

# Pandemic Influenza Annex to the NOAA Continuity of Operations Plan



**NOAA Pandemic Influenza Plan (Rev. November 2009)**

*Tab M – NOAA Pandemic Influenza Annex*

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## EXECUTIVE SUMMARY

In line with NOAA's All-Hazards Incident Management<sup>1</sup>, this Pandemic Influenza Annex (hereinafter referred to as "Annex") to the NOAA Continuity of Operations Plan (COOP) facilitates coordination of NOAA-wide pandemic preparedness and response programs and activities. Rather than prescribing every intermediate step, process, or project, this Annex points the direction to more specific steps or actions that NOAA will undertake in its pandemic planning efforts.

This Annex is designed to be flexible in order to accommodate changes brought on by a pandemic. A living document, this Annex will be reviewed on a continual basis and periodically updated to reflect changes in our understanding of the threat and the state of relevant response capabilities and technologies. It will also be tested frequently to identify preparedness weaknesses and to promote effective implementation.

The following are the overall objectives of this Annex for planning and responding to pandemic influenza:

- **Plans and Procedures**—Reduce the impacts of a pandemic on NOAA;
- **Essential Functions**—Continue NOAA's essential functions, especially the Primary Mission Essential Functions, to facilitate emergency management and overall national recovery;
- **Delegations of Authority**—Ensure persons receiving critical delegations of authority are geographically dispersed and three deep per position because of anticipated rise in absenteeism;
- **Orders of Succession**—Ensure designees in orders of succession are geographically dispersed and three deep per position as the consequences of a pandemic influenza will vary and will affect regions of the United States differently in terms of timing, severity, and duration;
- **Alternate Operating Facilities**—Plan for and test the logistical support needed to execute alternatives to staff relocation/co-location such as "social distancing" in the workplace through telecommuting or other means;
- **Interoperable Communications**—Plan and consider alternate means of communicating in absence of person-to-person contact to minimize workplace risks of infection and test critical communications systems;
- **Vital Records and Databases**—Identify records needed to sustain operations for longer than 30 days and confirm these records are electronically accessible from a remote location. Identify and plan for maintenance of vital systems that rely on periodic physical intervention/servicing;
- **Human Capital**—
  - Enhance/facilitate/streamline coordination with DOC OHRM;
  - Coordinate modifications to human capital policies and plans with labor relations;
  - Review terms and conditions of contract work to ensure contractor responsibility for essential functions and to suspend non-essential work;
  - Evaluate need for hygiene supplies, medicines, and other medical necessities to promote the health and welfare of personnel;
  - Develop and/or modify an employee accountability system;
  - Promote guidance developed by public health and safety authorities;
  - Provide employees and families with relevant information and advisories about the pandemic; and
  - Assure the delivery of cross-training to ensure essential staff is available to perform functions and services.

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<sup>1</sup> All Hazards Incident Management as defined in NOAA Administrative Order (NAO) 210-100, effective 10/21/06

- **Test, Training, and Exercises**—Test, train, and exercise sustainable social distancing techniques that reduce person-to-person interactions within the workplace to include telework capabilities and impacts of a reduced staff on facilities and essential functions and services;
- **Devolution of Control and Direction**—Develop detailed guidance for devolution and consider rotating operations between regional offices as the pandemic wave moves throughout the United States;
- **Reconstitution**—Develop plans for replacement of employees unable to return to work and prioritize hiring efforts.

## I. INTRODUCTION

The Federal Implementation Plan for the National Strategy for Pandemic Influenza acknowledges that a pandemic influenza will require specialized planning. To address this, FEMA issued a memorandum on March 1, 2006, “Continuity of Operations (COOP) Pandemic Influenza Guidance”. The memorandum provides guidance to Federal Executive Branch Departments and Agencies for incorporating pandemic influenza considerations into their COOP planning.

## II. PURPOSE

This Annex provides guidance to NOAA Line and Staff Offices and serves as the NOAA Headquarters plan for maintaining essential functions and services during a pandemic. This Annex supplements the current approved NOAA Headquarters COOP Plan bridging the gap between the traditional, all-hazards COOP planning of Federal Continuity Directive 1 (FCD 1) and the specialized COOP planning required for a pandemic by addressing those considerations, challenges, and elements specific to the dynamic nature of a pandemic.

This Annex emphasizes that maintaining essential functions in a pandemic environment may not entail an official COOP declaration, and that maintaining essential functions may be accomplished through contact intervention (social distancing) strategies. This Annex recognizes that relocation may be necessary due to a separate or concurrent event. Since these requirements apply across all levels of the Agency, the term “NOAA,” for the purposes of this Annex, refers to the entire NOAA organization, including Headquarters personnel, all Line and Staff Offices, and operating elements.

The overarching objectives of this Annex are to:

- Maintain continuous command and control of the Agency;
- Ensure the continuous performance of essential functions and operations;
- Mitigate disruptions to operations;
- Achieve a timely and orderly recovery from a pandemic event and resumption of full service to customers;
- Support the overall Federal preparedness and response efforts; and
- Communicate preparedness, response and recovery guidance to NOAA employees.

## III. CONCEPT OF OPERATIONS

This Annex conforms to the Department of Commerce Department Pandemic Plan for Influenza to ensure the continuity of the NOAA mission under all circumstances with reduced staffing and resources.

Activating the Annex: Only the Under Secretary of Commerce for Oceans and Atmosphere (hereinafter, the “Under Secretary”) or designated successor (per NAO 210-5, “Order of Succession to Key NOAA Positions”) and/or NOAA Emergency Coordinator are authorized to activate the Annex either in its entirety or specific components.

- A. Designated successors will be in order of chain of command from Under Secretary in accordance with the NOAA Administrative Order 210-5.
- B. The Pandemic Influenza Annex may be activated by the following methods:
  - (1) Immediate: Is based on two different approaches:
    - a. Based on impact to staffing and other necessary resources affecting the ability of the agency as a whole or organizational unit to continue identified essential functions; or
    - b. Based on Presidential directive from the White House, National Security Staff, Department of Homeland Security, and/or the Secretary of Commerce.

- (2) Phased: Based on Presidential directive from the White House, National Security Staff, Department of Homeland Security, and/or the Secretary of Commerce.

#### IV. PANDEMIC PLANNING ASSUMPTIONS

Pandemics are unpredictable and there is no way to know the characteristics of a pandemic virus before it emerges. Nevertheless, assumptions must be made to facilitate planning efforts. The following are assumptions the Department has incorporated in the DOC Department Plan for Pandemic Influenza:

##### A. General Assumptions

- Rates of serious illness, hospitalization, and deaths will depend on the virulence of the pandemic virus and differ by an order of magnitude between more and less severe scenarios.
- Rates of absenteeism will depend on the severity of the pandemic. In a severe pandemic, absenteeism attributable to illness, the need to care for ill family members and fear of infection may reach 40% during the peak weeks of a community outbreak, with lower rates of absenteeism during the weeks before and after the peak. Certain public health measures (closing schools, quarantining household contacts of infected individuals) are likely to increase rates of absenteeism.
- The typical incubation period (interval between infection and onset of symptoms) for influenza is approximately two days.
- Persons who become ill may shed virus and can transmit infection for one-half to one day before the onset of illness. Viral shedding and the risk of transmission will be greatest during the first two days of illness. Children will play a major role in transmission of infection as their illness rates are likely to be higher, they shed more viruses over a longer period of time, and they control their secretions less well.
- Multiple waves (periods during which community outbreaks occur across the country) of illness are likely to occur with each wave lasting two to three months. Historically, the largest waves have occurred in the fall and winter, but the seasonality of a pandemic cannot be predicted with certainty.

##### B. NOAA Assumptions

- NOAA is responsible for the health and safety of its employees in the workplace under Section 5(a)(1) of the Occupational Safety and Health (OSH) Act of 1970.
- NOAA will sustain essential functions and continue performing as many routine business activities as possible during times of significant absenteeism.
- All NOAA Line and Staff Offices have actionable COOP plans and capabilities in accordance with FCD-1.
- Travel restrictions, such as limitations on mass transit, implemented at Federal, State, local and/or Tribal levels will affect the ability of staff to get to work or relocate to an alternate site if needed.
- Devolution sites may be activated for use during a pandemic. Although a pandemic influenza event does not necessarily require the use of devolution sites, NOAA may make its devolution sites, along with other locations, available to be used as a precaution to separate staff, i.e., implement social distancing protocols.
- NOAA may make its alternate facilities, along with other locations, available to be used as a precaution to separate staff, i.e., to implement social distancing protocols.

## V. AGENCY PLANNING

By law and Executive Order, NOAA, to include its subordinate components, is required to have the capability to maintain continuous operations of its identified essential functions or be able to restore essential functions within twelve (12) hours. Each subordinate component must therefore be prepared to continue to function during an emergency or threat of an emergency, and to efficiently and effectively resume critical operations if interrupted.

NOAA and its line and staff offices are required to establish and maintain COOP plans/programs to ensure their ability to sustain and support their organizational mission under all circumstances. All organizations within NOAA will incorporate a Pandemic-specific Addendum into their COOP plans to ensure the continuity of organizational mission under all circumstances with reduced staffing and resources. NOAA will protect personal privacy information (PII) consistent with applicable laws and Department policies including the Privacy Act.

## VI. ELEMENTS OF A VIABLE PANDEMIC INFLUENZA COOP CAPABILITY

### A. PLANS AND PROCEDURES

NOAA pandemic influenza COOP planning and response actions will be appropriately linked to the Department of Commerce pandemic influenza guidance.

#### 1. Pandemic Coordinators and Pandemic Response Teams

The Under Secretary has designated the Director, Homeland Security Program Office (HSPO) as the NOAA Pandemic Coordinator. NOAA's Emergency Relocation Group (ERG) members and the NOAA Incident Coordination Center (ICC) staff will form the Headquarters Pandemic Response Team (PRT) to anticipate the impacts and assist with developing strategies to manage the effects of a pandemic outbreak on NOAA. Each Line and Staff Office (LO/SO) will establish and designate a Pandemic Coordinator and identify and designate a LO/SO-level Pandemic Response Team to support their Pandemic Coordinator.

#### 2. Sustaining Essential Operations

Essential operations will be sustained until normal business activity can be resumed. It may be necessary to sustain essential operations for a period longer than 30 days. The principal focus in making this determination will be the minimization of the effects of a pandemic on staff and operations. NOAA Headquarters will emphasize and implement procedures such as social distancing techniques, infection control and personal hygiene, cross-training, and telework to sustain essential operations.

#### 3. Reporting

Reporting on absenteeism, status of operations and preparation activities during response stages will be bottom-up: Supervisors will report through management channels to their designated Line or Staff Office-identified Pandemic Coordinator and/or Homeland Security Senior Management Team (HS SMT) representative for reporting to the NOAA Incident Coordination Center (ICC) consistent with NOAA Administrative Order 210-100, *All Hazards Incident Management*.

## B. ESSENTIAL FUNCTIONS

During a pandemic or any other emergency, essential functions must be continued to facilitate emergency management and overall national recovery. Given the expected duration and potential multiple waves of a pandemic, NOAA Line and Staff Offices must review their essential functions and services to take into account the need to perform essential functions beyond the traditional 30-day COOP requirement.

### 1. Essential Functions

NOAA must ensure that it can continue its essential functions and services needed to sustain agency mission and operations for several months. For pandemic planning purposes, essential services and functions are likely to be broader than the traditional COOP essential functions.

NOAA is responsible for two Primary Mission Essential Functions (PMEFs) that must be performed to support or implement National Essential Functions (NEFs) before, during, and in the immediate aftermath of an emergency. PMEFs must be uninterrupted or resumed within 12 hours after an event and maintained for up to 30 days or until normal operations can be resumed. The NOAA PMEFs are as follows:

**PMEF DOC-2:** Collect and provide the Nation with critical intelligence data, imagery, and other essential information for predictive environmental and atmospheric modeling systems and space-based distress alert systems by operating NOAA-controlled satellites, communications equipment, and associated systems.

**PMEF DOC-3:** Provide the Nation with environmental forecasts, warnings, data, and expertise critical to public safety, disaster preparedness, all-hazards response and recovery, the national transportation system, safe navigation, and the protection of the Nation's critical infrastructure and natural resources.

Additional detailed information on the PMEFs and other NOAA Mission Essential Functions, Supporting Activities, Vital Records and Databases, Emergency Relocation Group members, and Mission Critical Systems and Equipment required to perform each of the essential functions are found in the NOAA COOP Plan.

In addition, NOAA also has support responsibilities in thirteen (13) Emergency Support Function Annexes (ESF) of the National Response Framework:

- 1) ESF #1 – Transportation
- 2) ESF #2 – Communication
- 3) ESF #3 – Public Works and Engineering Annex
- 4) ESF #4 – Firefighting
- 5) ESF #5 – Emergency Management
- 6) ESF #8 – Public Health and Medical Services Annex
- 7) ESF #9 – Urban Search and Rescue
- 8) ESF #10 – Oil and Hazardous Materials Response
- 9) ESF #11 – Agriculture and Natural Resources
- 10) ESF #12 – Energy
- 11) ESF #13 – Public Safety and Security
- 12) ESF #14 – Long-Term Community Recovery and Mitigation
- 13) ESF #15 – External Affairs

**2. Identification of Essential Positions and Skills**

NOAA LO/SOs will identify positions, skills, and personnel needed to continue essential functions and services. Line and Staff Offices will also identify back-up personnel, in different geographic locations, by position, and ensure that all personnel needed to perform those essential functions will also receive COOP and specific pandemic influenza training.

**3. Alternative Work Arrangements**

NOAA LO/SOs will assess which essential functions and services can be conducted through the use of alternative work arrangements (e.g., telework, staggered work hours, flex time, etc.)

**4. Essential Contract and Support Services and Other Interdependencies**

NOAA will identify the contractors, suppliers, shippers, resources and other businesses that are mission critical and essential to NOAA operations. NOAA's Acquisition and Grants Office will develop relationships with more than one supplier should a primary contractor be unable to provide the required service.

**C. DELEGATIONS OF AUTHORITY**

At the height of a pandemic wave, absenteeism may reach a peak of 40 percent. As such, delegations of authority will be critical in some organizations.

The NOAA Delegations of Authority can be found in Tab J of the NOAA Headquarters COOP Plan.

**1. Three Deep per Responsibility**

NOAA will plan for delegations of authority that are at least three deep per responsibility to take into account for the expected rate of absenteeism.

**2. Geographic Dispersion**

NOAA will plan for geographical dispersion of delegations of authority, taking into account the regional nature of an outbreak.

**D. ORDERS OF SUCCESSION**

The Orders of Succession for NOAA Headquarters can be found in Tab J of the NOAA Headquarters COOP Plan and also in NOAA Administrative Order 210-5.

**1. Three Deep per Position**

NOAA will plan for orders of successions that are at least three deep per position to take into account for the expected rate of absenteeism.

**2. Geographic Dispersion**

Since a pandemic influenza may affect regions of the United States differently in terms of timing, severity, and duration, NOAA LO/SOs will consider dispersing the order of succession.

## **E. ALTERNATE OPERATING FACILITIES**

The traditional use of alternate operating facilities to maintain essential functions and services may not be necessary during a pandemic. Rather, safe work practices, which include contact interventions and transmission interventions, reduce the likelihood of contacts with other people that could lead to disease transmission. Strategies for maintaining essential functions and services will largely rely on social distancing and dispersion of the workforce including telework, preventative health practices, and other efforts to reduce the chance of infection.

A separate incident concurrent to a pandemic outbreak could necessitate the use of an alternate operating facility for the NOAA Headquarters Emergency Relocation Group members. All planning requirements listed in FCD 1 referencing alternate operating facility(ies) or existing field infrastructures should be understood to be necessary only in the event of an incident concurrent with a pandemic in which their use is necessary. If the Emergency Relocation Group members must be brought together in one location, increased use of Personal Protective Equipment (PPE) and other infection control measures must be implemented.

### **1. Essential Function by Remote Location**

NOAA LO/SOs will determine which essential functions and services can be conducted from a remote location (e.g., employees' homes or other geographically dispersed work locations) and those that must be performed at a designated department or agency facility.

### **2. Facilities Support**

NOAA LO/SOs will determine through their continuity planning the need for reliable logistical support, services, and infrastructure systems at facilities that remain open (for greater than 30 days), to include alternate operating facilities in the event of an incident concurrent with a pandemic influenza outbreak.

### **3. Restriction of Movement**

NOAA LO/SOs will consider the impact of restriction of movement (Federal, State, Local and Tribal) on open/accessible facilities and operating plans.

## **F. INTEROPERABLE COMMUNICATIONS**

Workplace risk can be minimized through implementation of systems and technologies that facilitate communication without person-to-person contact.

### **1. Telework Analysis and Development of Capability**

NOAA and its LO/SOs will analyze their current telework capability and identify its personnel performing essential functions who may be candidates to telework, along with the IT requirements, tools, and resources necessary to support telework during a pandemic. The use of laptops, high-speed telecommunications links, Personal Digital Assistants (PDAs), flash drives, and other systems that enable employees performing mission essential functions and services to communicate and maintain connectivity with internal organizations, external partners, critical customers, and other key stakeholders will be considered when performing analysis.

NOAA LO/SOs will determine how many personnel will need to telework and the type of access needed, e.g. remote connection through web-enabled email system or virtual private network (VPN) to connect a home computer to the network. This action should be coordinated independently within each line and staff office and their servicing Office of the Chief Information Officer. VPN software must be issued and a user account set up for VPN connectivity. It is expected that each line and staff office maintains a fixed number of connections currently available for use by essential employees. Guidance will be provided to NOAA organizations to consider access be granted during a Pandemic response based on a priority use basis for those staff requiring remote access to network systems. Office Directors and managers will set and maintain priority for the users within their organizations future emergency or pandemic situations. NOAA will protect personal privacy information (PII) consistent with applicable laws and Department policies including the Privacy Act.

## **2. Communications Plan**

NOAA Line and Staff Offices will develop communication plans and mechanisms to provide relevant information to internal and external stakeholders, including but not limited to instructions for determining the status of agency operations and possible changes in working conditions and operational hours.

Plans and procedures for communication and external coordination are found in individual line and staff office COOP plans.

## **G. VITAL RECORDS AND DATABASES**

### **1. Identification, Protection and Availability**

NOAA will identify, protect, and ensure the ready availability of electronic and hardcopy documents, references, records, and information systems needed to support essential functions for up to several months.

### **2. Access from Remote Locations**

NOAA will determine whether systems, databases, and files can be accessed electronically from a remote location (e.g., an employee's home or alternate workplaces) and establish reliable access and security protocols for them.

### **3. Periodic Maintenance**

NOAA will identify and plan for the maintenance of those vital systems and databases that require periodic maintenance or other direct physical intervention by employees.

## **H. HUMAN CAPITAL**

Although pandemic influenza will not directly affect the physical infrastructure of an organization, a pandemic will ultimately threaten all operations by its impact on an organization's human resources. The health threat to personnel is the primary threat to maintaining essential missions and services during a pandemic. To assist agencies in making sure they are able to fulfill their missions, while at the same time, preparing and protecting the Federal workforce should a pandemic influenza outbreak occur, the Office of Personnel Management (OPM) has updated and developed policies on leave, pay, hiring, alternative work arrangements, and other critical human capital issues in relation

to pandemic influenza. This information can be found at:  
<http://www.opm.gov/pandemic/index.asp>.

## 1. **Telework**

Telework can be an important tool in two different ways. First, as the pandemic influenza approaches and intensifies in a geographic area, telework can be used in advance of any formal evacuation orders and requirements to work at home (or an alternative location). Second, if an evacuation is ordered, supervisors who have prepared for and tested telework capabilities as part of their normal HR flexibilities program will be in a far better position to meet mission needs. Telework for personnel who do not require physical presence at the regular worksite to perform their functions and for employees who will be recovering from an injury or medical condition or to assist with a family member's recovery from an injury or medical condition, may be authorized.

A written telework agreement and a safety check list of the alternative office must be completed prior to an employee working away from the traditional office. In conjunction with the signed telework agreement, for individuals identified to perform essential functions during a pandemic, the supervisor will have a description of each employee's responsibilities along with the infrastructure and technological support that will be provided. NOAA's policy is located at: <http://www.wfm.noaa.gov/pdfs/Telework-Policy-no-forms.pdf>.

OPM regulations allow an agency to direct any employee to work from another location for the duration of the emergency and make a temporary exception to the requirement that an employee must report into the work site at least once a week, on a regular and recurring basis. This exception allows the employee to continue to telework and receive his or her locality rate for the regular worksite.

## 2. **Manager Pandemic Responsibilities**

All managers will become familiar with the Office of Personnel Management's (OPM) Pandemic Influenza Information website ([www.opm.gov](http://www.opm.gov)). This site provides valuable information and guidance to fully utilize various strategies to achieve agency mission and accomplish performance goals, such as the use of alternative work arrangements, telework, hiring flexibilities and leave flexibilities. Managers should also refer employees to the OPM Interim Regulations as it offers hypothetical questions posed and answered based on current rules and regulations and will assist both manager and employees prepare for potential pandemic situations.

- Implement telework to the greatest extent possible in the workgroup so systems are in place to support successful remote work in an emergency.
- Communicate expectations to all employees regarding their roles and responsibilities in relation to remote work in the event of a pandemic health crisis.
- Establish communication processes to notify employees of activation of this plan.
- Integrate pandemic health crisis response expectations into telework agreements.
- With the employee, assess requirements for working at home (supplies and equipment needed for an extended telework period).
- Determine how all employees who may telework will communicate with one another and with management to accomplish work.
- Identify how time and attendance will be maintained.

### **3. Teleworker Pandemic Responsibilities**

- Maintain current telework agreement specifying pandemic health crisis telework responsibilities, as appropriate.
- Perform all duties assigned by management, even if they are outside usual or customary duties.
- Practice telework regularly to ensure effectiveness.
- Be familiar with agency and workgroup pandemic health crisis plans and individual expectations for telework during a pandemic health crisis.

### **4. Telework- Test, Training and Exercises**

NOAA Headquarters and LO/SOs will evaluate telework plans, procedures, and capabilities through reviews, testing, post-incident reports, lessons learned, performance evaluations, and exercises. Procedures will be established to ensure that corrective action is taken on any deficiency identified in the evaluation process.

Information on NOAA's Telework Program, Policy, current list of NOAA LO/SO Telework Coordinators, and screen-fillable application form is available at:  
<http://www.wfm.noaa.gov/employees/telework.html>

### **5. Employee Assistance Program (EAP)**

The Employee Assistance Program (EAP) offers professional counseling in any situation that has created personal distress. These services will be made available in the event of an incident-activating COOP. EAP also helps with day-to-day life management. Assistance is available 24-hours a day, 7-days a week. More information is available at:  
<http://www.wfm.noaa.gov/employees/eap.html>

### **6. Employee and Labor Relations**

During a pandemic health crisis, as at any other time, employees and supervisors are critical to an agency's ability to accomplish its mission. To address unique employee and labor relations issues that may arise, a section on Frequently Asked Questions with answers can be found in Appendix 5. Additional information is available at:  
[http://www.wfm.noaa.gov/employee\\_relations/index.html](http://www.wfm.noaa.gov/employee_relations/index.html)

## **I. TEST, TRAINING AND EXERCISES**

Testing, training, and exercising are essential to assessing, demonstrating, and improving the ability of organizations to maintain their essential functions and services.

### **1. Tabletop, Functional, and Full-Scale Exercises**

NOAA will incorporate pandemic exercises (tabletop, functional, or full scale) in its Test, Training and Exercise Program to examine the impacts of pandemic influenza on essential functions, to familiarize personnel with their responsibilities, and to validate the effectiveness of pandemic influenza COOP planning by senior leadership. The NOAA Test, Training and Exercises Plan (TT&E) can be found at Tab R in the NOAA COOP Plan.

### **2. Annual Awareness Training**

NOAA will include pandemic influenza planning in COOP annual awareness briefings.

### **3. Cross-Training Successors and Back-up Personnel**

NOAA LO/SOs will identify and train personnel, by position, needed to perform essential functions, including backups in different geographic locations (see Tab E - Essential Functions).

The Emergency Relocation Group personnel roster listed in Tab D of the NOAA Headquarters COOP Plan identifies the personnel required to support continuity of operations. Contact numbers for the Emergency Relocation Group are updated quarterly in the *NOAA Quick Reference Document for Continuity of Operations and Incident Coordination*.

## **J. DEVOLUTION OF CONTROL AND DIRECTION**

Pandemic outbreaks will occur at different times, have variable durations, and may vary in the severity; therefore, full or partial devolution of essential functions may be necessary to execute essential functions and services. Devolution planning may need to include rotating operations among regional offices as the pandemic wave moves throughout the United States.

### **1. Devolution and Essential Functions**

NOAA Headquarters and LO/SOs will take into account how they will maintain essential functions if pandemic influenza renders leadership and essential staff incapable or unavailable to execute those functions. Full or partial devolution of essential functions may be necessary to ensure continuation of these essential functions and services.

NOAA Headquarters and LO/SOs will ensure that devolution plans and procedures are consistent with the three-deep rule and geographic dispersion (see Section C, Delegations of Authority, and Section D, Orders of Succession).

### **2. Devolution Guidance**

NOAA will develop guidance for those organization elements receiving the devolution of control and direction, including:

- Essential functions and services;
- Rotating operations geographically as applicable;
- Supporting tasks;
- Points of Contacts; and,
- Resources and phone numbers.

NOAA's Devolution Plan can be found in the NOAA COOP Plan, Tab L.

## **K. RECONSTITUTION**

Reconstitution is the ability of an organization to recover from a catastrophic event and consolidate the necessary resources that allow it to return to a fully functional entity of the Federal government. The objective during the recovery and reconstitution phase during a pandemic is to expedite the return of normal services to the nation.

**1. Replacement of Employees**

NOAA will develop plans for replacement of employees unable to return to work and prioritize hiring efforts, including but not limited to retired federal employees and emergency use of contractor services.

**2. Facility/Building Habitability**

NOAA will develop plans and procedures, in conjunction with public health authorities, to ensure the facilities/buildings are safe for employees to return to normal operations.

**3. Programmatic Reconstitution**

The Assistant Administrator for Program Planning and Integration and the Director of the Office of Program Analysis and Evaluation will establish a Reconstitution Team (RT). The RT will compile a listing of the capabilities existing in NOAA after the event and determine which ones are operating at normal capacity or in a degraded capacity and develop plans for identifying and prioritizing essential programs.

**VII. CONCLUSION**

Maintaining essential functions and services in the event of pandemic influenza requires additional considerations beyond traditional COOP planning as outlined in FCD 1. Unlike other hazards that necessitate the relocation of staff performing essential functions to an organization's alternate operating facility, a pandemic influenza will not directly affect the physical infrastructure of an organization. As such, a traditional COOP activation may not be required under a pandemic influenza scenario. However, a pandemic threatens an organization's human resources by removing essential personnel from the workplace for extended periods of time. Accordingly, COOP plans should be modified or supplemented to achieve a pandemic influenza capability. Plans for maintaining essential functions and services in a pandemic influenza must emphasize and implement procedures such as social distancing techniques, infection control and personal hygiene, cross-training, and telework. Protecting the health and safety of employees must be the focus of planning in order to ensure the continuity of essential functions and continuity of government.

## PANDEMIC PHASES

The World Health Organization (WHO) uses a six-phased scale of pandemic alert to inform the world of the global spread of a new virus and as a global framework for countries in pandemic preparedness and response planning.

The pandemic phase (WHO Phase 6) does not indicate the severity of disease caused by a virus. (The severity of disease is classified as moderated, aggravated or severe.) The WHO phases provides situational awareness of the spread of disease across the world.

NORMAL OPERATIONS: MAINTAIN CAPABILITIES AND PREPARE	
<u>WHO Phases 1-5</u>	<p>1: No new influenza virus subtypes have been detected in humans. An influenza virus subtype that has caused human infection may be present in animals. If present in animals, the risk of human infection or disease is considered to be low.</p> <p>2: No new influenza virus subtypes have been detected in humans. However, a circulating animal influenza virus subtype poses a substantial risk of human disease.</p> <p>3: Human infections with a new subtype, but no human-to-human spread, or at most rare instances of spread to a close contact.</p> <p>4: Small cluster(s) with limited human-to-human transmission but spread is highly localized, suggesting that the virus is not well adapted to humans.</p> <p>5: Larger cluster(s) but human-to-human spread still localized, suggesting that the virus is becoming increasingly better adapted to humans, but may not yet be fully transmissible (substantial pandemic risk).</p>
PANDEMIC: RESPONSE AND CONTAINMENT	
<u>WHO Phase 6</u>	Pandemic phase – increased and sustained transmission in general population.

### A. DURING NORMAL OPERATIONS (WHO Phases 1-5)

NOAA Actions:

1. **Mission Capability.** It is vital that NOAA maintains its capability to perform its PMEFs, MEFs and associated supporting capabilities. Should any degradation of these capabilities exist due to absenteeism, it is imperative that organizations report this degradation to the NOAA Homeland Security Program Office (HSPO) with appropriate information.
2. **Pandemic Monitoring.** The NOAA Homeland Security Program Office will monitor the overall status of a pandemic as reported by the Department of Health and Human Services (HHS), Center for Disease Control (CDC), the Department of Homeland Security (DHS), the World Health Organization (WHO), other reliable sources, and report information to the Homeland Security Senior Management Team and NOAA Senior Leadership as appropriate.
3. **Absenteeism.** Should an organization determine that they are experiencing a spike in absenteeism, potentially due to a pandemic, they should immediately report that information to their servicing Workforce Management Office who will provide the information to the NOAA Homeland Security Program Office and Department of

Commerce Office of the Secretary OHRM, who will provide the information to the Office of Security (OSY)/Emergency Operations Center (EOC).

4. **Contract Support.** Offices should identify critical contracts for supplies, maintenance, and building operations and security. The NOAA Acquisition and Grants Office (AGO) has overall responsibility, through established Contracting Officer Representatives (CORs)/Contracting Officer Technical Representatives (COTRs), to monitor any degradation in overall contractual support, potentially due to an increase in absenteeism. Any reports of degradation potentially due to absenteeism should be reported by AGO to HSPO.
5. **Facility Capabilities.** Any degradation in facility capabilities due to reduction in infrastructure, as potentially caused by absenteeism, should be reported to the Office of the Chief Administrative Officer (OCAO) who will provide a report to HSPO.
6. **Critical Infrastructure (CI)/Information Technology (IT).** Any degradation in CI/IT, potentially due to an increase in absenteeism, should be immediately reported through established CIO reporting chains to the Office of the Chief Information Officer (OCIO), who will provide the information to HSPO.

#### **B. DURING PANDEMIC ALERT PHASE (WHO Phase 6)**

1. As information is obtained during normal operations, as noted above, and there is an apparent degradation of an essential function or an impact of the pandemic on the health, safety and well being of NOAA employees, management will be alerted to evaluate and make appropriate recommendations to respond to the pandemic, see below.
2. As an example, at the Silver Spring Metro Complex (SSMC) the following procedures will be activated:
  - a. At the request of the Director for Homeland Security Program Office (HSPO), the NOAA Incident Coordination Center (ICC) will convene virtually to report on personnel, mission and impacts to infrastructure.
  - b. The Directors for HSPO, WFMO, and the Chief Administrative Officer (CAO) will meet, review information, and develop recommendations.
  - c. The Director for HSPO will make recommendations to the Deputy Under Secretary for approval on potential actions to be taken.
3. Decisions for implementation of recommendations for response to a level of the pandemic may be geographic in nature and may not cover the entire agency. Local managers should consider, and most likely coordinate their recommendations, with other local organizations.

## Potential NOAA Considerations and Actions in Response to a Pandemic

This checklist provides a list of potential actions that may be taken by elements within NOAA upon declaration of a pandemic with specific matrices for operations, staffing, and communications. This list is not all-inclusive and may be initiated by geographically dispersed elements as necessary and appropriate. COOP guidance and direction is also provided.

Additionally, at the end of the checklist is a listing of specific actions that should be performed by the organizations listed throughout any pandemic situation.

FUNCTION	√	POTENTIAL ACTION
<b>Operations</b>		
		<b>Essential Functions</b>
		Continue to perform essential functions to include Primary Mission Essential Functions and Mission Essential Functions
		Develop, review and/or revise any office draw down plans to meet the current situation so that all understand the ramifications of significant resource requests <sup>1</sup>
		<b>Pandemic Updates</b>
		Ensure readiness of staff telework and/or devolution arrangements to include readiness of required communications equipment
		Conduct a minimum of one (1) functional exercise annually
		Monitor pandemic activity and distribute pandemic information and updates as necessary
		Schedule Pandemic meetings/briefings, as appropriate
		HSPO maintains and increases situational awareness procedures, intelligence monitoring, and report compilation/submission
		Pandemic preventive procedures implemented. Implement social distancing
		Test, review, and update vital records, databases, and systems, in particular those that will need to be accessed electronically from a remote location
		Restrict official international travel as recommended by CDC, HHS, DHS or DOC.
		Broadcast e-mail on NOAA plans and employee responsibilities
		<b>Workforce Management</b>
		Disseminate information to managers, supervisors and employees on Workforce Management policies, procedures and flexibilities as warranted by evolving pandemic conditions (e.g., leave policies, telework, excused absences, evacuation, work schedules, etc.)
		Employee absenteeism tracked through NOAA's Incident Coordination Center/Pandemic Response Team. Use of employee accountability methods (e.g., phone trees, on-line check-in system, employee emergency toll-free number 1-888-NOAA-911) as needed
		Connect with federal level plan for vaccinations for emergency employees and workforce
		Respond to employees exhibiting influenza symptoms at work, in accordance with federal guidelines

<sup>1</sup> A draw down plan is a strategy that establishes a relationship between the number of critical resources not available (either because of external assignment or illness) and the level of operations.

FUNCTION	√	POTENTIAL ACTION
<b>Operations (Continued)</b>		
		<b>Contract Support</b>
		Report pandemic-related degradation in performance to AGO, who will then report to HSPO
		Modify critical contracts to ensure coverage during a pandemic (note: any contractual changes must be made by a contracting officer)
		Provide assistance to heads of bureaus and operating units to determine changes in funding levels needed to ensure that mission essential contracts (e.g., Employee Assistance Programs, Health Units, and Security) can be funded in the event of a pandemic
		<b>Facility Issues</b>
		Maintain infection control and sanitization of work spaces
		Restrict public events in facilities
		Work with the acquisition office to issue stop work orders to close all cafeterias and snack bars
		GSA consider closure of the Childcare facilities, as appropriate
		HVAC operational 24/7, as appropriate, to support shift work
		Develop procedures to support 24-hour operations including three 8-hour shift operations, as appropriate
		Plan for continuation of mail service
		Janitorial services and air filter changes would follow any HHS guidance. Air exchange and pressure would be adjusted in accordance with any HHS guidance.
		<b>Operations (General)</b>
		Managers/Supervisors identify and tract critical deadlines, federally mandated reporting requirements, etc.
		Cancel all official travel for non-essential employees and provide extended travel orders to travelers quarantined in TDY areas
		Cancel all face-to-face meetings. Utilize teleconferencing, video-teleconferencing, etc.
		HSPO maintains and increases situational awareness procedures, intelligence monitoring, and report compilation/submission
		<b>Continuity</b>
		Continue maintenance of COOP plans and programs
		Maintain alternate operating facilities in accordance with agency COOP plans to ensure readiness for activation at all times
		Conduct training and exercise activities in accordance with agency COOP and TT&E plans to ensure personnel readiness
		Conduct quarterly review of fly-away kits
		Brief, as appropriate, the Director, National Climatic Data Center (NCDC), on devolution roles and responsibilities
		Review and update vital records data
		Refresher briefing to COOP personnel on responsibilities
		Conduct quarterly audit of vital records accessibility from alternate facilities

FUNCTION	√	POTENTIAL ACTION
<b>Staffing</b>		
		<b>Operations (General)</b>
		Develop procedures and plan for potential extended hours/shift work of employees to include telework and social distancing seating arrangements
		Institute shift work as needed for essential functions
		Enforce social distancing requirements for employees
		Restrict out-of-town travel
		<b>Continuity</b>
		Maintain normal delegations and devolutions of authority to ensure performance of essential functions in no-notice event
		Review delegations of authorities, orders of succession and devolution procedures
		Managers/Supervisors ensure succession roster is at a minimum three deep
		Review and revise contact rosters on monthly basis
		Update alert and notification listing monthly
		Managers and supervisors verify that appropriate telework agreements with all ERG members are in place and are valid
		All ERG personnel telework, as appropriate
		<b>Supervisors' Human Resources Management Responsibilities</b>
		Conduct semi-annual review/verification that appropriate telework agreements are in place
	Provide leave policy guidance package to employees	
	Implement telework at their discretion	
	Ensure protection of employees' safety and health	
<b>Communications</b>		
		Conduct monthly communication checks to test interconnectivity with alternate facilities from normal operating facility with all identified critical communications equipment
		Perform monthly updates of alert and notification listings
		Conduct quarterly alert and notification drills
		Review critical partner contact information and verify accuracy
		Review and update vital records, databases, supporting infrastructure, etc.
		Audit VPN capabilities (vital records access, communications capabilities, etc.)
		Verify telework connectivity with identified essential function teleworkers
		Perform diagnostic check on COOP Vital Records Server to ensure that vital records can be retrieved by designated teleworkers

## NOAA Internal Procedures During a Pandemic

### **Workforce Management Office (WFMO) will:**

- Maintain the WFMO website at [www.wfm.noaa.gov](http://www.wfm.noaa.gov) with relevant human resources information.
- Consider and publish guidance relative to telework for personnel who not require physical presence at the regular worksite in order to perform their functions and for employees who will be recovering from an injury or medical condition or to assist with a family member's recovery from an injury or medical condition may be authorized. Office of Personnel Management regulations allow an agency to direct any employee to work from another location for the duration of the emergency and make a temporary exception to the requirement that an employee must report into the work site at least once a week, on a regular and recurring basis. This exception allows the employee to continue to telework and receive his or her locality rate for the regular worksite.
- Disseminate information relative to office closures, as applicable.
- Provide guidance relative to duty status for non-essential personnel.
- Disseminate salary payment information and existing pay and leave policies as they relate to the effects of a pandemic, as necessary.
- Oversee any requirement to track and monitor the status of employees (i.e., death cases, ability to perform duties).
- Provide information relating to the authority to utilize existing Human Resources flexibilities.

### **Office of the Chief Administrative Officer (OCAO) will:**

- Monitor pandemic information from the HHS, WHO, CDC, and other medical resources; DOC, OPM, DHS, and DOL; and world news services.
- Provide oversight on the Interagency Agreement with Federal Occupational Health (FOH) or other contracting mechanisms to maintain functioning health units.
- Coordinate with Health Unit Operators for Pandemic flu vaccination of NOAA personnel if and when vaccines become available. The Health Unit Operators will order an appropriate number of vaccines based on CDC guidance and the average number of personnel within the affected areas.
- Develop procedures to support 24-hour operations.
- HVAC systems that are now turned off in evenings would remain on based on area occupancy.
- Janitorial services and air filter changes would follow any HHS guidance. Air exchange and pressure would be adjusted in accordance with any HHS guidance.
- Real property acquisition support would be provided, as needed.
- All general administrative support functions, such as personal property and real property policy would be staffed during the operational period.

### **Office of the Chief Administrative Officer (OCAO) in conjunction with the Office of the Chief Information Officer (OCIO) will:**

- Utilize the emergency notification system for alerting key members of the Agency, as appropriate.
- Develop plans and procedures to support the actions necessary through email distribution, operations, real property acquisition support, and if necessary vacating NOAA facilities.
- The NOAA Homeland Security Program Office (HSPO) will serve as the focal point for all consolidated reports pertaining to the pandemic for the Agency.
- OCAO and OCIO will assist and consult with the line and staff offices on any questions regarding the OCAO/OCIO subject areas, however, each organization should have their

own plan for continuation of such services and evacuation plans at their individual locations.

**Office of the Chief Financial Officer (OCFO) will:**

- Develop plans and procedures to support the actions necessary for travel management.
- Continue to process passports, as necessary, during the operational period. Any travel reservations, if approved, would be serviced through the Department's travel management service provider.

**NOAA Headquarters and operating units will:**

- Take action based upon guidance and policy issued by HHS and DOL for the protection of employee health and safety, including:
  - Follow HHS recommendations for personal protective equipment (e.g., surgical/procedure masks, gloves) for essential employees who must report to work.
  - Stockpile and disseminate the personal protective equipment recommended by HHS.
- Follow infection control recommendations issued by HHS.
- Use medical resources associated with existing occupational health units and employee assistance programs (EAP) including:
  - Implement agreements to staff health unit offices during a pandemic.
  - Identify additional employee assistance resources.
  - Maintain contact with WFM for HHS updates regarding availability and distribution of anti-viral agents and pre-pandemic and pandemic vaccine to ensure designated employees receive them.
- Maintain employee phone trees.

## Protecting the Health of Employees

The protection of the NOAA workforce during an influenza pandemic is paramount to preserving the NOAA mission and will require dynamic awareness, prevention, and preparedness efforts across all Line and Staff Offices. This Appendix provides information on various strategies and interventions necessary to protect the health of NOAA employees during a pandemic influenza.

### 1. Recommendations for General Employee Workforce:

- a. **Personal Protective Equipment:** CDC recently issued (May 3, 2007) guidance for use of facemasks and respirators in non-occupational community settings during an influenza pandemic. Although they emphasize that during a pandemic, people should avoid close contact and crowded conditions instead of relying on the use of facemasks or respirators, they recognize this might not always be possible. Therefore, their interim recommendations state the wearing of facemasks and respirators should be considered for use by persons entering crowded settings and/or when sick with the flu or might have close contact (within about 6 feet) with people who are known or thought to be sick with pandemic flu.
- b. **Hand washing:** Transmission of influenza can occur by indirect contact from hands and articles freshly soiled with discharges of the nose and throat of an acutely ill individual. The influenza virus is readily inactivated by soap and water. Waterless alcohol-based hand sanitizers can be used as an alternative to hand washing and are especially useful when access to sinks or warm running water is limited. Place alcohol-based hand sanitizers at the entrance of facilities.
  - 1) Hand hygiene is an important step in preventing the spread of infectious diseases, including influenza. Post signs in restrooms during phase 5 of pandemic alert to increase awareness and emphasize hand washing. Hand hygiene can be performed with soap and warm water or by using waterless alcohol-based hand sanitizers. Wash hands for a minimum of 15-20 seconds.
  - 2) Basic hygiene measures should be reinforced and people should be encouraged to practice them to minimize potential influenza transmission. Use disposable single use tissues for wiping noses; Covering nose and mouth when sneezing and coughing; Hand washing after coughing, sneezing or using tissues; and emphasize importance of keeping hands away from the mucous membranes of the eyes and nose.
- c. **Cleaning and Disinfecting:**
  - 1) HVAC system should be cleaned and maintained in optimal operating condition.
  - 2) Telephone handsets and cradles, computer keyboards and mice, and work surfaces should be wiped down daily using an alcohol-based waterless hand sanitizer.
  - 3) Disinfectant solutions should be applied to all common areas, counters, railing, washbasins, toilets, urinals daily.
  - 4) Wear non-latex disposable gloves while disinfecting surfaces;
  - 5) Clean contaminated areas of dirt, dust, and debris, and THEN, disinfect;
  - 6) Discard disposable cloth wipes after each use;
  - 7) After removing gloves, thoroughly wash hands with soap and water.
- d. **Social Distancing:** Social distancing refers to strategies to reduce the frequency of contact between people. Generally it refers to mass gatherings but the same strategies can be made in the workplace setting.

- 1) Working from home will be imperative during an outbreak. Essential personnel should avoid working in groups when possible during outbreak to avoid cross infection.
- 2) Where feasible, shift changes should be managed to allow a time interval between shifts so that the worksite can be ventilated and cleaned.
- 3) Social distancing strategies include:
  - a. Avoid meeting people face to face - use telephone, video conferencing and the internet to conduct business as much as possible- even when participants are in the same building.
  - b. Avoid any unnecessary travel and cancel or postpone non-essential meetings/gatherings/ workshops/ training sessions.
  - c. If possible, arrange for employees to work from home or work flex hours to avoid crowding at the workplace.
  - d. Avoid public transit or public crowds.
  - e. Encourage employees to avoid recreational or other activities where they might come into contact with infectious people.
  - f. Encourage all employees to be immunized with the up-to-date seasonal influenza vaccine. This may reduce secondary infections during an outbreak.
  - g. Stay home when you are sick.
  - h. Follow safe practices at home or in public when you are sick.

## **2. Precautions for mission-critical personnel who must report to work during an acute phase of an outbreak when others are working from home.**

- a. In addition to the precautions in the general employee workforce such as ensuring good personal hygiene, social distancing, and frequent hand washing, the following is recommended:
  - 1) Develop prioritization and distribution plan for administering antiviral medication or vaccine if sufficient supplies are available. Refer to CDC for guidance when available on this issue.
  - 2) As mentioned in 1a above, the wearing of respiratory protective equipment may be necessary to minimize or avoid the exposure to pandemic flu.

## **3. Antiviral Medications and Vaccinations**

- a. Antiviral medications can be used for treatment or prophylaxis of people exposed to influenza.
- b. Health and Human Services (HHS) is the lead agency responsible for:
  - 1) Establishment and maintenance of antiviral stockpiles adequate to treat 75 million persons, divided between Federal and State stockpiles; and
  - 2) Establishment and maintenance of a Federal stockpile of 6 million treatment courses reserved for containment efforts.
- c. Because of the legal, regulatory, ethical, logistical, and economic issues encountered in ordering, storing, securing and dispensing prescription medications, NOAA employees will need to obtain any antiviral medications directly from their health care providers.
- d. The U.S. Government is working to expand domestic influenza vaccine production capacity to be able to produce pandemic influenza vaccines for the entire population within six months of a pandemic declaration. However, at the beginning of a pandemic, the scarcity of pre-pandemic and pandemic influenza vaccine will require that the limited supply be allocated or prioritized for distribution and administration.
- e. A tiered allocation for vaccines in severe pandemics is recommended with the following objectives considered to be the most important:

- 1) Protect those who are essential to the pandemic response and provide care for persons who are ill;
  - 2) Protect those who maintain essential community services;
  - 3) Protect children;
  - 4) Protect workers who are at greater risk of infection as a result of their job, and
  - 5) Protect those who maintain homeland and national security.
- f. As with seasonal influenza vaccines, NOAA OCAO/SECO will coordinate with health unit contractors across NOAA on obtaining and providing vaccinations against an influenza with potential pandemic consequences.

#### **4. Reducing risk of infected persons entering the workplace during WHO Phase 5:**

- a. Set up prominent notices at all entry points to facility, advising staff and visitors not to enter if they have symptoms of influenza.
- b. Post General Infection Control (basic hygiene and hand hygiene) notices at entrances, bulletin boards, meeting rooms, and restrooms.
- c. Ensure employees have adequate supplies such as hand sanitizer, tissues, cleaning supplies.
- d. Employees must stay at home and away from others if they feel onset of influenza symptoms.
- e. Inform employees and limit non-essential travel to areas at WHO Pandemic Level Phase 5 (large clusters of human to human transmission) (refer to <http://www.cdc.gov/travel> for travel advisories and restrictions).

#### **5. Management of Employees with Symptoms at the workplace:**

- a. If a person feels ill, or if someone observes that another person is exhibiting symptoms of influenza at work, they should notify their supervisor and the sick employee should be instructed to leave work and contact their medical provider. They should limit contact with others and not use public transport if at all possible. People who have been in close contact with the symptomatic employee should be informed. If person cannot leave the workplace immediately, have the symptomatic individual wear a surgical mask or respirator to reduce the transmission of aerosolized droplets.
- b. Advise employees who have been in contact with a symptomatic person need to consider staying home for the duration of the reported incubation period of the disease.
- c. The suspect case's workstation should be cleaned and disinfected, as indicated in the section on workplace cleaning.
- d. Advise affected staff member on how long to stay away from work (CDC will advise on this once the characteristics of the pandemic are known).
- e. Check on the affected staff member during his/her absence from work.

#### **6. Resource Links for current information on pandemic influenza**

- Pandemic Health and Safety: <http://pandemicflu.gov/individualfamily/prevention/>
- Centers for Disease Control and Prevention: <http://www.cdc.gov>
- NIOSH: Worker safety and health issues with Pandemic Influenza: <http://www.cdc.gov/niosh>
- OSHA: Guidance on preparing workplaces for an influenza pandemic: <http://www.osha.gov>
- Office of Personnel Management: <http://www.opm.gov/pandemic/index.asp>
- World Health Organization: <http://www.who.int/csr/en/>

Health and Safety Measures	Proper Conduct	Remarks
Influenza immunization	<ul style="list-style-type: none"> <li>• The Centers for Disease Control and Prevention (CDC) recommend annual Influenza immunization for all children, 6-23 months old, if they are in daycare settings.</li> <li>• Employees who have, or are in contact with a person who has, high-risk medical conditions for influenza-related complications also should consider an annual vaccination.</li> </ul>	See your doctor for immunization for you and your family. This may not protect you from a new strain of influenza being researched, but will provide protection from the flu viruses already circulating in the community.
Maintain good health habits	<ul style="list-style-type: none"> <li>• Avoid close contact with people who are sick.</li> <li>• Don't sit near someone who is sneezing or coughing unless you are protected.</li> <li>• Avoid touching your eyes, nose or mouth unless you have just washed your hands. Use alcohol-based hand sanitizers if soap and water is not available.</li> <li>• Exercise regularly and drink 6-8 glasses of water daily</li> <li>• Avoid unnecessary travel.</li> </ul>	Good health habits make your immune system stronger against common sickness
Stay home when you are sick	<ul style="list-style-type: none"> <li>• If you are sick, stay at home. Do not return to work until you have no symptoms for a period of time determined by the CDC (the incubation period for the specific virus), or your doctor says you are no longer contagious. Follow behavior practices as stated below. Do not allow ill children to attend school or daycare.</li> <li>• Inform your doctor of your symptoms. The doctor may not want to see you in his office to prevent spread of infection.</li> </ul>	The doctor may prescribe an antiviral drug
Safe practices at home and in public when you are sick	<ul style="list-style-type: none"> <li>• Stay in a separate room or if this is not possible, keep the sick person at least 3 feet away from others, especially children.</li> <li>• Cover your mouth and nose with a tissue when you cough and sneeze. Dispose of these tissues safely, as they are contaminated.</li> <li>• Make sure tissues are available in common areas (if you don't have tissues, cough or sneeze into your upper sleeve, NOT your hands). Always clean hands using alcohol-based hand sanitizer after coughing and sneezing. Avoid touching common surfaces and</li> </ul>	

	<p>objects unless your hands have been sanitized. Change toothbrush often or at least after cold or flu to prevent possible re-infection.</p>	
<p>Have a contingency plan for essential supplies at home.</p>	<ul style="list-style-type: none"> <li>Plan to have bottled water and non perishable food at home</li> </ul>	<p>The supply chain may be interrupted and stores may have reduced stock of items for sale.</p>
<p>Maintain good hand hygiene Hand washing training (Hand washing is a learned habit)</p>	<ul style="list-style-type: none"> <li>How to wash your hands properly with water and soap                             <ul style="list-style-type: none"> <li>Remove jewelry</li> <li>Wet hands with warm water</li> <li>Apply clean soap</li> <li>Vigorously scrub with soap all over your hands and under nails for at least 20 seconds</li> <li>Rinse hands for at least 10 seconds under warm water</li> <li>Dry hands completely with paper towel</li> <li>Turn off tap with paper towel to avoid hands getting dirty again</li> <li>Throw towel in waste basket</li> </ul> </li> <li>How to wash your hands using alcohol-based hand sanitizer:                             <ul style="list-style-type: none"> <li>Remove gross soil or contamination with a paper towel.</li> <li>Wet hands with sanitizer</li> <li>Rub hands until alcohol is dried.</li> </ul> </li> <li>Insist that all family members, especially children, follow strict hand washing practices.</li> <li>Have everyone practice hand washing. This will help you protect yourself and prevent the spread of virus at work, at play and at home</li> </ul>	<p>Water alone is not sufficient for proper hand washing.</p> <p>Use hand sanitizer</p>
<p>Clean/disinfect surfaces</p>	<ul style="list-style-type: none"> <li>Clean frequently touched surfaces and objects such as toys, shared items, equipment, desks, phones, door knobs.</li> <li>Disinfect surfaces using disinfectant solution (see Remarks for formula) or 70 % alcohol. Apply on surfaces. Allow at least 10 minutes of contact time before rinsing chlorine solution. If alcohol is used, allow it to air dry.</li> <li>Wash linens between being used by others, especially by different children.</li> </ul>	<p>Wear gloves and use disposable wipes.</p> <p>Disinfectants may include 1% solution of household bleach (1.25 oz or about 8 teaspoons of 5.25% sodium hypochlorite solution in 1 gallon of water) for hard, non-porous surfaces; 5% solution of household bleach for porous surfaces; 5% hospital grade Lysol™; or other EPA approved disinfectant.</p> <p>A temperature of at least</p>

		<p>71°C (160°F) for a minimum 25 minutes is recommended for hotwater washing of linens.</p> <p>Addition of chlorine bleach provides an extra margin of safety.</p>
Educate family in personal hygiene, especially children.	<ul style="list-style-type: none"> <li>• Teach your family frequent and proper hand washing.</li> <li>• Use common sanitary practices in public, for example, when handling a grocery cart, wipe the handle before and after use.</li> </ul>	
Use personal protective personal equipment when providing direct care to a sick person or in public	<ul style="list-style-type: none"> <li>• Cover your mouth and nose with an N-95 respirator when providing direct care to a sick person. Wear goggles and gloves as an extra margin of safety.</li> <li>• Use personal hand sanitizer when using commonly touched objects, such as phone buttons, ATM banking machines, door knobs, public washrooms, etc.</li> <li>• Carry your own commonly used items such as a pen (to sign receipts or credit card slips).</li> <li>• During pandemic phases, avoid public.</li> </ul>	

### Pandemic-Relevant OPM Guidance

Title	Page
What a Supervisor Should Do if an Employee Appears Ill During a Declared Pandemic Influenza or Has Been Exposed to Pandemic Influenza	<b>2</b>
Leave Flexibilities	<b>5</b>
Evacuation Payments During a Pandemic Health Crisis	<b>7</b>

Additional OPM guidance can be found at: <http://www.opm.gov/pandemic/index.asp>

## **What a Supervisor Should Do if an Employee Appears Ill During a Declared Pandemic Influenza or Has Been Exposed to Pandemic Influenza**

The chart on the following page was developed to assist managers and supervisors in determining the appropriate course of action when confronted in the workplace with an employee who appears ill during a declared pandemic influenza outbreak or an employee who has been exposed to pandemic influenza. Employees who appear to be ill include those workers with pandemic flu-like symptoms (based on symptoms identified by the Centers for Disease Control and Prevention (CDC), which will be posted at [www.pandemicflu.gov](http://www.pandemicflu.gov) once the symptoms are known). Employees who have been exposed to pandemic influenza include those employees who have a known, recent, and direct exposure to pandemic influenza (also based on guidance from CDC and from the Occupational Safety and Health Administration (OSHA)). The chart is intended to assist Federal supervisors and managers in assessing the capacity of their workforce to carry out the work for which the supervisor or manager will remain accountable during a pandemic influenza.

### **General**

Where occupational health services or authorized medical officials are available, agencies should recommend employees who appear to be ill or who have been exposed to pandemic influenza seek their assistance. If the employee refuses to seek assistance, seeks assistance but refuses to follow a medical recommendation to leave the workplace, or medical services are not available, agencies should follow the chart on the following page. The specific facts and circumstances of each case must be reviewed to determine the appropriate action to be taken. Supervisors and managers should be familiar with agency-specific rules and guidance as well as all applicable laws and leave policies. (See <http://www.opm.gov/pandemic/agency1d-leave.pdf>.) They should seek assistance from their human resources (HR) office early, and certainly before taking any adverse action, to ensure they have considered all appropriate options and have objective evidence to support the action. Supervisors should not take action based solely on their own subjective assessment of an employee's medical condition. The nature and extent of the objective evidence required will be determined on a case-by-case basis by the agency. HR staffs are equipped to assist supervisors and managers with these determinations.

### **Return to Work Following Pandemic Influenza or Exposure to Pandemic Influenza**

Supervisors should consult with their HR office and follow any public health recommendations from CDC or medical advice offered by the employee's physician when determining whether and when an employee should be allowed to return to work following an absence due to pandemic influenza.

### **Planning**

Managers and supervisors should familiarize themselves with OPM's Agency Guidance, including the Questions and Answers section, on leave, pay, employee and labor relations, hiring, alternative work arrangements, and other critical human capital issues in relation to a pandemic influenza to ensure they can continue to carry out the work of their office and protect the workforce should a pandemic influenza outbreak occur. (See <http://www.opm.gov/pandemic/index.asp>.) As part of any planning effort, managers should discuss with employees the common-sense steps employees can take to protect themselves and help prevent the spread of influenza in the workplace. These measures include, but are not limited to, frequent hand washing and other good health habits to stop the spread of germs, staying home when one feels ill, and generally decreasing contact with others, an approach known as social distancing. These and other simple steps employees can take are found on CDC's Website at [www.cdc.gov/flu](http://www.cdc.gov/flu) and [www.cdc.gov/germstopper/work.htm](http://www.cdc.gov/germstopper/work.htm).

Managers and supervisors should also keep themselves informed of the latest public health information released by CDC. Based on that guidance, managers and supervisors should follow the chart on the following page to ensure that an employee who appears ill during a declared influenza pandemic or has been exposed to pandemic influenza leaves the workplace as quickly as possible so as to protect the employee and limit exposure to other workers.

Managers and supervisors should plan in advance for the possibility that employees may need to work at home during pandemic influenza. In advance of a pandemic, managers and supervisors should discuss with employees the types of assignments they may be given if they are evacuated from the workplace (see 5 CFR 550.409) or choose to telework to promote social distancing. Assignments under the evacuation pay authority may include any work considered necessary or required to be performed during the period of the evacuation, without regard to an employee's grade level or title, provided the employee has the necessary knowledge and skills to perform the assigned work. For example, such work could include various research projects or on-line training and other employee development activities. If an employee is not physically capable of working, he or she should not be given work assignments to complete at home. If the employee is not able to work, the supervisor should pursue alternative ways of accomplishing the employee's work.

### What a Supervisor Should Do if an Employee Appears Ill During a Declared Pandemic Influenza or Has Been Exposed to Pandemic Influenza

Situation	If the employee...	Does employee request leave?	Take the following action	And	
1	Appears ill with pandemic flu-like symptoms (see note 1), express concern that employee appears to be ill with pandemic flu-like symptoms and encourage employee to take leave and seek medical care.	Yes	Grant leave and send employee home on leave (see note 2).		
2		If no, consult HR to determine if there is objective evidence of medical incapacity to perform duties of his or her position. Consider use of on-site employee health services if available to assist in making this determination.	If there is objective evidence and employee still refuses to request leave, advise that you have determined the employee is incapable of working and order employee to leave and place on excused absence. Consult with HR on next steps, including potential adverse action (e.g., enforced leave) (see note 4).		
3			If there is no objective evidence, follow situations 5-8 (see note 3).		
4	Has a known, recent, and direct exposure to others with pandemic influenza, but is still capable of working (see notes 1 and 5), express concern that employee could be ill or contagious and suggest that employee take leave.	Yes	Grant leave and send employee home on leave (see note 2).		
5		If no and employee insists he or she is able to work, determine if employee has a telework agreement in place that includes directed unscheduled telework.	If employee has a telework agreement that includes directed unscheduled telework, send employee home to telework (see note 2).		
6			If employee does not have a telework agreement, or has a telework agreement that does not include directed unscheduled telework, determine if employee can telework on a periodic basis.	If employee can perform telework on a periodic basis and agrees to do so, send employee home to telework.	
7				If employee can perform telework on a periodic basis but does not agree to do so, order employee to evacuate his or her worksite and perform work from home (or at an alternative location) and advise HR. See 5 CFR 550.409. (Also see notes 2 and 4.)	
8				If employee cannot perform telework on a periodic basis, determine what work the employee may perform and order employee to evacuate his or her worksite and perform work from home (or at an alternative location) and advise HR. See 5 CFR 550.409. (Also see notes 2 and 4.)	

- Note:
- (1) Follow guidance received from CDC on pandemic influenza symptoms and exposure criteria (once known).
  - (2) Consult with HR office and follow medical advice from CDC or an employee’s physician when allowing an employee to return to work following pandemic influenza or exposure to pandemic influenza.
  - (3) Situations 5-8 are applicable when an employee is able to work.
  - (4) If an employee has been ordered to leave the workplace, he or she has no “right” to remain on the agency’s premises. If an employee has been ordered to leave and refuses to do so, supervisors should consult with the HR office and contact the building security staff to have the employee escorted from the premises.
  - (5) Follow OSHA workplace guidance on assessing the likelihood that an employee has been exposed to a pandemic influenza.

## Leave Flexibilities

The Federal Government offers numerous leave flexibilities to assist employees who are affected by a pandemic influenza:

**Sick Leave** – An employee may use any or all accrued sick leave when he or she is unable to perform his or her duties due to physical or mental illness; is receiving medical examination or treatment; or when he or she would, as determined by the health authorities or a health care provider, jeopardize the health of others because of his or her exposure to a communicable disease.

**Sick Leave for General Family Care and Bereavement** – An employee may use a total of up to 104 hours (13 days) of sick leave each leave year to provide care for a family member who is ill or receiving medical examination or treatment or to make arrangements necessitated by the death of a family member or attend the funeral of a family member. The amount of sick leave permitted for family care and bereavement purposes is pro-rated for part-time employees and employees with uncommon tours of duty in proportion to the average number of hours of work in the employee's regularly scheduled administrative workweek.

**Sick Leave To Care for a Family Member with a Serious Health Condition** – An employee may use a total of up to 12 workweeks of sick leave each leave year to care for a family member with a serious health condition. If an employee has already used 13 days of sick leave for general family care and bereavement purposes (discussed above), the 13 days must be subtracted from the 12 weeks.

**Annual Leave** – An employee may use any or all accrued annual leave for personal needs, such as rest and relaxation, vacations, medical needs, personal business or emergencies, or to provide care for a healthy or sick family member, including providing child care when a child care center is closed due to a pandemic. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken.

**Advance Annual and/or Sick Leave** – If an employee has exhausted his or her accrued annual or sick leave, he or she may request advance annual and/or sick leave. The amount of annual leave that may be advanced may not exceed the amount the employee will accrue during the remainder of the leave year. A maximum of 30 days of sick leave may be advanced for an employee's serious disability or illness.

**Leave Without Pay (LWOP)** – If an employee has exhausted his or her available annual or sick leave or other forms of paid time off, he or she may request leave without pay (LWOP). LWOP is a temporary nonpay status and absence from duty that, in most cases, is granted at the employee's request.

**Family and Medical Leave** – An employee may invoke his or her entitlement to unpaid leave under the Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, an employee may take up to 12 weeks of leave without pay for a serious health condition that prevents an employee from performing his or her duties or to care for a spouse, son or daughter, or parent with a serious health condition. An employee may substitute his or her accrued annual and/or sick leave for unpaid leave in accordance with current laws and regulations governing the use of annual and sick leave.

**Excused Absence (Administrative Leave)** – OPM will consult with Federal agencies and Administration officials to develop a consistent, Government-wide approach to the use of excused absence in appropriate circumstances.

### **Donated Leave**

If an employee has a personal or family medical emergency or is adversely affected by a major disaster or emergency, he or she may qualify for donated annual leave from the Federal voluntary leave transfer program, voluntary leave bank program, and/or emergency leave transfer program.

**Voluntary Leave Transfer Program** – The voluntary leave transfer program allows Federal employees to donate annual leave to assist another Federal employee who has a personal or family medical emergency and who has exhausted his or her own available paid leave. All agencies must establish a voluntary leave transfer program.

**Voluntary Leave Bank Program** – The voluntary leave bank program allows Federal employees who are members of the agency's voluntary leave bank to receive donated annual leave from the leave bank if the employee experiences a personal or family medical emergency and has exhausted his or her own available paid leave. An agency is not required to establish a voluntary leave bank program.

**Emergency Leave Transfer Program** – An emergency leave transfer program, established by OPM when directed by the President, allows an employee in any Executive agency to donate annual leave for transfer to Federal employees who are adversely affected by a major disaster or emergency, such as a flood, earthquake, tornado, bombing, or a pandemic influenza. An employee is not required to exhaust his or her available paid leave before receiving donated annual leave. [Link to guidance](#)

### **Other Paid Time Off**

An employee may use earned compensatory time off, compensatory time off for travel, and/or credit hours if he or she is unable to report for work as a result of a pandemic influenza.

**Compensatory Time Off** – Compensatory time off is earned time off with pay in lieu of overtime pay for overtime work.

**Compensatory Time Off for Travel** – Compensatory time off for travel is earned time off with pay for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. [Link to guidance](#)

**Credit Hours** – Credit hours are hours an employee elects to work, with supervisory approval, in excess of the employee's basic work requirement under a flexible work schedule.

## Evacuation Payments During a Pandemic Health Crisis

### Description

An Executive agency (as defined in 5 U.S.C. 105) may provide evacuation payments to its employees who are ordered to evacuate their regular worksites and work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. The head of an agency may delegate authority to one or more designated officials to order the evacuation of agency employees, employees assigned to certain geographic areas, or employees in certain components/divisions of the agency. In this unique situation, the agency may designate an employee's home (or an alternative location mutually agreeable to the agency and the employee), including a location under quarantine or confinement, as a safe haven during the period of evacuation. A policy to evacuate to a safe haven promotes the "social distancing" of employees and protects them from being exposed to additional viruses or mutations of a pandemic virus.

An agency may order an evacuation upon an official announcement by Federal, State, or local officials, public health authorities, and/or tribal governments, of a pandemic health crisis affecting certain geographic areas. Consistent with 5 U.S.C. 5522 and 5523 and the Department of State Standardized Regulations, responsibility for ordering an evacuation in overseas locations rests with the Department of State.

### Assignment of Work to Evacuated Employees

An evacuated employee at a safe haven may be assigned to perform any work considered necessary or required to be performed during the period of evacuation without regard to the employee's grade or title. However, an agency may not assign work to an employee unless the agency knows the employee has the necessary knowledge and skills to perform the assigned work. For example, a supervisor may assign different or lower-level duties than are normally performed by the employee. In addition, if a supervisor is sick and cannot perform his or her duties during the period of evacuation, an agency may assign the higher-level work to a subordinate employee who would, under normal circumstances, be designated as "acting" when the supervisor is on leave. Additionally, the agency must provide reasonable accommodation under the Rehabilitation Act for qualified employees with disabilities.

Managers and supervisors are encouraged to communicate regularly with employees who are performing work from home during a pandemic health crisis. Regular communication with employees will ensure they understand their work assignments and management's expectations during the period of the evacuation. Failure or refusal to perform assigned work may be a basis for terminating evacuation payments, as well as disciplinary action under 5 CFR part 752 (Adverse Actions). However, an employee's inability to perform assigned work because of lack of knowledge or skills may **not** be a basis for terminating evacuation payments or taking disciplinary action.

### Payments for Employees Ordered To Evacuate

#### *Evacuation Payments*

An agency may provide evacuation payments to an employee who is ordered to evacuate his or her regular worksite and work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. Evacuation payments should be paid on the employee's regular pay days, since these payments reflect the employee's regular pay. (Since most employees use electronic fund transfer to deposit pay checks to their accounts, this should not impose an additional burden on the agency.)

An agency must compute evacuation payments based on the employee's rate of pay (including any applicable allowances, differentials, or other authorized payments) to which the employee was regularly entitled immediately before the issuance of the order to evacuate, regardless of the employee's work schedule during the evacuation period. For example, an employee is considered to be regularly entitled to night pay differential (5 U.S.C. 5545(a) and 5343(f)) and Sunday premium pay (5 U.S.C. 5544(a) and

5546(a)) for applicable hours in the employee's normal basic workweek. An employee is considered to be regularly entitled to law enforcement availability pay (5 U.S.C. 5545a), administratively uncontrollable overtime pay (5 U.S.C. 5545(c)(2)), standby duty premium pay (5 U.S.C. 5545(c)(1)), regular overtime pay for firefighters (5 U.S.C. 5545b), physicians' comparability allowances (5 U.S.C. 5948), supervisory differentials (5 U.S.C. 5755), and nonforeign area cost-of-living allowances and post differentials (5 U.S.C. 5941), as applicable. An employee will receive recruitment, relocation, and retention incentive payments (5 U.S.C. 5753 and 5754) and extended assignment incentive payments (5 U.S.C. 5757) consistent with the employee's signed service agreement. The agency must make all deductions from evacuation payments that are required by law, including retirement or Social Security (FICA) deductions, authorized allotments, and income tax withholdings.

An employee's evacuation payments must cover the period of time during which an applicable order to evacuate remains in effect, unless terminated earlier. However, evacuation payments may not continue for more than 180 calendar days after the effective date of the order to evacuate. After an order to evacuate is terminated, agencies must make adjustments in an employee's pay on the basis of the rates of pay, allowances, and differentials, if any, to which the employee otherwise would have been entitled during the period of evacuation under applicable statutes. (See 5 CFR 550.408.)

#### *Additional Allowance Payments*

The head of the agency or designated official, in his or her sole and exclusive discretion, may grant additional special allowance payments, based on a case-by-case analysis, to offset the direct added expenses incidental to performing work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis. (See 5 CFR 550.409.) This may include increased costs for a computer, printer, fax machine, scanner, and telecommunications equipment incurred by an employee ordered to work from home (or an alternative location mutually agreeable to the agency and the employee) during the evacuation period. An employee is not entitled to additional allowance payments for such increased costs unless the allowance payments are specifically approved by the agency head or designated official. An agency may not require an employee to absorb increased expenses (e.g., long-distance calls, supplies, or delivery services) incidental to performing work from home (or an alternative location) if the increased expenditures primarily benefit the Federal Government, unless the agency has specific statutory authority to do so.

Employees who are ordered to evacuate their official duty stations may receive additional allowance payments as necessary to offset the direct added expenses incident to travel outside the limits of their official duty station—e.g., travel and subsistence expenses. During a pandemic health crisis, payment of travel and subsistence expenses should not be necessary in most situations. (See 5 CFR 550.405.) An advance salary payment may be made to an employee who is ordered to evacuate his or her official duty station when an agency official has determined that payment in advance of the date on which the employee otherwise would be entitled to be paid is required to help the employee defray immediate expenses incidental to an employee's departure. An advance salary payment is equivalent to a loan and must be treated as a debt owed to the Federal Government. During a pandemic health crisis, it is highly unlikely advance salary payments will be necessary, since employees will receive evacuation payments on their regular pay days. In addition, payroll providers may continue to provide employees "emergency pay" based on a "standard tour of duty" and make corrections after the fact.

#### **Termination of Payments**

An authorized agency official must terminate an employee's advance salary payments or evacuation payments on the date of the earliest of the following events, as applicable:

- The employee is assigned to another duty station outside the evacuation area.
- The employee is separated from his or her position with the agency.
- The elapsing of 180 days since the effective date of the order to evacuate.
- The employee resumes his or her duties at the regular worksite from which he or she was evacuated after the applicable order to evacuate is rescinded.

- The agency determines payments are no longer warranted (e.g., based on guidance provided by the Centers for Disease Control and Prevention or local health officials regarding the status of the pandemic health crisis).

**Agency Plan**

Agencies must establish a plan and procedures for providing evacuation payments during a pandemic health crisis. A Sample Agency Plan is available on OPM's Website at <http://www.opm.gov/oca/pay/html/PandEvacPlan.asp>.

References

- 5 U.S.C. 5522 – 5524 and 5 U.S.C. 5526 – 5527
- 5 CFR part 550, subpart D

## Employee and Labor Relations During a Pandemic Crisis

During a pandemic health crisis, NOAA may employ alternative work arrangements in order to achieve its mission, while promoting the “social distancing” of its employees to ensure their safety and well-being.

Health and safety issues could potentially impact employees in a number of ways, including telework, alternative work arrangements, evacuation payments, and leave flexibilities. The administration of these programs is governed by DOC and NOAA policies and/or applicable collective bargaining agreements.

NOAA will provide specific guidance on agency operating status, including whether employees should work from an alternative worksite for a period of time. As circumstances warrant, the Office of Personnel Management will issue additional and updated guidance regarding the use of alternative work arrangements and leave flexibilities to address issues that may arise during a pandemic health crisis.

Frequently Asked Questions on each topic are included. However, specific questions and concerns regarding the impact of pandemic events on employees should be forwarded to your servicing Workforce Management Office Advisors.

### **Telework**

Refers to any arrangement in which the employee regularly performs officially assigned duties at home or at an alternative office site.

The NOAA Telework Policy incorporates the requirements of the Department of Commerce Telework Policy. Each line and corporate offices may have specific implementing procedures developed as an addendum to the provisions of the NOAA Telework Policy.

### **QUESTIONS AND ANSWERS:**

1. *How does an employee request a telework arrangement?*

The NOAA Telework Policy sets forth the procedure for requesting a telework arrangement. However, line and corporate office may have additional requirements. The employee’s supervisor has the authority to grant or deny the employee permission to telework, based on the principles enunciated in the NOAA Telework Policy and any implementing procedures the line/corporate office may have.

2. *Can management be forced to implement telework arrangements?*

No. There currently is no authority for agency heads or OPM to order management to implement telework arrangements. Under Public Law 106-346, telework arrangements are voluntary. OPM is committed to providing agencies, managers, supervisors, and employees with current guidance and support to facilitate the use of telework in the Federal sector, including guidance on teleworking during an emergency as part of agency contingency planning.

3. *Can an agency mandate telework?*

Yes. Employees with an approved telework agreement can be required to work during emergency closures or other emergencies, including pandemics and for COOP purposes, on any day when the agency is closed by an emergency even if that day is not a regular telework day or

a day with specific approval for situational/episodic telework.

4. *Can my supervisor prevent me from teleworking?*

Yes. Telework is a management option rather than an employee benefit, and does not change the terms and conditions of employment. Management has the right to decline or terminate an employee's use of the telework option pursuant to the terms of the telework agreement.

5. *May Federal agencies cover additional costs incurred by employees as a result of telework (DSL line, additional phone line, increased use of electricity, etc.)?*

An agency may not use appropriated funds to pay for items of personal expense, such as home utility costs, home maintenance, or insurance, unless there is specific statutory authority.

Authorized expenses incurred while an employee is conducting business for the Government at a telework site may include, at an agency's discretion, installation of phone lines, payment for telecommunications services (e.g. broadband DSL or Virtual Private Network), and payment for monthly telephone and internet service provider charges. Such services may be used only for purposes of federal employment.

8. **[HYPOTHETICAL]** *Due to the pandemic, an employee must telework from home and may not be able to report to the official worksite. Will locality pay be affected?*

An employee's official worksite is the location of his or her position of record where the employee regularly performs his or her duties. For an employee covered by a telework agreement, scheduled (while in duty status) to report at least once a week on a regular and recurring basis to the regular worksite for his or her position of record, the regular worksite is the official worksite, and the employee is entitled to the locality rate designated for the regular worksite. However, OPM's regulations at 5 CFR 531.605(d)(3) permit an agency to make a temporary exception to the requirement that a telework employee report at least once a week to the regular worksite and allow the telework employee's official worksite to remain the regular worksite.

9. **[HYPOTHETICAL]** *While teleworking, an employee is injured at home. Is this a line-of-duty injury?*

Government employees suffering work-related injuries and/or damages at the alternative worksite are covered by the Military Personnel and Civilian Employees Claims Act, the Federal Tort Claims Act, or the Federal Employees' Compensation Act (workers' compensation).

### **ALTERNATIVE WORK SCHEDULES**

NOAA may implement various alternative work schedules (AWS) instead of traditional fixed work schedules (e.g., 8 hours per day, 40 hours per week) to minimize commuting and potential exposure to pandemic related hazards. AWS enable full-time employees to complete the basic 80-hour biweekly work requirement in less than 10 workdays.

Questions and Answers:

1. **[HYPOTHETICAL]** *I am on a flexible work schedule. I am teleworking from home during the pandemic. May I choose to work extra hours each day so I can earn credit hours?*

An employee must comply with NOAA and/or applicable collective bargaining unit policies for earning credit hours. Credit hours are any hours within a flexible work schedule in excess of an employee's basic work requirement and which the employee elects to work to vary the length of a workweek or a workday. The law prohibits carrying over more than 24 credit hours from one pay period to the next (5 U.S.C. 6126).

2. Will I be able to continue working a flexible work schedule if a pandemic influenza reaches my area?

If an employee is currently on a flexible work schedule, NOAA may continue to allow the employee to remain on a flexible work schedule during a pandemic health crisis. However, employees do not have a statutory or regulatory entitlement to work a particular work schedule. Schedules may be modified pursuant to government regulations and/or applicable collective bargaining agreements.

3. *Can management mandate an alternative work schedule?*

In line and corporate offices with **bargaining unit** employees (employees represented by a labor union), the proposing office must negotiate an alternative work schedule program (**compressed** work schedule or **flexible** work schedule) with the unions representing these employees prior to implementation.

Those offices with **non-bargaining unit** employees (employees not represented by a labor union) may unilaterally install **flexible** work schedules (FWS).

NOTE: If the compressed work schedule would be mandatory for all employees, a majority of the affected employees must vote to be included in a **compressed** work schedule program. A majority is obtained when the number of affirmative votes exceeds 50 percent of the number of employees and supervisors in the organization proposed for inclusion in a compressed work schedule. Voluntary schedules do not require voting.

## EVACUATION PAYMENTS

An agency may provide evacuation payments to its employees who are ordered to evacuate their regular worksites and work from home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis.

In this unique situation, the agency may designate an employee's home (or an alternative location mutually agreeable to the agency and the employee), including a location under quarantine or confinement, as a safe haven during the period of evacuation. A policy to evacuate to a safe haven promotes the "social distancing" of employees and protects them from being exposed to additional viruses or mutations of a pandemic virus.

An evacuated employee at a safe haven may be assigned to perform **any work**<sup>1</sup> considered necessary or required to be performed during the period of evacuation without regard to the employee's grade or title. Such work may be assigned to any employee with the necessary knowledge and skills to perform the assigned work. Failure or refusal to perform assigned work may be a basis for terminating evacuation payments, as well as disciplinary action under 5 CFR Part 752 (Adverse Actions).

Evacuation payments are computed on the basis of the employee's rate of pay (including any applicable allowances, differentials, or other authorized payments) to which the employee was regularly entitled immediately before the issuance of the order to evacuate. NOAA will make all deductions from evacuation payments that are required by law, including retirement or Social Security (FICA) deductions, authorized allotments, and income tax withholdings.

The head of the agency or designated official, in his or her sole and exclusive discretion, may grant additional special allowance payments, based on a case-by-case analysis, to offset the direct added expenses incidental to performing work from home (or an alternative location

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<sup>1</sup> The modification of work assignments for bargaining unit employees must be done in accordance with applicable collective bargaining agreements and/ or the provisions of 5 USC 7106.

mutually agreeable to the agency and the employee) during a pandemic health crisis. However, an agency must provide reasonable accommodation to its qualified employees with disabilities consistent with its obligations under the Rehabilitation Act.

### QUESTIONS AND ANSWERS:

1. *If an agency orders its employees not to report to their offices during a pandemic influenza, will employees continue to be paid? Will employees be required to use their annual leave?*

Agencies may offer alternative work arrangements to ensure work continues to be accomplished during a pandemic health crisis and employees continue to be paid. For example, agencies may direct employees who are under an approved telework agreement to telework from home or order employees to evacuate their worksites and direct them to work from home during a pandemic influenza.

An agency may authorize evacuation payments for employees who have been ordered to evacuate their worksites. Evacuation payments reflect the regular pay an employee would have received for the time period he or she would have been expected to work (but for the evacuation). An agency may require an employee to perform any work considered necessary or required to be performed during the period of the evacuation without regard to the employee's grade or title. If an employee refuses to work from home, he or she may be required to use accrued annual leave<sup>1</sup> (i.e., "enforced leave"), may be furloughed, or may be disciplined, as appropriate. In addition, agencies may direct employees who are under an approved telework agreement to telework from home.

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

During a pandemic health crisis, heads of agencies will strive to protect the health of employees while ensuring the Federal Government's work is accomplished. Agencies may use a number of alternative work arrangements to promote the "social distancing" of employees. An agency may authorize evacuation payments and require employees to work from home during a pandemic health crisis. In addition, an agency may require employees with approved telework agreements to telework from home.

3. [**HYPOTHETICAL**] *My office is open, but the schools are closed and I cannot find child care. May I receive evacuation payments so I may work at home while caring for my children?*

When there is imminent danger to the lives of an employee's dependents or immediate family, an agency may authorize evacuation payments and require employees to work from home during a pandemic health crisis. An employee who is ordered to work from home during a pandemic health crisis may not care for his or her children while performing work. However, the employee may request changes in his or her work schedule to allow the employee to work during the periods he or she is not responsible for caring for the child (e.g., when the child is sleeping or when a spouse or other family member is available to care for the child).

An employee may request annual leave or other paid time off, such as earned compensatory time off or earned credit hours to care for a healthy child.

### LEAVE FLEXIBILITIES

There are several leave programs and policies and other paid time off flexibilities to assist

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<sup>1</sup> The procedures for forcing an employee to take annual leave will be consistent with applicable collective bargaining agreements and 5 CFR Part 75.

employees prevented from reporting for work and performing their duties because of illness caused by a pandemic health crisis or caring for a family member who is affected by a pandemic health crisis. Provisions for taking leaving are governed by these policies and applicable collective bargaining unit agreements.

Affected employees should consult their servicing Workforce Management Office for policy guidance on the appropriate use of each program and policy.

#### **QUESTIONS AND ANSWERS:**

1. *What are my leave options if I have been diagnosed with the flu?*

An employee who has been diagnosed with the flu may use accrued sick leave or annual leave, request advanced sick leave or annual leave, request donated leave under the agency's voluntary leave transfer or leave bank program or an established emergency leave transfer program, or use any earned compensatory time off, earned compensatory time off for travel, or earned credit hours. In addition, an employee may invoke his or her entitlement to unpaid leave under the Family and Medical Leave Act (FMLA) and take a total of up to 12 weeks of leave without pay for a serious health condition. An employee may substitute his or her accrued annual leave and sick leave, as appropriate, for unpaid leave under the FMLA.

2. *May I take sick leave if I have been exposed to the flu?*

An employee may use accrued sick leave when he or she would, as determined by the health authorities or a health care provider, jeopardize the health of others because of his or her exposure to a communicable disease. An employee may also take accrued annual leave or other paid time off if he or she was exposed to a communicable disease.

3. *Do I have to use all of my annual and sick leave before requesting donated leave from my coworkers?*

No, an employee may request donated leave before he or she exhausts available annual and sick leave. However, before an employee may become an approved leave recipient under NOAA's Voluntary Leave Transfer Program, it must be determined that the employee's absence from duty without available paid leave because of a medical emergency is (or is expected to be) at least 24 hours. (For part-time employees or employees on uncommon tours of duty, the period of absence without paid leave is prorated.) An employee may receive donated annual leave once he or she is approved as a recipient. An employee is not required to exhaust his or her available paid leave before receiving donated annual leave.

4. *If I'm afraid of catching the flu and don't want to come to work, what are my leave options?*

An employee who is healthy may request annual leave for the period of absence from his or her job. An employee has a right to take annual leave, subject to the right of the supervisor to approve the request or propose another time at which annual leave may be taken. In addition, an employee may request to use other paid time off, such as earned compensatory time off, earned compensatory time off for travel, or earned credit hours. An employee may also request leave without pay.

5. **[HYPOTHETICAL]** *My family was planning to leave for a vacation when my annual leave was canceled because of a pandemic influenza. Can my agency cancel my leave? Will the agency reimburse me for my plane tickets?*

Yes, an employee's scheduled annual leave may be cancelled for operational reasons. An employee may use annual leave for personal needs, such as vacations, but his or her supervisor

has the right to schedule the time at which annual leave may be taken. There is no obligation or authority to reimburse an employee for costs incurred by an employee resulting from the cancellation of his or her leave.

6. **[HYPOTHETICAL]** *The cafeteria in my building is closed due to the pandemic influenza. The nearest food facility is more than half an hour away. Will I be charged leave because it takes me at least an hour and a half to get to the nearest restaurant, eat, and return to work?*

Yes. If an employee is allowed 30 minutes for lunch, and he or she chooses to take 1.5 hours for lunch, the employee may request annual leave, other paid time off, or leave without pay to account for the additional hour.

7. **[HYPOTHETICAL]** *I have “use or lose” annual leave, which I scheduled to use before the end of the leave year. My agency has canceled all scheduled annual leave until further notice because employees must be at work due to a pandemic influenza. It looks like this situation will continue through the beginning of the new leave year. Will I be forced to forfeit my “use or lose” annual leave?*

If an employee schedules “use or lose” annual leave in writing before the third biweekly pay period prior to the end of the leave year, and the leave is canceled due to an exigency of the public business (i.e., an urgent need for the employee to be at work), the employee may request restoration of the forfeited annual leave.

8. **[HYPOTHETICAL]** *I have “use or lose” annual leave, which I scheduled to use before the end of the leave year. I know if I take sick leave because of sickness or injury, my scheduled annual leave will be restored if I am unable to use it before the end of the leave year. My wife, however, is the one who is sick with the flu. If I take sick leave to care for my wife, will my “use or lose” annual leave be restored?*

No. Only “use or lose” annual leave forfeited because of a period of absence due to an employee’s own sickness or injury may be restored. Employees who are using sick leave, donated leave, or other paid time off during a pandemic health crisis must be diligent about scheduling and using any excess annual leave (“use or lose” annual leave) by the end of the leave year.

9. **[HYPOTHETICAL]** *A family member has the flu, or complications from the flu, and I must care for him or her. What are my leave options?*

An employee may use a total of up to 104 hours (13 days) of sick leave each leave year to provide general medical care to a family member and up to 12 weeks (480 hours) of sick leave to care for a family member who develops a serious health condition. If the employee has already used 13 days of sick leave for general family care and bereavement purposes, that amount must be subtracted from the 12 weeks (480 hours) of sick leave an employee may use to provide care for a family member with a serious health condition. In addition to sick leave, an employee may use annual leave, accrued compensatory time off, compensatory time off for travel, or credit hours. The employee also may request to receive donated annual leave through the voluntary leave transfer program. Finally, an employee may invoke his or her entitlement to unpaid leave under the Family and Medical Leave Act (FMLA) and take a total of up to 12 weeks (480 hours) of leave without pay to provide care for a spouse, son or daughter, or parent with a serious health condition.

10. *If I exhaust all of my annual and sick leave, what are my options?*

There are a number of alternatives for an employee who has exhausted his or her accrued annual and sick leave. An employee may request advance annual and/or sick leave. The amount of annual leave that may be advanced may not exceed the amount the employee will accrue

during the remainder of the leave year. A maximum of 30 days of sick leave may be advanced for an employee's serious disability or ailment. In addition, an employee who has a personal or family medical emergency and who has exhausted his or her own available paid leave may be eligible to receive donated annual leave from the voluntary leave transfer program. If OPM has established an emergency leave transfer program, the employee also may be eligible to receive donated leave from the emergency leave transfer program.

11. **[HYPOTHETICAL]** *My child's school has been closed because of the flu pandemic. My child is not sick, but I cannot find a babysitter. What are my leave options?*

An employee who is healthy or is caring for a family member who is healthy may request annual leave for the period of absence from his or her job. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken. In addition, an employee may request to use other paid time off, such as earned compensatory time off, earned compensatory time off for travel, or earned credit hours.

12. **[HYPOTHETICAL]** *A family member died due to complications from the flu. I have to make arrangements for and attend his/her funeral. What leave can I take?*

An employee may use a total of up to 104 hours (13 days) of sick leave each leave year to make arrangements necessitated by the death of a family member or attend the funeral of a family member. In addition, an employee may request to use accrued annual leave or other paid time off, such as earned compensatory time off, earned compensatory time off for travel, and earned credit hours.

13. **[HYPOTHETICAL]** *My fiancé is very sick with the flu and I am the only person available to take care of him. May I use sick leave?*

An employee may use a total of up to 12 weeks (480 hours) of accrued sick leave to care for a family member with a serious health condition. A family member includes any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship (as determined by NOAA).

14. *May I receive donated annual leave from my coworkers to care for a sick family member?*

An employee with a personal or family medical emergency who has exhausted his or her own available paid leave may be eligible to receive donated annual leave from the voluntary leave transfer program. If OPM has established an emergency leave transfer program, the employee also may be eligible to receive donated leave from the emergency leave transfer program.

## Supervisory Guidance on Employee and Labor Relation Issues During a Pandemic Crisis

During a pandemic health crisis, as at any other time, employees and supervisors are critical to an agency's ability to accomplish its mission. This section provides guidance on unique employee and labor relations issues that may arise in a pandemic health crisis.

Below is a brief discussion of the roles and responsibilities of supervisory personnel and employees alike. For specific questions and guidance, please contact your servicing Workforce Management Office.

### KEEPING EMPLOYEES AWAY FROM THE WORKPLACE

As managers and supervisors, you are responsible for ensuring that NOAA's operations continue in a safe environment. However, you do not have the unmitigated discretion and latitude to act as medical professionals in determining whether or not employees have access to the workplace. Such determinations must be made in accordance with applicable collective bargaining agreements and government regulations.

### QUESTIONS AND ANSWERS:

1. *If an employee exhibits signs of the flu, may a supervisor order him/her to leave work or work from home? If so, will the employee be paid during the absence?*

As with any illness, any medical diagnosis by a supervisor is very problematic and should be avoided. However, when a supervisor observes an employee exhibiting signs of illness, he or she may express general concern regarding the employee's health and remind the employee of his or her leave options for seeking medical attention, encouraging him or her to take sick or annual leave. Employees on approved sick or annual leave will continue to be paid during their absence.

Although leave is generally voluntary, an employee may be directed to take leave. This action requires advance notice, opportunity to reply, and an agency decision. Procedures for directing an employee to take leave must be consistent with relevant provisions of applicable collective bargaining agreements, USC Chapter 71, and 5 CFR Part 75.

The supervisor could also suggest telework as alternative.

2. *If a supervisor orders an employee to leave work, will the employee be placed on administrative leave, or be required to use his/ her annual or sick leave?*

An employee must be placed on administrative leave until the procedures for enforcing leave have been completed. In general, an agency's determination to provide excused absence should be consistent with the government-wide policy on granting excused absence during a pandemic influenza.

3. *If a supervisor suspects an employee is ill or contagious, may the supervisor prohibit the employee from reporting for work or returning to work?*

If your job requires you to be in a certain physical condition to perform adequately, you may be required to submit to a medical exam before returning to work. If the criteria are met for requiring a medical examination and you refuse the exam, you risk discipline up to and including removal from Federal service. However, most positions do not have established physical or medical requirements.

For those positions without physical requirements, unless an agency has tangible evidence (suspicion is not enough) that an employee is physically unable to perform the job or poses a risk to himself/herself or others, it may not prohibit an employee from reporting to work. Such action would constitute a constructive suspension and would require providing the employee with advance notice and an opportunity to reply prior to making the decision. In addition, the employee would have the opportunity to appeal or grieve the decision to prevent him or her from reporting to work.

In the interim, if a supervisor wants to prevent an employee from reporting to work, the employee must be placed on administrative leave until the decision to keep the employee from the worksite has been adjudicated.

Supervisors must consult their servicing Workforce Management Office before refusing to allow an employee to report for work or to return to work.

4. *May a supervisor require an employee to have a medical exam or physical, or prevent an employee from returning to work until the results of an exam or physical show the employee is not contagious?*

Management may require a medical examination when the position occupied by the employee contains properly developed physical or medical requirements (see 5 CFR § 339.301). If the criteria are met for requiring a medical examination and the employee refuses the exam, he or she may be disciplined, up to and including removal from Federal service.

If an employee does not occupy a position with medical standards, requiring a medical examination based on the perception of an employee's flu-like symptoms is very problematic and should be avoided. However, when a supervisor observes an employee exhibiting signs of illness, the supervisor may express concern regarding the employee's health and remind the employee of his or her leave options for seeking medical attention, such as requesting sick or annual leave. If the employee has no leave available, supervisors may approve requests for advanced leave or leave without pay, based on agency policy.

## **REQUIRING EMPLOYEES TO WORK**

You are responsible for making sure that you have qualified staff available to continue your operations to the extent possible. However, there are several issues that may impact your ability to require employees to report for work. The enforcement of these requirements must be consistent with applicable collective bargaining agreements and government regulations.

## **QUESTIONS AND ANSWERS:**

1. *If an agency activates emergency preparedness plans and sends designated employees to alternative worksites, may a designated employee refuse to go? If an employee is on travel during the order to deploy, may he or she go home instead of deploying to the designated worksite? If an employee refuses to deploy to the designated worksite from a travel status, who pays for the employee's transportation home?*

Designated employees are expected to report for work where deployed or remain at work in dismissal or closure situations, unless otherwise directed by their agencies. An agency may determine that

circumstances justify excusing a designated employee from duty and allowing the employee to use accrued leave because of an individual hardship or circumstances unique to the employee. For example, factors such as the illness of a family member or lack of available alternatives to childcare or eldercare may be considered. An employee may not go home instead of deploying to the designated worksite, and employees who refuse to follow emergency related orders may be subject to appropriate discipline, up to and including removal from Federal service. Travel expenses not-related to the deployment or the termination of the official assignment are not reimbursable.

2. *Will an employee who has direct contact with the public (e.g., investigator, park ranger, health care professional, police officer, firefighter) be required to report for work and perform the normal duties of his or her position? If an employee refuses, will the employee be fired?*

Employees are expected to report for work and perform the normal duties of their positions. If an employee fails to report for duty without an administratively acceptable reason for his or her absence, the employee could be considered absent without leave and may be subject to disciplinary action, up to and including removal from Federal service. The agency makes the determination as to whether the employee has an administratively acceptable reason for his or her absence.

When an employee reports for work, he or she is expected to first carry out lawful supervisory orders to work, and may later choose to appeal or grieve an order after complying with it. An employee who refuses to comply with a supervisor's order may be disciplined, up to and including removal from Federal service. However, an employee may refuse to carry out a particular work assignment if, at the time the assignment is given, the employee reasonably believes carrying it out will immediately endanger his or her safety or health.

3. *May an employee leave work or refuse to report for work because he or she is afraid of contracting the flu from co-workers?*

If an employee is concerned about contracting the flu from a co-worker, the employee should first raise the concern with his or her supervisor to discuss appropriate action, such as moving to a different work area, taking annual leave, or teleworking. Employees who leave their duty stations without approval may be considered absent without leave (AWOL). AWOL may result in disciplinary action, up to and including removal from Federal service.

4. *Could an agency take disciplinary action against an employee who is absent without leave (AWOL) despite the employee's good faith efforts to report for work?*

An agency may discipline an employee who is AWOL. However, such action is at the discretion of the agency and should only be taken after careful consideration of the facts and circumstances regarding the unauthorized absence. Employees having difficulty reporting to work should discuss the circumstances of their absence with their supervisor in a timely manner.

5. *May an employee refuse to use required safety equipment (e.g., protective equipment or decontamination stations) provided by the agency?*

When an agency requires employees to follow certain safety procedures, such as using protective equipment or going through a decontamination station, it is to protect the safety and health of its employees. As with any other agency policy, employees are expected to comply with agency safety and health policies. Employees who refuse to comply may be subject to appropriate disciplinary action, up to and including removal from Federal service.

6. *May an employee refuse to report for work if he or she believes it is unsafe, even though the threat of contracting the flu has subsided?*

The Federal community is working to protect the health and safety of employees in the workplace by following recommendations from the Departments and agencies such as the Department of Health and

Human Services and the Centers for Disease Control and Prevention. Therefore, it is unlikely an employee will be directed to report for work when it is unsafe to do so.

If an employee refuses to report for work based on his or her personal belief that it is unsafe to do so, and the employee is not in an approved leave status, the employee may be considered absent without leave (AWOL). An agency may take disciplinary action for AWOL, up to and including removal from Federal service.

## **LEAVE ISSUES**

Employees who are uncomfortable reporting for work during a pandemic crisis may seek to use annual or sick leave to remain at home. Several factors affect your ability to force employees to report for duty. Administrative actions taken by management in response to employees' absences must be consistent with applicable collective bargaining agreements and government regulations.

### **QUESTIONS AND ANSWERS:**

1. *May an employee who is not sick call in sick because he or she is afraid of contracting the flu?*

No. Generally, an employee may use sick leave when he or she is unable to work due to a physical or mental illness or is receiving medical examination or treatment.

An employee who is not eligible for sick leave may request annual leave. An employee has the right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken. If an employee's request for leave is denied and the employee still refuses to report for work, the employee may be considered AWOL and may be subject to disciplinary action, up to and including removal from Federal service.

2. *May an employee call in sick after a supervisor has canceled annual leave and ordered the employee to report for work?*

An employee is entitled to use sick leave when incapacitated for duty or receiving medical treatment. Absent medical documentation from a physician, granting this request requires a judgment call by the supervisor. If a supervisor suspects that an employee is using sick leave but is able to work, he or she may request that the employee provide medical documentation prior to approving the requested leave.

If the supervisor does not grant the request for sick leave or any other leave, the employee may be considered AWOL. An agency may take disciplinary action for AWOL, up to and including removal from Federal service.

## **LABOR RELATIONS IN GENERAL**

Collective bargaining agreements articulate the policies and procedures that govern the operations of an office and the employees within that office who are covered by the agreement. Ordinarily, management is obligated to provide the union representing the affected employees with notice and the opportunity to bargain, as appropriate, over proposed changes in conditions of employment prior to implementing these changes.

During a pandemic crisis, management may have some flexibility in implementing changes in working conditions. Management has the right to take whatever actions are necessary to carry out the agency mission during an emergency. In such instances, management may modify the working conditions of bargaining unit employees without providing notice and the opportunity to bargain to the union prior to implementation. However, this does not automatically negate management's obligation to engage the union regarding the change(s). Post-implementation notice and the opportunity to bargain may be

required.

As always, before providing notice of or implementing any changes in working conditions not previously addressed by a collective bargaining agreement, please consult your servicing Workforce Management Office for advice and guidance.

## Definitions and Acronyms

Activation	When a COOP plan has been implemented whether in whole or in part.
Alternate COOP Site	A site from which NRC can maintain its minimum essential functions in the event of a situation that threatens the continuity of NRC operations.
Avian flu	A form of influenza that occurs in birds.
Capabilities	Communication, facilities, information, trained personnel, and other assets necessary to conduct the agency’s Pandemic Priority Functions (PPF).
Continuity of operations plan or planning (COOP)	An internal effort within an organization to assure that the capability exists to continue essential business functions across a wide range of potential emergencies, including localized acts of nature, accidents, and technological and/or attack/terrorist-related emergencies.
COOP, COG, ECG	Interrelated Federal policy concepts for ensuring the Continuity of Operations (COOP) within departments and agencies, the Continuity of Government (COG) within each branch of the Government, and Enduring Constitutional Government (ECG) for the entire Government throughout and following serious disruptive situations.
COOP Program Managers	Program managers across NOAA with responsibility of COOP program management for their organization
Delegation of Authority	Specifies who is authorized to act on behalf of the D/A head and other key officials for specific purposes.
Devolution	The capability to transfer statutory authority and responsibility for essential functions from an agency’s primary operating staff and facilities to other employees and facilities, and to sustain that operational capability for an extended period.
Essential Functions	Functions that enable Federal Executive Branch agencies to provide vital services, exercise civil authority, maintain the safety and well being of the general public, and sustain the industrial/economic base during an emergency.
Influenza	An acute highly contagious disease characterized by sudden onset of fever, severe aches and pains, dry cough, and progressive inflammation of the respiratory mucous membranes caused by an influenza virus.
National Capital Region (NCR)	Includes the District of Columbia; Prince Georges and Montgomery Counties in Maryland, Fairfax, Arlington, and Prince William Counties, and other Independent Cities in those counties in Virginia.

National Essential Functions (NEFs)	That subset of Government functions that are necessary to lead and sustain the country during an emergency and, therefore, must be supported through department and agency continuity capabilities. The NEF are the primary focus of the president and the national leadership in the event, and in the aftermath, of an emergency. They are not new authorities, requirements, or functions.
National Response Framework (NRF)	An all-hazards approach to enhance the ability of the United States to manage domestic incidents. It forms the basis of how the federal government coordinates with state, local, and tribal governments and the private sector during incidents.
NOAA Management	Person or people who perform the act(s) of management and/or who have the day-to-day responsibilities of managing a NOAA organization, field office, or building.
Orders of succession	Provisions for the assumption of senior agency offices during an emergency in the event that any of those officials are unavailable to execute their legal duties.
Pandemic influenza	Worldwide epidemic that occurs when a new or novel influenza strain emerges for which humans have little or no immunity. The spread can be rapid and have severe consequences of illness, death and societal disruption.
Pandemic Response Team (PRT)	Agency’s special response team to lead the agency through a pandemic.
Personal protective equipment (PPE)	Specialized clothing and equipment, such as goggles, gloves, gowns, and masks or respirators, designed to protect people against infectious diseases or other health hazards.
Point of Contact (POC)	The designated individual from each NRC Headquarters Office whose duties involve coordination of the NRC COOP Plan for his/her respective origination.
Primary Mission Essential Functions (PMEFs)	Those mission essential functions that must be performed to support or implement National Essential Functions (NEFs) before, during, and in the immediate aftermath of an emergency. Generally PMEFs must be uninterrupted, or resumed during the first 12 hours after an event and maintained for up to 30 days or until normal operations can be resumed.
Quarantine	Separation of individuals who have been exposed to a transmissible infection, but are not yet ill, from others who have not been exposed.
Regional Office	Field office composed of divisions that carry out the functions of NOAA.
Social distancing	A public health measure to reduce the frequency of contact between people in order to limit the transmission of infection.

Stakeholder	An organization or individual who has a vested interest in the activities of an organization.
Supporting Activities	Those specific activities that a department or agency must conduct in order to perform its essential functions.
Swine Influenza	Swine Influenza (swine flu) is a respiratory disease of pigs caused by type A influenza virus that regularly causes outbreaks of influenza in pigs.
Telecommuting	The process of working from home or alternative site through telecommunications, usually using computer access.
Vital Records	Electronic and hardcopy documents, references, and records needed to support essential functions during a COOP or Pandemic situation. The two basic categories of vital records are <i>emergency operating records</i> and <i>legal and financial records</i> .