Human Resources Flexibilities Guide for Employees

Emergency Response Reference for Coronavirus Disease 2019 (COVID-19)

Office of the Secretary
Office of Human Capital

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1. Purpose

The U.S. Department of the Interior (Department) wants to ensure that all employees are aware of the resources available to them regarding the Coronavirus Disease 2019 (COVID-19). Advanced planning and preparedness are critical to mitigating the impact of influenza epidemics or pandemics as established by the World Health Organization (WHO).

This guide is intended for federal employees at the Department. Contractors should contact their employer for guidance.

In planning for the event of a pandemic or declared public health emergency, including COVID-19, the Centers for Disease Control and Prevention (CDC) will share health-related information and instructions with federal agencies and the public. The CDC and local health officials may share guidance and information to help the public recognize symptoms and encourage social distancing or other precautions to reduce the spread of illness.

The U.S. Office of Personnel Management (OPM) OPM COVID-19 website provides guidance and information for federal managers, employees, and human resources (HR) practitioners to plan and respond. OPM has also issued COVID-19-related Frequently Asked Questions and updated guidance specific to COVID-19 regarding available Human Resource flexibilities.

In planning for the event of a pandemic or local government-declared public health emergencies, such as COVID-19, supervisors have access to many flexibilities on a case by case basis. Mass or group approval of flexibilities should be coordinated with Regional/State Directors and local public health subject matter experts in alignment with CDC and OPM guidance. Regional/State Directors shall coordinate with their Field Special Assistant and the Assistant Secretary for Policy, Management and Budget for approval.

Any employee or employee representative seeking further information concerning this resource guide may contact the appropriate servicing HR office (HRO). Servicing HROs may contact the Department’s Office of Human Capital concerning questions related to this guidance.

Jennifer Ackerman
Director, Office of Human Capital
Deputy Chief Human Capital Officer

Disclaimer
This guide provides HR information related to federal employees covered by Title 5, United States Code, and does not, and is not intended to, create or deny violate any legal rights. This guidance is intended to be used in conjunction with applicable law, regulations, and Department policy.

This information is subject to change. For updates to and more detailed information on agency planning for pandemic events, please visit the OPM COVID-19 website.
2. Maintaining a Healthy Work Environment

It is necessary to maintain a healthy work environment at all times to prevent spreading illness among the workforce while also ensuring the continuity of operations at the Department.

All employees should take the CDC-recommended steps to protect themselves and others from COVID-19. These steps include cleaning your hands often, avoiding close contact with people who are sick, staying home if you are sick, covering coughs and sneezes, wearing a facemask if you are sick, and cleaning and disinfecting frequently touched surfaces daily. For further details regarding the steps you can take to prevent the spread of COVID-19, visit the CDC’s COVID-19 website.

Most importantly, if you feel sick with flu like symptoms (e.g., fever, cough, shortness of breath), refer to COVID-19 Risk Assessment and Public Health Management Decision Making Guide and follow guidance from local health authorities.

In addition to the information provided below, please refer to the OPM FAQ for COVID-19 specific questions and answers.

3. Leave Flexibilities

As with any illness, if you become sick or expect that you have been exposed to a communicable disease, please use your sick leave or other time off to go home and take care of yourself or seek medical attention. The Department has longstanding leave policies, described below, which can be applied to the current concern about COVID-19.

Sick Leave for Personal Medical Needs

Employees may use sick leave when they:

- Are incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth;
- Receive medical, dental, or optical examination or treatment; or,
- Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.

An employee must request sick leave within time limits specified by office policy or applicable collective bargaining agreement. In the event of a declared health emergency, supervisors may extend that time limit. The Department may require employees to request advance approval of sick leave for medical, dental, or optical examination or treatment.
Management may grant sick leave when supported by administratively acceptable evidence. A medical certificate or other documentation may be required for absences in excess of three days or for a lesser period when determined necessary by management.

At the discretion of management, a maximum of 30 days of sick leave may be advanced to an employee with a medical emergency. Please refer to the following links and be aware that they may be updated regularly.

OPM COVID-19 FAQ (refer to Section C “Sick Leave and Other Time Off”)
OPM FAQ March 7 2020
DOI Absence and Leave Handbook
OPM Sick Leave for Personal Needs Fact Sheet
OPM Advanced Sick Leave Fact Sheet

Sick Leave for General Family Care

Full-time employees may use a total of up to 104 hours (13 workdays) of sick leave each leave year to:
- Provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth;
- Provide care for a family member as a result of medical, dental, or optical examination or treatment;
- Provide care for a family member who would jeopardize the health of others by that family member’s presence in the community because of exposure to a communicable disease; or
- Make arrangements necessitated by the death of a family member or attend the funeral of a family member.

Part-time employees and employees with uncommon tours of duty are also covered. The amount of sick leave permitted for family care and bereavement purposes is pro-rated in proportion to the average number of hours of work in the employee’s regularly scheduled weekly tour of duty.

For sick leave purposes, a “family member” includes your:
- Spouse, and spouse’s parents;
- Children, including adopted children, and their spouses/domestic partners;
- Parents, and spouses/domestic partners of parents;
- Brothers and sisters, and spouses/domestic partners of siblings;
- Grandparents and grandchildren, and their spouses/domestic partners;
- Domestic partner, and domestic partner’s parents; and
- Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

At the discretion of one’s supervisor, an employee may be advanced up to 30 days (240 hours) of sick leave each leave year (or a proportional amount for an employee on a part-time schedule or uncommon tour of duty) for family care purposes. Check out the following links.
Family and Medical Leave Act

Under the Family and Medical Leave Act (FMLA), most employees are entitled to a total of up to 12 weeks of unpaid leave during any 12-month period for the following purposes:

- A serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position;
- The care of spouse, child, or parent of the employee who has a serious health condition;
- The birth of a son or daughter of the employee and the care of such son or daughter; or
- The placement of a son or daughter with the employee for adoption or foster care.

FMLA leave is available to an employee in addition to paid time off. Under certain conditions, an employee may use the 12 weeks of FMLA leave intermittently. An employee may elect to substitute annual leave or sick leave, consistent with applicable laws and regulations, for any unpaid leave under the FMLA.

An employee must provide notice of his or her intent to take FMLA leave, not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable. An employee’s supervisor may request medical certification for FMLA leave taken to care for an employee’s spouse, son, daughter, or parent who has a serious health condition or for the serious health condition of the employee.

An employee or family member who contracts a quarantinable communicable disease, such as COVID-19, and becomes ill would generally be considered to have a qualifying serious health condition. An employee’s supervisor may require medical certification of a serious health condition.

Annual Leave

Annual leave can be used for personal needs, such as vacations, rest, relaxation, medical needs, personal business, emergencies or to provide care for a health or sick family member. 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.

OPM COVID-19 FAQ (refer to Section C “Sick Leave and Other Time Off”).

OPM Annual Leave Fact Sheet
Advanced Annual Leave

A supervisor may advance annual leave in an amount not to exceed the amount the employee would accrue during the remainder of the leave year. Employees do not have an entitlement to advanced annual leave. In most cases, when an employee is indebted for advanced annual leave at the time of their separation, they must repay the amount of the advanced leave.

OPM Advanced Annual Leave Fact Sheet

Voluntary Leave Transfer Program

If an employee has a personal or family medical emergency (e.g., related to a quarantinable communicable disease such as COVID-19) and is absent (or expected to be absent) from duty without available paid leave for at least 24 hours, he or she may qualify to receive donated annual leave under the Department’s Voluntary Leave Transfer Program (VLTP). The VLTP allows an employee to donate annual leave to assist another employee who has a personal or family medical emergency and who has exhausted his or her own available paid leave. Employee participation in VLTP is approved by the employee’s servicing HRO.

While using donated leave, a leave recipient can accrue no more than 40 hours of annual leave and 40 hours of sick leave in “set-aside accounts.” The accrued leave in the “set-aside accounts” will be transferred to the employee’s regular leave accounts when the medical emergency ends or if the employee exhausts all donated leave. There is no limit on the amount of donated annual leave a leave recipient may receive from the leave donor(s). However, any unused donated leave must be returned to the leave donor(s) when the medical emergency ends.

OPM Voluntary Leave Transfer Program Fact Sheet

Leave Without Pay

Leave without pay (LWOP) is a temporary non-pay status and absence from duty that may be granted at the employee’s request. In most instances, granting LWOP is a matter of supervisory discretion. However, employees have an entitlement to LWOP in the following situations:

- The Family and Medical Leave Act (FMLA) provides covered employees with an entitlement to a total of up to 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs.
- The Uniformed Services Employment and Reemployment Rights Act (USERRA) provides employees with an entitlement to LWOP when employment is interrupted by a period of service in the uniformed service.
- Executive Order 5396 provides that disabled veterans are entitled to LWOP for necessary medical treatment.
- Employees may not be in a pay status while receiving workers compensation payments from the Department of Labor.
An extended period of LWOP may have an effect on an employee’s benefits including health benefits, retirement benefits, and life insurance.

**OPM Leave Without Pay Fact Sheet**

**OPM Effect of Extended Leave Without Pay (or Other Nonpay Status) on Federal Benefits and Programs Fact Sheet**

**Weather and Safety Leave**

In guidance issued March 7, 2020, OPM has determined that agencies may authorize weather and safety leave when an asymptomatic employee (i.e. healthy, not displaying symptoms of the given disease) is subject to movement restrictions (quarantine or isolation) under the direction of public health authorities due to a significant risk of exposure to a quarantinable communicable disease, such as COVID-19.

Weather and safety leave may be granted only if an employee is not able to safely travel to or perform work at an approved location. Thus, an employee who is not telework-ready (i.e., has an approved telework agreement in place) would be granted weather and safety leave for quarantine periods under the direction of local or public health authorities. Conversely, telework-ready employees would generally be expected to telework at home if asymptomatic.

If a telework-ready employee in these circumstances needs time off for personal reasons, then the employee would be expected to take other personal leave or paid time off (e.g., annual leave or sick leave to care for a family member). If an employee (regardless of their status as a telework-ready employee) is diagnosed as being infected, or likely has been infected, with a quarantinable communicable disease, such as COVID-19, use of weather and safety leave would be inappropriate. Accrued or advanced sick leave would normally be used to cover such a period of sickness. Agencies must grant sick leave when an illness prevents an employee from performing work. If the employee exhausts the available sick leave, other paid leave or paid time off may also be available to an employee.

**OPM COVID-19 FAQ (refer to Section D “Weather and Safety Leave).**

**OPM FAQ March 7 2020**

**Departmental Policy on Weather and Safety Leave**

**CDC Risk Assessment Website**

### 4. Alternative Work Arrangements

The Federal Government offers a variety of alternative work arrangements. These may be especially helpful to employ when responding to COVID-19.
Alternative Work Schedules

Alternative Work Schedules (AWS) differ from traditional fixed work schedules (e.g., 8 hours per day, 40 hours per week). AWS enables eligible employees to balance work and family responsibilities. There are two categories of AWS:

- **Compressed work schedules (CWS)** allow an employee to complete their 80-hour per pay period work requirement (or part-time work requirement) in less than 10 workdays. A CWS is a fixed schedule. The employee’s arrival and departure times are set.
- **Flexible work schedules (FWS)** allow an employee to vary their work schedule within the limits set by the agency. During core hours, all employees must be at work; however, during the flexible hours, employees can vary their arrival and departure times, hours worked each day, days worked each week, etc. The FWS options have different degrees of flexibility.

**Departmental Policy on Alternative Work Schedules**

Contact your servicing HR Officer for AWS guidance and procedures.

**Telework**

Telework is a work flexibility that enables eligible employees to perform their duties from an approved alternative worksite (e.g., home or telework center). In order to participate in the Department’s telework program, eligible employees must complete the required telework training and execute a telework agreement before initiating a telework arrangement. Eligible employees may be permitted to telework on a core (recurring, scheduled basis—i.e., fixed day(s) per week or pay period) or situational (e.g., ad hoc) arrangement.

The Department’s telework policy, *Personnel Bulletin 19-02*, requires teleworkers to physically report to their official duty station at least two full work days per bi-weekly pay period—except for rare, short-term circumstances. A public health emergency, such as COVID-19 is an example of a rare, short-term situation that would temporarily exempt employees in a directly affected area from reporting to the official duty station twice a pay period. Under the current telework policy, supervisors are only permitted to telework situationally or in ad-hoc situations. However, a public health emergency, such as COVID-19 would qualify as an ad-hoc circumstance wherein supervisors may be permitted to telework for an extended, temporary period as approved by their manager.

Eligible employees who would like to utilize this work flexibility must complete the required telework training and execute a telework arrangement. Employees should contact their servicing HRO or Bureau/Office Telework Coordinator for more information regarding the telework program.

In planning for the event of a pandemic or local government-declared public health emergency, such as COVID-19, employees should review OPM’s FAQ for when telework is permissible for telework ready employees. As a general principle, the Department encourages supervisors and telework coordinators to review all telework-ready individuals to determine if additional employees are eligible for telework and ensure they are telework ready with a current, approved telework agreement.
Approval of mass telework, which includes entire offices, buildings, organizations, etc., requires the proper coordination with the respective Field Special Assistant and the Assistant Secretary for Policy, Management and Budget in consultation with local health officials.

OPM COVID-19 FAQ (refer to Section B “Telework”).

**DOI Telework Agreement** (DOI Sharepoint Site)

### 5. Pay Flexibilities and Compensation

Employees should be aware of the various pay provisions that may be utilized in the event of a pandemic. Providing supervisors with regular work status updates will help ensure accurate and timely approval of time worked.

#### Evacuation Pay

In the event of a pandemic health crisis, as determined by the WHO, the Secretary of the Interior (or his or her designee) may order a localized evacuation upon determining imminent danger to life or safety of their employees and/or families, or employees who are prevented from performing the duties of their positions.

Should employees be evacuated under the Secretary’s direction, evacuation payments may be made to employees who are ordered to evacuate their regular worksites and work from home (or an alternative location mutually agreeable to the Department and the employee) in the event of a pandemic health crisis, without regard to whether the employee has a telework agreement in place at the time the order to evacuate is issued. Evacuated Employee means an employee who has received an order to evacuate (5 CFR 550.402). Evacuation pay is equal to an employee’s normal pay and will be paid on regular pay days. The Secretary may 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. (See page 7 OPM Guidance) on evacuation pay.

Responsibility for ordering an evacuation in overseas locations rests with the Department of State.

Due to the variable nature of workplace and health issues in the event of a pandemic health crisis, separate guidance is provided in **Personnel Bulletin 07-01, Department Policy on Evacuation Pay**.

Evacuation Pay shall be approved by the Assistant Secretaries with guidance from their bureau’s Safety Officers and Human Capital Officers.

OPM COVID-19 FAQ (refer to Section E “Evacuation Payments During a Pandemic Health Crisis”).
Hazardous Duty Pay

General Schedule (GS) employees may receive additional pay for the performance of hazardous duty or duty involving physical hardship (5 U.S.C. 5545(d) and 5 CFR part 550, subpart I), if the Secretary of the Interior (or his or her designees) determines that the employee is exposed to a qualifying hazard (i.e. communicable disease) through the performance of his or her assigned duties not already credited in the classification of the employee’s position. The Secretary of the Interior (or his or her designees), in consultation with DOI’s safety and health experts and servicing personnel offices, will determine whether employees are entitled to hazard pay on a case-by-case basis.

In the case of COVID-19, Assistant Secretaries are to make hazardous duty pay decisions on a non-delegable basis, so we can better track Department-wide which employees in which occupations in particular geographic areas may need this flexibility.

Wage Grade (WG) employees may receive an environmental differential when exposed to a working condition, physical hardship, or hazard of an unusually severe nature (5 U.S.C. 5343(c)(4) and 5 CFR 532.511). Determinations as to whether an employee qualifies for an approved environmental differential must be made on a case-by-case basis.

Employees exposed, or potentially exposed, to a communicable disease in a manner not directly associated with the performance of his or her assigned duties may not receive hazardous duty pay nor environmental differential pay.

OPM COVID-19 FAQ (refer to Section G “Hazardous Duty Pay Related to Exposure to COVID-19).

Overtime Pay

Employees required to work overtime in the event of a pandemic will remain covered by the overtime pay and other premium pay provisions based on their position’s FLSA exemption status.

Compensatory Time Off

Compensatory time off is time off with pay in lieu of overtime pay for irregular or occasional overtime work.

OPM’s Compensatory Time Off Fact Sheet
Compensatory Time Off for Travel

Compensatory time off for travel is earned by an employee for time spent on official travel away from the employee’s official duty station when such time is not otherwise compensable.

Departmental Policy on Compensatory Time Off for Travel

OPM Compensatory Time Off for Travel Fact Sheet

Credit Hours

With supervisory approval, an employee may use credit hours during a subsequent day, week, or pay period, to allow the employee to be absent from an equal number of hours of the employee’s basic work requirement with no loss of basic pay.

OPM Credit Hours under a Flexible Work Schedule Fact Sheet

6. Employee Benefit Programs and Contacts

Benefits for employees and eligible family members remain unchanged in planning for the event of a pandemic or public health emergency, such as COVID-19. This section discusses the administration of the federal employee benefit programs and provides contact information for when you have questions.

- Employees or their survivors should contact their servicing HRO with questions about the federal employee benefit programs.
- General benefits information is available on the OPM Insurance website.
- In the event of a pandemic, information will be posted on the OPM Pandemic Information (Benefits Overview) website and at www.opm.gov.
- In the event of an emergency, OPM may activate the hotline and emergency-related email to assist retirees and employees who are unable to contact their servicing HRO.
  - OPM Hotline: 800-307-8298
  - OPM Emergency Email: emergencybenefits@opm.gov

Employee Express

Log into Employee Express to view your Earnings and Leave Statement, leave balance, insurance enrollments, W-2 tax form, and other personal information. You can use Employee Express to make changes to your Thrift Savings Plan contributions, home address, and tax withholdings.

Federal Employees Health Benefits (FEHB) Program

The servicing HRO processes Federal Employee Health Benefits (FEHB) enrollments, enrollment changes, and premium withholdings. FEHB claims are processed by your health insurance plan.
In the event of a WHO-declared pandemic or local government-declared public health emergency, involving COVID-19, OPM issues guidance to FEHB carriers (health plans) to ensure that affected employees, families, and retirees receive appropriate support. This may include relaxing referral or pre-authorization requirements, guidance about care at specialized centers, transportation reimbursement, allowance for early refills of prescription medications, vaccine information, and coverage for certain experimental or investigational treatments.

For information about the FEHB program, visit [OPM’s FEHB](https://www.opm.gov/fehb/) website or contact your servicing HRO.

**Federal Employees Dental and Vision Insurance Program (FEDVIP)**

FEDVIP is a voluntary, enrollee-pay-all dental and vision program available to federal employees. Log into your account at [BENEFEDS](https://www.benefeds.com) to view your enrollment information. For questions about your dental insurance or vision coverage, benefits, or services, contact your FEDVIP dental or vision carrier directly. Enrollment and billing issues are managed by BENEFEDS but may require coordination with your servicing HRO. (877-888-3337; TTY: 1-877-889-5680).

**Federal Employees Group Life Insurance Program (FEGLI)**

Your servicing HRO processes FEGLI enrollments, enrollment changes, and premium withholdings. The servicing HRO provides counseling for survivors and assistance with submitting life insurance benefit claims. For information about the FEGLI program, including a calculator that helps you determine the face value of your insurance, visit [OPM’s FEGLI](https://www.opm.gov/fegli/) website.

**Federal Long Term Care Insurance Program (FLTCIP)**

The FLTCIP is a voluntary, enrollee-pay-all insurance program available to federal employees and qualified family members (spouse, adult children, parents, parents-in-law, step-parents and domestic partners). The FLTCIP helps pay for long term care services in a variety of settings: at home or in a facility, such as an assisted living facility, an adult daycare, or a nursing home. Enrollment and billing issues are managed by the Long Term Care Partners, LLC. Issues involving payroll deductions may require coordination with your servicing HR or payroll office. For information visit the [FLTCIP](https://www.fltcp.com) website or call 800-582-3337 (TTY 1-800-843-3557).

**Flexible Spending Account Program (FSAFEDS)**

A Flexible Spending Account (FSA) is a tax-favored program that allows you to pay for eligible out-of-pocket health care and dependent care expenses with pre-tax dollars. FSA enrollment, reimbursements and deductions are managed by FSAFEDS. Issues involving payroll deductions may require coordination with your servicing HRO. For information visit the [FSAFEDS](https://www.fsafeds.com) website or call 877-372-3337 (TTY 866-353-8058).
Retirement Programs (CSRS/FERS)

The Federal Employees Retirement System (FERS) and the Civil Service Retirement System (CSRS) are administered by OPM, in coordination with federal agencies. The OPM Retirement Services website provides general information on the retirement programs.

- Department employees or their survivors should contact their servicing HRO with questions about their retirement benefits.
- Current annuitants (retirees) and survivors can contact OPM’s Retirement Customer Service at 888-767-6738 (TTY 800-877-8339) or OPM Retirement Services Online.

In the event of a WHO-declared pandemic or local government-declared public health emergency, involving COVID-19, information will be posted on the OPM Pandemic Information website. In the event of an emergency, OPM may activate the hotline and emergency-related email to assist retirees and employees who are unable to contact their servicing HRO.

- OPM Hotline: 800-307-8298
- OPM Emergency Email: emergencybenefits@opm.gov

Thrift Savings Plan (TSP)

The Thrift Savings Plan (TSP) is a defined contribution retirement savings and investment plan for federal employees. The TSP is administered by the Federal Retirement Thrift Investment Board (FRTIB). Elections for payroll deductions are processed through the Employee Express website. Issues involving payroll deductions may require coordination with your servicing HRO. For more information or to log into your account, visit the Thrift Savings Plan website or call 877-968-3778 (TTY 877-847-4385).

7. Employee Assistance Program

Employee Assistance Program (EAP) services are designed to help employees, managers, and organizations meet life challenges and remain healthy, engaged, and productive. EAP services are generally available to you anytime, anywhere via telephone for any issue that affects your ability to work.

In the event of a public health emergency involving COVID-19, an EAP counselor can help employees:

- Cope with anxiety or stress related to crisis preparation and response.
- Manage feelings of isolation sometimes experienced if working offsite for an extended time period due to exposure.

The Department’s EAP is free, confidential, and voluntary. For more information, visit the Employee Assistance Program website.
8. Links to Other Resources

- Centers for Disease Control and Prevention: https://www.cdc.gov/
- U.S. Office of Personnel Management: https://www.opm.gov/
- OPM Pandemic Information: https://www.opm.gov/policy-data-oversight/pandemic-information/work-hiring-arrangements/
- QuickTime - web-based portal to Interior’s Time & Attendance System: https://apps.doi.gov/dana-na/auth/url_75/welcome.cgi (Employees will need their DOI PIV Card or network password to access this site)