced leave, or leave without pay. Managers are encouraged to be flexible in approving unscheduled leave requests during this time.

**16. Is an employee on military duty eligible to receive weather and safety leave?**

No. The employee does not receive weather and safety leave or administrative leave/excused absence while on military orders. The employee is in an approved leave status and not able to be in a paid duty status for TSA.

**17. If an employee was on scheduled leave for an international vacation and was unable to return to the United States as a result of closures to country borders, should the employee be permitted to receive weather and safety leave or administrative leave/excused absence?**

No, the employee would remain on annual leave or other appropriate personal leave such as compensatory time off or time-off awards, if available, or leave without pay.

**18. If an employee is on weather and safety leave due to pregnancy and then gives birth, will the employee be on FMLA or weather and safety leave if they are breastfeeding?**

Maternity leave is not a higher-risk category. However, if an employee self-certifies that one of the higher-risk categories continues to apply following pregnancy, they can remain on weather and safety leave. They do not need to specify which category they are self-certifying for.

## **EMERGENCY PAID SICK LEAVE**

**NOTE: The FAQs in this section only apply to the use of Emergency Paid Sick Leave. Information on other leave options offered by TSA can be found in the current version of [HCAM, Coronavirus Disease \(COVID-19\)](#).**

### **1. What is the Emergency Paid Sick Leave Act?**

On March 18, 2020, President Trump signed into law the Families First Coronavirus Response Act which created the Emergency Paid Sick Leave Act (EPSLA). The EPSLA entitles the Transportation Security Officer (TSO) workforce to take up to two weeks of paid



sick leave (with pay limitations, see question #6 below) for specified reasons related to COVID-19. The Administrator has determined the non-TSO workforce is covered by policy.

## **2. What is emergency paid sick leave (EPSL)?**

Effective April 1, 2020, EPSL is an additional leave benefit of up to two-weeks (80 hours for full-time employees and for part-time employees the equivalent of the average number of hours the employee is normally scheduled to work during a two-week period). This additional leave is in addition to the employee's personal leave and the leave options offered by TSA and is available to eligible employees for specified reasons related to COVID-19.

## **3. Who can use EPSL?**

All TSA employees may request and use EPSL subject to the reasons and conditions listed in question #5.

## **4. Is there a requirement to be employed for a certain period of time to use EPSL?**

No. Unlike other forms of leave under FMLA, all TSA employees covered under the provisions of Title II of FMLA are eligible to take EPSL regardless of their length of employment.

## **5. What are the reasons EPSL can be used?**

EPSL is available to the extent a covered employee is unable to work or telework due to the following:

- a. The employee is subject to a Federal, State, or Local quarantine or isolation order related to COVID-19. For employees who can telework, this category can only be invoked if the employee becomes too ill to continue to telework;
- b. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. For employees who can telework, this category can only be invoked if the employee becomes too ill to continue to telework
- c. The employee is experiencing symptoms of COVID-19 and is seeking medical diagnosis from a health care provider. For employees who can telework, this category can only be invoked if the employee becomes too ill to continue to telework;
- d. The employee is caring for an individual who is subject to a Federal, State, or Local quarantine or isolation order related to COVID-19 or directed by a health care provider to self-quarantine due to concerns related to COVID-19;
- e. The employee is caring for his or her son or daughter whose school or place of care has been closed for a period of time, whether by order of a State or local official or authority or at the decision of the individual school or place of care, or the child care provider of the son or daughter is unavailable for reasons related to COVID-19; or
- f. The employee has a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor. The substantially similar condition may be defined at any point during the effective period, April 2, 2020 to December 31, 2020.

*Note: As of April 15, 2020, substantially similar conditions referenced in category (f) have not been identified.*

## 6. Is EPSL paid at the same rate as regular annual and sick leave?

No, EPSL may be paid at a reduced amount compared to what an employee is paid when using sick leave or annual leave.

EPSL is paid at the following rates:

- For reasons (a), (b) or (c) in question #5: **pay is at 100% of the regular rate, up to \$511 per day and \$5,110 in the aggregate**; and
- For reasons (d), (e) or (f) in question #5: **pay is at 2/3 of the regular rate, up to \$200 per day and \$2,000 in the aggregate**.

Note that an employee's regular rate of pay for purposes of the EPSL is not necessarily the same as an employee's current salary. For purposes of the EPSL, TSA must calculate an employee's regular rate of pay by looking at average earnings over a prior six-month period. In practice, this means that employees who have received a raise in the past six months will be paid less for EPSL leave (as compared to sick leave or annual leave). EPSL leave is also subject to the limits detailed above.

TSA is working with the National Finance Center to implement EPSL leave as soon as possible. Because EPSL leave is compensated differently from other types of leave, implementation presents administrative challenges that may result in over-payment in some cases. In these situations, overpayments will be recovered through a payroll debt action at a later date. Payroll processing guidance will be published as soon as it becomes available.

## 7. When can EPSL be used?

*Remember: Information on other leave options offered by TSA can be found in the current version of [HCAM, Coronavirus Disease \(COVID-19\)](#).*

An employee may take EPSL for the reasons described in question #5 above only if:

- a. Subject to a Quarantine or Isolation Order – but for being subject to the order the employee would be able to perform work that is otherwise allowed or permitted by his or her employer either at the employee's normal workplace or by telework. This does not apply to the state, county, or city stay at home or shelter in place orders that apply to the general public in the region covered by the order.
- b. A health care provider advises the employee to self-quarantine based on a belief that:
  - i. The employee has COVID-19;
  - ii. The employee may have COVID-19; or
  - iii. The employee is particularly vulnerable to COVID-19; and
  - iv. Following the advice of a health care provider to self-quarantine prevents the employee from being able to work at the employee's normal workplace or telework;
- c. The employee is seeking medical diagnosis for COVID-19 if the employee is experiencing any of the following symptoms:
  - i. Fever;

- ii. Dry Cough;
- iii. Shortness of breath; or
- iv. Any other COVID-19 symptoms identified by the U.S. Centers for Disease Control and Prevention (CDC).

Paid sick leave for this reason is limited to the time the employee is unable to work because the employee is taking affirmative steps to obtain a medical diagnosis, such as making, waiting, for or attending an appointment for a test for COVID-19.

d. Caring for an individual

- i. Individual means an employee's immediate family member, a person who regularly resides in the employee's home, or a similar person with whom the employee has a relationship that creates the expectation that the employee would care for the person if he or she were quarantined or self-quarantined. Individual does not include persons with whom the employee does not have a personal relationship.
- ii. The employee may use EPSL when the employee would be able to work or telework if not providing care to an individual when:
  - 1) The individual is subject to federal, state or local quarantine or isolation orders related to COVID-19
  - 2) The individual has been advised by a health care provider to self-quarantine related to COVID-19
  - 3) The employee is caring for a son or daughter whose school or place of care has been closed, or whose child care provider is unavailable for reasons related to COVID-19 only if no other suitable person is available to care for the son or daughter during the period of EPSL.
    - "Son or daughter" for use of EPSL is the same as the definition of a child under the FMLA. Son or daughter includes children under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.
    - Child care provider means a provider who receive compensation for providing child care services on a regular basis. It includes a center-based child care provider, a group home child care provider, a family child care provider or other provider of child care services for compensation that is licensed, regulated or registered under State law. An eligible child care provider need not be compensated or licensed if her or she is a family member or friend who regularly cares for the employee's child.
    - Place of care means the physical location in which care is provided for the employee's child while the employee works for TSA. The physical location does not have to be solely dedicated to such care. Examples include day care facilities, preschools, before and after school programs, schools, homes, summer camps, summer enrichment programs, and respite care programs.

## 8. How do I request EPSL?

EPSL can be requested verbally or in writing using leave requesting procedures.

## 9. Do I need to provide documentation to request EPSL?

Yes. The documentation required will depend on the reason for using EPSL. The documentation must be provided verbally to the supervisor or in writing (email from a valid email address is acceptable). Supervisors should document and retain the information provided verbally by the employee requesting EPSL. The retention period is 4 years.

An employee is required to provide the following information prior to taking EPSL:

- a. Employee's name;
- b. Date(s) for which leave is requested;
- c. The EPSL qualifying reason for the leave;
- d. A statement by the employee that the employee is unable to work or telework because of the qualified reason for the leave; and
- e. For reason #a under question #5: the name of the government entity that issued the quarantine or isolation order;
- f. For reason #b under question #5: the name of the health care provider who advised the employee to self-quarantine due to concerns related to COVID-19;
- g. For reason #c under question #5: only the information in a – d above is needed.
- h. For reason #d under question #5: the name of the government entity that issued the quarantine or isolation order to which the individual being cared for is subject; or the name of the health care provider who advised the individual being cared for to self-quarantine due to concerns related to COVID-19;
- i. For reason #e under question #5:
  - i. The name of the son or daughter being cared for;
  - ii. The name of the school, place of care, or child care provider that has closed or become unavailable; and
  - iii. A statement by the employee that no other suitable person is available or will be caring for the son or daughter during the period for which the employee has requested EPSL.

## 10. I can telework but I am subject to a quarantine order. Can I use EPSL?

EPSL can only be used when an employee is unable to work or telework due to the reasons listed in question #5. Although you are able to telework, if you are too ill to work, you may request and be approved for EPSL.

## 11. Do I have to use EPSL when I need to be off for one of the reasons listed in question #5?

No, you can use personal leave (e.g., annual leave, sick leave, and compensatory time off) as appropriate. Also, the other leave options offered by TSA remain available. They can be found in the current version of [HCAM, Coronavirus Disease \(COVID-19\)](#).

**12. I've used 14 days of weather and safety leave. I was just directed to self-quarantine. Can I use EPSL?**

Yes, if you are unable to work, you can use EPSL. Use of the leave options related to COVID-19 provided by TSA do not impact your ability to use EPSL.

**13. I was sent home on weather and safety leave two weeks ago. Am I still eligible for EPSL now?**

Yes, you are still eligible to use EPSL. Use of the leave options related to COVID-19 provided by TSA do not impact your ability to use EPSL.

**14. Can EPSL be taken intermittently, or do the 80 hours have to be used consecutively within the two-week period?**

When EPSL is taken for reasons other than caring for a son or daughter whose school or place of care has been closed for a period of time, or the child care provider is unavailable for reasons related to COVID-19, the intermittent use of EPSL by employees who report to the worksite is prohibited by Department of Labor regulations.

When an employee who reports to the worksite is using EPSL because of employee quarantine/isolation order, self-quarantine, experiencing symptoms and seeking a medical diagnosis, or caring for an individual who is subject to quarantine, EPSL cannot be used on an intermittent basis. Once an employee who reports to the worksite begins taking EPSL for reasons a-d in question #5, the employee must continue to take EPSL each workday until the employee either uses the full amount of EPSL or no longer has a qualifying reason for taking EPSL. This is because, in these situations, the employee may be exposed to COVID-19 and the employee's presence at the worksite creates a risk that the employee might spread COVID-19 to other employees when reporting to the worksite.

**Example 1:** An employee required to report to the workplace had been advised to self-quarantine by a healthcare provider for 14 days. This employee cannot use EPSL on an intermittent basis. This employee will need to use the full amount of EPSL consecutively or until the employee no longer has a qualifying reason for taking EPSL.

**Example 2:** An employee required to report to the workplace needs to provide care to the employee's son or daughter two days each week because of school closure. On these two days, no one else is available to provide care. This employee may use EPSL on an intermittent basis.

When an employee is able to telework, supervisors may approve the intermittent use of EPSL when the employee is unable to work as a result of COVID-19 or the employee's care duties of others related to COVID-19 prevent him/her from working.

**Example 3:** An employee who is teleworking has a virtual doctor's appointment because of symptoms related to COVID-19. This employee can use intermittent EPSL for the virtual medical appointment.

**Example 4:** The employee in Example 3 has an appointment to be tested for COVID-19. This employee can use intermittent EPSL for the COVID-19 testing appointment.

**Example 5:** An employee who is teleworking needs to assist a son or daughter with e-learning Monday through Friday for 4 hours during the workday. This employee can use intermittent EPSL for this care situation.

**15. Do I receive night pay and split-shift differential when using EPSL? Or Sunday Pay?**

No. Employees do not receive night pay or split-shift differentials when using EPSL. Sunday pay is only paid when an employee performs non-overtime work on a Sunday, so employees will not receive Sunday pay when using EPSL.

**16. Can I take EPSL if I have been diagnosed with COVID-19?**

If you have been diagnosed with COVID-19 and have been advised to isolate or quarantine EPSL may be used. Alternatively, administrative leave/excused absence may also be used. Additional information is available in the current version of [HCAM, Coronavirus Disease \(COVID-19\)](#).

**17. If I'm currently using another form of leave for an EPSL reason, can I cancel my approved leave and use EPSL?**

Yes, subject to the timeframes and hours limitation using for EPSL. ESPL can be used beginning April 1, 2020 and is available for use until December 31, 2020. An employee may use a maximum of two-weeks of EPSL regardless of the number of reasons an employee experiences. Two weeks is 80 hours for full-time employees and for part-time employees the equivalent of the average number of hours the employee is normally scheduled to work during a two-week period.

Employees should contact their supervisor to make a change to the type of leave they would like to use.

**18. I used two weeks of EPSL because I was advised to self-quarantine by my health care provider. Now I need to care for my child because child care provider is no longer able to provide care when I'm working. Do I receive another two weeks of EPSL?**

No. The total amount of EPSL available for all reasons is two weeks (80 hours for full-time employees and for part-time employees the equivalent of the average number of hours the employee is normally scheduled to work during a two-week period).

For non-telework eligible employees, TSA is providing 24 hours of weather and safety leave for personal reasons. Telework eligible employees should contact their respective supervisor to discuss available scheduling options. Additional information is available in the current version of [HCAM, Coronavirus Disease \(COVID-19\)](#).

**19. I didn't use all of my two weeks of EPSL. Will I be paid out for the remaining balance?**

No. Employees will not be paid out for any unused EPSL. Employees will also not be reimbursed or paid for any unused amount of EPSL upon termination, resignation, retirement or other separation from employment. This benefit expires on December 31, 2020. Any unused EPSL will not be carried over into calendar year 2021 or converted to sick leave or any other type of leave.

## **TELEWORK**

### **1. Can employees telework during this time?**

Managers are expected to maximize the use of telework to minimize the spread of disease and to promote social distancing. In some circumstances, maximizing the use of telework may include approving ad-hoc telework agreements to the extent possible for employees whose regular duties do not normally warrant recurring telework and allowing for increased telework to promote social distancing. When discussing an ad-hoc telework agreement, an employee must always have a sufficient amount of work to perform throughout the workday. An employee performing telework who does not have enough work must notify his or her supervisor and receive additional work or discuss leave options such as personal leave or, if applicable, weather and safety leave.

In locations where local and state governments have issued stay-at-home orders, EAAs, AAs, FSDs, or SACs may require an employee to telework and enter into an ad hoc telework agreement. When determining if mandatory telework is appropriate, managers should consider the job functions of the employee's position and available equipment and supplies required to completed the duties of the position, and availability of internet connectivity at the alternative worksite.

If there is a child or other dependent in the home during telework hours, a teleworking employee is 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).

### **2. Generally, how should we manage telework during COVID-19?**

For an employee covered by a telework agreement, telework arrangements can be used as a flexibility to promote social distancing and can be an alternative to the use of weather and safety leave for exposure to COVID-19 for a quarantined employee who is asymptomatic. An employee's request to telework from home while responsible for a family member may be approved for the length of time the employee has work to perform to effectively contribute to the agency's mission. Managers and employees should remain flexible and adapt to the changing environment.

An employee that is teleworking that becomes ill with symptoms associated with COVID-19, and is too sick to work, may request emergency paid sick leave, if appropriate, or receive weather and safety leave pending the result of a COVID-19 test.

An employee with a positive COVID-19 diagnosis should not telework and can request EPSL for up to 80 hours or will be placed on administrative leave/excused absence for a period not to exceed 14 calendar days. Extensions beyond the initial 14 days of administrative leave/excused absence will be considered on a case-by-case basis.

**3. In the event that local school systems are closed due to COVID-19, but Federal offices remain OPEN, is it permissible for a telework program participant to perform telework with a child in the home?**

The presence of a child or other dependents in the employee's home is not an absolute bar on telework. The teleworking employee would be expected to account for work and non-work hours during his or her work day 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). See [Handbook to TSA MD 1100.30-5, Telework Program](#), Section L, *Telework and Dependent Care*. Employees and supervisors are encouraged to utilize telework arrangements to the maximum extent possible.

**4. What happens if an employee does not have a sufficient amount of work to perform to cover the entire telework day during incidences of COVID-19?**

An employee must always have a sufficient amount of work to perform throughout the workday when he or she teleworks. An asymptomatic employee performing telework who does not have enough work must notify his or her supervisor and receive additional work or discuss leave options such as personal leave or weather and safety leave.

**5. May TSA require a telework program participant to work from home during an agency closure due to COVID-19?**

Yes. During an agency closure due to COVID-19, when an agency Continuity of Operation Plan (COOP) has not been initiated, telework program participants will generally be expected to continue working from home. Telework program participants will generally be ineligible for weather and safety leave during a closure except in rare circumstances. See [Handbook to TSA MD 1100.61-1, Dismissals and Closures](#).

**6. Can TSA require an employee to telework?**

Yes. In locations where local and state governments have issued stay-at-home orders, EAAs, AAs, FSDs, or SACs may require an employee to telework and enter into an ad hoc telework agreement. When determining if mandatory telework is appropriate, managers should consider the job functions of the employee's position and available equipment and supplies required to complete the duties of the position, and availability of internet connectivity at the alternative worksite.

**7. We have many employees who are teleworking but whose jobs should not generally be approved for telework, can we put an expiration date on Telework Agreements?**

Yes, when completing the telework agreement, identify that it is situational/ad hoc and identify the date for which it will terminate if an extension is not approved based on conditions at that time.



## **WORKERS' COMPENSATION**

### **1. I think I contracted COVID-19 at work. Can I file an Office of Workers' Compensation Programs (OWCP) claim?**

Yes. If you believe you were exposed to and contracted COVID-19 at work, you may file an OWCP claim. If you can identify the specific time and date in which you believe exposure took place, you would complete a CA-1, Notice of Traumatic Injury form. If you cannot identify a specific time and date of exposure, you would complete a CA-2, Notice of Occupational Disease.

## **PAY**

### **1. Is a retention incentive paid out while an employee is on weather and safety leave?**

Yes, retention incentives continue to be paid while on weather and safety leave or administrative leave/excused absence.

### **2. Do employees receive Sunday pay, night shift differential, or split shift differential while on weather and safety leave or administrative leave/excused absence?**

An employee who is on weather and safety leave or administrative leave/excused absence will receive their regular rate of pay, excluding Sunday pay for any hours that may have been scheduled on a Sunday. The employee will continue to receive night shift differential for regularly scheduled night shift work and will also continue to receive split shift differential if regularly scheduled to work a split shift.

## **TRAVEL**

### **1. What should we do for employees who return from personal international travel?**

Employees and managers should coordinate the plan for return before the travel takes place.

Once the travel has been completed, the employee must speak with his or her supervisor to discuss any potential risks or exposures before returning to the work site. For employees who work at an airport, the employee should contact the coordination center upon their return. For employees who do not work at an airport, the employee must speak directly with his or her supervisor before returning to the work site. For some situations, such as travel that concludes on a weekend, this may require that the employee be prepared to telework on the first work day following the leave status to allow for the conversation to be held, if possible.

If an employee has not been to a high risk area and/or does not have reason to believe that he or she has been exposed to an infected person, the coordination center and/or supervisor may grant clearance for the employee to return to the work site.

Employees returning from travel within a CDC identified Level 3 country must notify his/her supervisor and will be required to quarantine for 14 days from their return. If an employee believes that he or she may have been exposed to an infected person, or if the employee is

demonstrating symptoms, the employee should not return to the work site until clearance has been received from a public health official. Employees should check the [CDC's website](#) for current information on travel advisories and list of countries with Level 3 Travel Health Notices due to COVID-19.

## **CIMG TRACKING**

### **1. How should airports, field offices, and headquarters offices report employee situations to the Critical Incident Management Group (CIMG)?**

Organizations are required to report the number of personnel on Weather and Safety Leave and Administrative Leave/Excused Absence to the Critical Incident Management Group (CIMG). Reports should reflect the following:

- Employee placed on Weather and Safety Leave based on the criteria outlined under the Employee Directed to Quarantine section should be reported to the CIMG as “Quarantined/Self-Monitoring.”
- Employees approved for Administrative Leave/Excused Absence based on the criteria outlined under Employees Diagnosed with COVID-19 should be reported as “Confirmed.”
- Employees placed on Weather and Safety Leave based on the criteria outlined under the Higher Risk Employees section should be reported to the CIMG as “High Risk.”
- Employees using Weather and Safety Leave for personal affairs under the authority given in the Unscheduled Leave section do not need to be reported to the CIMG.
- Employees on Weather and Safety Leave under the authority given in the Reduced Volumes and Checkpoint/Airport Closures Section should be reported on the Event Reporting Board as a “Schedule Staff Adjustments.”