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**Approved for Release**

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**Date**

**John K. Guenther**

**Acting Director for Human Resources Management and  
Chief Human Capital Officer**

**DEPARTMENT OF COMMERCE  
OFFICE OF HUMAN RESOURCES MANAGEMENT**

**HUMAN RESOURCES (HR) BULLETIN #243, FY20**

**SUBJECT:** Excused Absences for Dependent Care Under the Coronavirus Disease (COVID-19) Pandemic

**EFFECTIVE DATE:** No sooner than March 22, 2020<sup>1</sup>

**EXPIRATION DATE:** Effective until cancelled or superseded

**SUPERSEDES:** Not applicable

**BACKGROUND:** On March 13, 2020, President Trump declared a national emergency in response to the outbreak of COVID-19. The Centers for Disease Control and Prevention (CDC) reported that all 50 states, as well as the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands, had confirmed cases of COVID-19. The COVID-19 pandemic health crisis poses a serious public health risk and direct threat to lives.

**PURPOSE:** This bulletin authorizes the use of limited amounts of excused absences for DOC employees who are teleworking from a designated/approved safe haven under an evacuation order, and have dependent care responsibilities. It also provides guidance on the following: maximum number of hours allowed per pay period; qualifying situations; approval process; documentation required; approval authority; and coding guidance.

**COVERED EMPLOYEES:** All DOC employees who are teleworking from a designated safe haven (home or approved alternative telework site) under an evacuation order, and who meet the dependent care requirement (See Dependent Care Requirement).

**AUTHORITY:** Under Title 5, CFR § 550.409, when an employee is evacuated to his or her home (or approved alternative telework site) during a pandemic health crisis, agencies are

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<sup>1</sup> Unless approved by the Acting Director for Human Resources Management and Chief Human Capital Officer

expected to maximize the performance of telework to support the agency's mission. At the same time, it is appropriate to grant **limited** amounts of excused absences in certain circumstances.

Consistent with the Office of Personnel Management (OPM) guidance on evacuation pay, employees who are teleworking with dependents present in the safe haven may be granted excused absence to provide for their care.

**POLICY:** Using excused absence under the evacuation pay authority **is not a substitute for regular sick leave** in cases where a Federal employee would otherwise appropriately use sick leave. This excused absence authority is directed at situations where sick leave is not appropriate to address the circumstance.

Covered employees who meet the dependent care requirement (See Dependent Care Requirement) and receive approval from their supervisor, are eligible to receive **up to 20 hours of excused absence per pay period**. The hours can be approved incrementally (partial days) or for an entire workday(s).

Excused absences under this policy should only be approved when necessary to complete the mission of the DOC and to promote the work/life balance of employees. These hours should be approved only after implementing and/or considering a flexible alternative work schedule for the qualifying employee.

The DOC encourages supervisors to be flexible with employees' work schedules in order to meet the mission of the DOC and employees' needs.

#### Dependent Care Requirement

- Has a child or children who attend an elementary or secondary school that is closed because of the COVID-19 pandemic;
- Has younger children who are not of school age, and normal childcare arrangements are not in effect due to the pandemic; and/or
- Has other family members in the home, such as an adult child or elderly parent with special needs, who require care and supervision, and other caregivers are not available due to the pandemic.

In determining the need for a limited amount of excused absence for employees who meet the above dependent care requirement, the following criteria must be considered:

- The age, care, and needs of the employee's child or children;
- The needs of any adults in the home requiring care by the employee;
- The number of children or other people in the home requiring care/supervision;
- Whether other healthy adult caregivers are present in the home;
- Whether the employee can perform work at times when direct care/supervision of a child or other person is not needed, such as while a child is sleeping, after making appropriate work scheduling flexibilities available; and/or

- That the employee is not also receiving a childcare subsidy payment for the same time frame.

**APPROVAL PROCESS:** Supervisors have sole authority to approve/disapprove employee work schedules; therefore, employees must submit a work schedule request in writing to their supervisor at least one pay period in advance of implementing the excused absence work schedule, unless there are unforeseen circumstances that prevent the advance request, for which supervisors and managers should be flexible.

**DOCUMENTATION:** Employees must provide sufficient documentation to their supervisor to support qualifying for the excused absence.

Appropriate documentation must be received before supervisory approval of the excused absence work schedule.

Appropriate documentation:

- Notification from a school or place of care; or notice that a childcare provider is unavailable due to COVID-19 reasons. This may include a notice of closure or unavailability from your child's school, place of care, or childcare provider, including a notice that may have been posted on a government, school, or daycare website, published in a newspaper, or emailed to you from an employee or official of the school, place of care, or childcare provider.
- Written certification (email is sufficient) from the employee responsible for dependent care of an adult child or elderly parent with special needs, in the home, who requires care and supervision, and other caregivers are not available due to the pandemic.

**CODING EXCUSED ABSENCE:** There is no specific code for excused absence under the evacuation-order provision per Title 5, CFR § 550.409. Therefore, employees shall continue to record these approved periods of absence using the same webTA codes as if they are working.

Employees are **NOT** to record these hours as Weather and Safety Leave, or any form of Administrative Leave.

**REFERENCES:** Title 5, Code of Federal Regulations § 550.409 – “Evacuation payments during a pandemic health crisis”; and the Office of Personnel Management Fact Sheet – “Options for Telework-Eligible Employees with Caregiving Responsibilities”

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