

2020 DOD WORLDWIDE HUMAN RESOURCES TRAINING EVENT

FREQUENTLY ASKED QUESTIONS:

“DOD’S HUMAN RESOURCES RESPONSE TO COVID-19”

On 15-16 September 2020, the Office of the Deputy Assistant Secretary of Defense for Civilian Personnel Policy and Defense Civilian Personnel Advisory Service (DCPAS) hosted a 2-day virtual Worldwide Human Resources Training Event (WWHRTE). Attendees were provided an invaluable opportunity to hear from key leaders on efforts directly impacting DoD’s HR community. Attendees were encouraged to forward questions and comments related to the material presented.

Below are submitted questions and prepared responses for the DoD’s HR Response to COVID-19 presentation.

Q: We have employees that were required to apply for "regular" reasonable accommodation when requesting to remain in a telework status because of underlying health conditions that make them more susceptible to complication from COVID-19. The reasonable accommodation forms are not even designed to ask the right questions for a temp situation, like a pandemic. We have employees that did not pursue this avenue because they knew their doctors could not/would not fill out the form. So instead of being safer at home, these employees are at work with serious underlying health conditions that could make COVID-19 deadlier. Was the intent that employees would be required to apply for 'regular' reasonable accommodation during this pandemic? That seems contrary to DoD guidance to maximize telework and minimize risks for our susceptible employees.

A: DoD Components are delegated the authority to administer and manage weather and safety leave consistent with their mission and DoD policy. Because of DoD’s diverse mission sets, functions, and workforce, Departmental personnel policies on COVID-19 should provide flexible solutions that both support mission accomplishment and protect the workforce. DoD policy does not prohibit Components from requiring employees utilize reasonable accommodation procedures to request Weather and Safety leave.

Q: How is the information being pushed down to Services -- specifically the telework data and productivity? Some organizations are still under the opinion that employees need to be seen, and in-the-office work is more effective.

A: The information contained in the COVID-19 briefing is provided to DoD Component members of the Civilian Personnel Policy Council and the Civilian Personnel Advisory Group.

Q: June 23rd was when the extended period of use for time-off awards was announced, but it won't be implemented for another 10ish days, is this correct?

A: The Defense Finance and Accounting Service completed system changes that restored time-off awards on Friday, September 25, 2020.

Q: When will Paid Parental Leave (PPL) forms go out? We have an employee scheduled to give birth on 1 Oct and is requesting paid parental leave, which must be done in advance.

A: DCPAS worked with DoD Components over the last several weeks to develop DoD guidance following the publication of the Office of Personnel Management’s interim regulations on paid parental leave. DoD’s draft guidance encourages DoD Components to utilize the sample forms published by the Office of Personnel Management on August 7, 2020 (<https://chcoc.gov/content/paid-parental-leave-federal-employees-interim-regulations>) until DoD forms are published. DCPAS will work with the DoD Components to develop these DoD forms.



FAQ: DOD'S HR RESPONSE TO COVID-19, PAGE 2

Q: Are Federal employees who can't opt out going to be charged 12.4% Old Age, Survivors, and Disability Insurance (OASDI) starting in January 2021?

A: Employees with OASDI tax withholdings deferred through December 31, 2020 will see these withholdings collected from their wages between January 1, 2021-April 30, 2021. For more information, please visit: <https://www.dfas.mil/taxes/Social-Security-Deferral/>.

Q: How do you know if you are affected by the withholdings?

A: Employees are impacted if their wages subject to OASDI withholdings are less than \$4,000 in any given pay period. For more information, please visit: <https://www.dfas.mil/taxes/Social-Security-Deferral/>.

Q: For the OASDI deferral...It says subject to those whose wages are \$4,000 or less in any given pay period? Is that based on gross pay?

A: The deferral is based on wages subject to OASDI tax withholdings. More information about this deferral including information provided by the Internal Revenue Service is available at <https://www.dfas.mil/taxes/Social-Security-Deferral/>.

Q: How will withholdings be collected from employees next year if an employee leaves DoD in the next three months?

A: If an employee subject to the OASDI tax deferral leaves DoD during the tax deferral period, the employee is still responsible for payment of the tax. More information on this issue will be provided by DFAS at a later date at: <https://www.dfas.mil/taxes/Social-Security-Deferral/>.

Q: For Employees who make more than the \$4,000 pay cap regarding the tax deferment will they still have the OSADI withheld from their pay checks or do they have to fill out a form to opt out of the tax deferment?

A: If an employee is not subject to the OASDI tax deferral, the employee does not need to take any action to continue OASDI tax withholdings.

Q: What are agencies expected to do when employees are out on Weather and Safety leave now but are working on other jobs/positions and seen by employees still working?

A: Government-wide ethics regulations (i.e. Part 2635 of title 5, Code of Federal Regulations) limit outside employment and require Federal employees to otherwise comply with their agencies' applicable policies and procedures. If an agency grants an employee Weather and Safety Leave, the employee should not obtain outside employment without first obtaining approval from the chain of command consistent with these regulations. Further investigation may also be warranted, too, to determine whether the employee appropriately received Weather and Safety Leave and if discipline is warranted.

Q: Other federal agencies (non-DoD) are regularly granting 20 hours per pay period of administrative leave for care giving relief and help with dependent care and schooling. Will DoD be doing something similar? Are you aware of any new guidance for DoD that specifically addresses this or provides some form of additional administrative leave for care giving relief?

A: DoD does not intend on establishing a similar policy for its employees.



FAQ: DOD'S HR RESPONSE TO COVID-19, PAGE 3

Q: Based on the continued challenges with COVID-19 that will probably continue beyond December, i.e. parents dealing with children having to stay home because of schools are virtual, is Congress considering extending the provisions of Emergency Sick leave beyond 31 December?

A: There is no information available to suggest Congress plans to extend the Emergency Paid Sick Leave Act beyond its expiration date of December 31, 2020.

Q: With regards to leave restoration for COVID-19 "to support work due to the emergency response," does this apply only to those who are directly supporting the pandemic efforts (i.e., medical, pathology, etc.) and not civilians who were unable to take their leave due to normal mission requirements but couldn't take their leave because of the telework situation?

A: Under OPM's interim regulations on annual leave restoration published on August 10, 2020, agencies may only restore leave to an employee who performs services essential in responding to the national emergency (e.g. COVID-19). An employee's inability to take annual leave due to telework and normal mission requirements without additional information does not fall within the scope of the interim regulations.

Q: When can we expect guidance from DoD on the emergency leave restoration guidance that OPM put out?

A: DCPAS worked with DoD Components over the last several weeks to develop DoD guidance following the publication of the Office of Personnel Management's interim regulations on annual leave restoration. DoD guidance should be published in the near future.

Q: Will use or lose annual leave be restored if not used this year?

A: Government-wide regulations nor DoD policy allow for blanket restoration of annual leave. Depending on an employee's circumstances, leave may be restored under normal procedures or OPM's interim regulations on annual leave restoration published on August 10, 2020.

All WWHRTE presentation slides can be found on the WWHRTE milSuite site at <https://www.milsuite.mil/book/groups/wwhrte>. You will also find the video recording of this presentation as well.

Clarification or further questions related to this presentation can be directed to the following email address:

- dodhra.mc-alex.dcpas.list.emergency-preparedness@mail.mil

