

## **APPENDIX B: Human Resource Management Guidelines**

### **Table of Contents**

#### **B.1: Purpose**

#### **B. 2: Applicability**

#### **B.3: Authorities and References**

#### **B. 4: Roles and Responsibilities**

B.4.1 Introduction

B.4.2 Executive Director, Headquarters Operations

B.4.3 Director, Headquarters HRMD

#### **B. 5: Communications**

#### **B. 6: Human Resources Operating Rules and Guidance in the Event of an Emergency Situation**

B.6.1 Activation

B.6.2 OPM Closure Direction

B.6.3 Facility Issue Closure Direction

B.6.4 Emergency Response Telework

B.6.5 Leave Options

B.6.6 Work Schedule Options

B.6.7 Pay

B.6.8 Hiring Options

B.6.9 Continuity of Employee and Family Benefits

B.6.10 Conduct, Authority and Disciplinary Action

B.6.11 Volunteerism

B.6.12 Evacuation Payments

B.6.13 Labor Relations

#### **B.7: Pandemic Health Crisis**

B.7.1 Introduction

B.7.2 Evacuation Payments during a Pandemic Crisis

## **APPENDIX B: Human Resource Management Guidelines**

### **B.1: Purpose**

B.1.1 The purpose of this Appendix is to provide guidance and information on human resources programs and flexibilities available to managers and employees if normal operations at NASA Headquarters are disrupted or threatened with disruption due to a catastrophic event, including a pandemic health crisis. This Appendix provides an overview of human resources rules, flexibilities, and authorities, in addition to guidance, responsibilities, and procedural requirements, for use in determining operational requirements for various human resources issues during a catastrophic event.

B.1.2 This Appendix will be updated, as required, to ensure consistency with modifications to NASA and/or Office of Personnel Management (OPM) policy or with events and/or organizational and personnel changes within NASA Headquarters. If new resulting Government-wide, or NASA, policies are issued due to unanticipated events, the Government-wide, or NASA, policies will take precedence over the guidance and operating rules outlined in this Appendix.

## **APPENDIX B: Human Resource Management Guidelines**

### **B. 2: Applicability**

B.2.1 This Appendix is designed as a supplement to the NASA Headquarters Continuity of Operations (COOP) plan. The guidance in this Appendix will enable the Executive Director of Headquarters Operations, in coordination with the Director, Headquarters Human Resources Management Division (HRMD), to make decisions that will minimize the disruption of normal operations at NASA Headquarters.

## **APPENDIX B: Human Resource Management Guidelines**

### **B.3: Authorities and References**

- a. Code of Federal Regulations, Title 5, Parts 200 – 600.
- b. Office of Personnel Management, Washington, DC, Area Dismissal or Closure Procedures, dated October 2008.
- c. Office of Personnel Management Handbook on Pay and Leave Benefits for Federal Employees Affected by Severe Weather Conditions or Other Emergency Situations.
- d. Office of Personnel Management, Planning for Pandemic Influenza: Human Resources Information for Agencies and Departments, dated May 2009.
- e. Pandemic Influenza 2009: Additional Guidance, OPM Memorandum CPM 2009-14, dated July 31, 2009.
- f. NPR 3600.1A, Attendance and Leave.
- g. NPR 3530.1C, NASA Pay and Compensation Policy.
- h. NPR 3600.X, NASA Telework Policy, Draft.
- i. NPR 3800.1, Employee Benefits; Chapter 7, Operation of NASA Telework Programs.
- j. NASA Office of Human Capital Management (OHCM) Continuity of Operations (COOP)/Pandemic Desk Guide, Version 3, dated September 2009.
- k. NASA Desk Guide on Hiring Authorities.
- l. NASA Desk Guide for Table of Disciplinary Offenses and Penalties, Version 3.
- m. HQPR 1040.1, Headquarters Continuity of Operations Plan.
- n. HQPR 8710.1, Emergency Preparedness Plan.
- o. HQPR 3611.1, Telework Program.

## **APPENDIX B: Human Resource Management Guidelines**

### **B. 4: Roles and Responsibilities**

#### **B.4.1 Introduction**

4.1.1 The overall responsibility for the efficient running of essential human resources operations in the event of contingency operations rests with the Director, Headquarters HRMD. The Director appoints a Headquarters HRMD Emergency Operations Point of Contact to assist in the planning and execution of these functions under emergency conditions.

#### **B.4.2 Executive Director, Headquarters Operations**

4.2.1 The Executive Director of Headquarters Operations provides guidance to NASA HQ on overall COOP and Pandemic objectives. The Executive Director of Headquarters Operations sets goals and holds the authority to activate elements of this Appendix in coordination with Headquarters HRMD based on the needs of NASA HQ. The Executive Director of Headquarters Operations is also referred to as the Designated Official in other COOP related documents.

#### **B.4.3 Director, Headquarters HRMD**

4.3.1 The Director, Headquarters HRMD, serves as the principal advisor to the Executive Director of Headquarters Operations on human resources concerns. The Director, Headquarters HRMD, is also the liaison, as appropriate, with the Office of Human Capital Management, the NASA Shared Services Center, and the Agency Payroll Provider, Department of Interior/National Business Center (NBC).

4.3.2 The Headquarters HRMD Emergency Operations POC establishes a standing Headquarters Emergency Operations Implementation Team to provide for continued planning and coordination of the actions listed in this Appendix to ensure the efficient operation of Headquarters HRMD functions during the period of the emergency.

4.3.3 The Headquarters HRMD Operations Branch Chief coordinates with appropriate Headquarters Information Technology Communications Division officials to ensure that appropriate Headquarters HRMD personnel have the automated equipment, secure connections, and the access needed to continue those Headquarters HRMD operations defined in this Appendix for the life of the event. Such processes shall include, but not be limited to: secure access to FPPS, e-PDS, WebTADS, NOPS, WIMS, WTTS, and CMS systems from remote locations (including telework from home locations) and any other IT related needs.

## **APPENDIX B: Human Resource Management Guidelines**

### **B. 5: Communications**

B.5.1 The Director, Headquarters HRMD, will coordinate the communication of human resources guidance for emergencies (pay, leave, staffing, work schedules, benefits, telework, and other flexibilities) to the Executive Director of Headquarters Operations, Emergency Leadership Team, supervisors, and employees as appropriate. The following methods of notification may be used depending upon the nature of the event and the communication systems available:

- a. Notification to all NASA Headquarters employees issued by the NSSC or Headquarters HRMD, as appropriate, in collaboration with the Office of Public Affairs;
- b. Announcement via the Emergency Notification System;
- c. Phone calls to the Officials-in-Charge of Headquarters Offices. If the primary person on the phone tree is not available to receive the call, the information will be provided to the person acting next highest in the management chain. The person receiving the call will have the responsibility for calling persons designated within their organization; and/or
- d. Recording on the Headquarters Center Operations Information Line, (202) 358-3000.

## **APPENDIX B: Human Resource Management Guidelines**

### **B. 6: Human Resources Operating Rules and Guidance in the Event of an Emergency Situation**

#### **B.6.1 Activation**

B.6.1.1 Activation of the Human Resource Operating Rules and Guidance may be triggered by a wide variety of events or threats including, but not limited to, acts of nature, accidents, terrorist or military style attacks, or a pandemic health crisis. Regardless of the initiating event, the expected response can be divided into the basic options described below. Dependent upon the event, the best response may involve a combination of these options.

#### **B.6.2 OPM Closure Direction**

B.6.2.1 OPM coordinates and announces dismissal and closure decisions concerning Federal employees when emergency conditions affect a significant number of employees in the Washington, D.C. area and cause disruptions to Government operations. NASA Headquarters will follow the instructions in these OPM announcements and the guidance provided in the Washington, D.C., Area Dismissal or Closure Procedures at <http://www.opm.gov/oca/compmemo/dismissal.pdf> during emergency situations.

B.6.2.2 Immediate notification of changes to the operating status of the Federal Government will be relayed to key Federal and local authorities. Information regarding the Federal Government operating status may also be obtained by logging on to OPM's website at [www.opm.gov/status](http://www.opm.gov/status) or calling (202) 606-1900 for OPM's Status of Operations message. These decisions are also disseminated through the media as to whether Federal agencies in the Washington, D.C., area are open or closed, or operating under an unscheduled leave policy, a delayed arrival policy or an early dismissal policy.

B.6.2.3 The Executive Director of Headquarters Operations, in collaboration with the Director, Headquarters HRMD, will notify OHCM in writing of any necessity to exclude certain offices, activities, or categories of employees from the Washington, D.C. dismissal plan.

#### **B.6.3 Facility Issue Closure Direction**

B.6.3.1 The Executive Director of Headquarters Operations, in collaboration with the Director of Headquarters Facilities & Administrative Services Division, will make a decision if NASA Headquarters will be closed fully or partially due to a facility problem such as water, power failure or heating problems or other type of emergency situation that affects the NASA Headquarters facility.

B.6.3.2 If the emergency is due to a facility failure, the Executive Director of Headquarters Operations, will notify affected employees by the most appropriate means (i.e., Employee Notice, phone call to the Headquarters Officials-in-Charge, or the Headquarters Emergency Operations Center, (202) 358-3000, which is a 24 hour, seven days a week safety alert system for NASA Headquarters.

B.6.3.3 If the situation occurred during non-business hours, information will be communicated via the Headquarters Emergency Operations Center, (202) 358-3000 and/or the news media.

## **APPENDIX B: Human Resource Management Guidelines**

B.6.3.4 If a partial closing is required, the Executive Director of Headquarters Operations will provide written notification to the Headquarters Payroll Coordinator within Headquarters HRMD, granting an excused absence for the employees impacted by the partial closure.

B.6.3.5 Clarifying information regarding the dismissal or closure activity, granting of excused absences, and guidance on recording time and attendance in WebTADS will be provided by the Headquarters HRMD via an Employee Notice e-mailed to all Headquarters civil service employees to ensure it is consistently communicated throughout the Headquarters organizations.

### **B.6.4 Emergency Response Telework**

B.6.4.1 In the event the COOP plan is activated or in the event a national or regional pandemic health crisis is declared, telework will ensure minimal disruption to operations and enable NASA Headquarters to maintain or restart its business operations expeditiously and systematically with employees that have access to resources via technology at home or at alternative sites. Telework can also help NASA Headquarters retain functionality as infrastructure issues and other challenges make the main worksite difficult to access, such as a pandemic health crisis.

B.6.4.2 In an emergency response situation, all employees may be considered for telework status even if their normal work duties would prohibit it. Employees may be assigned work other than their normal duties and responsibilities if the employee possesses the knowledge and skills necessary to perform the other work. Supervisors should review positions and activities in the organization with as much latitude as possible when determining what work is suitable during emergency situations.

B.6.4.3 Although employees need not be on a telework agreement during a COOP situation or for short-term emergency situations, managers and supervisors should communicate to their employees expectations for emergency telework (specifically whether the employee is expected to telework in the case of a COOP event, pandemic health crisis, shutdown of agency operations, etc.). In addition, managers and supervisors should:

- a. Establish communication processes, responsibilities, and expectations to ensure understanding of telework requirements during an emergency.
- b. Manage the workforce to anticipate the kind of work, if any, employees could perform from home (or alternative location) if they cannot perform their regular jobs. This may require reviewing positions and activities in the organization to determine what work is suitable for telework.
- c. Ensure employees have the capabilities to telework (equipment, connectivity, access to databases/shared drives, etc.).
- d. Clearly communicate the work assignments or tasks that need to be accomplished during telework hours. Supervisors and managers are encouraged to communicate regularly with employees who are performing work from home during an emergency situation. Regular communication with employees will ensure they understand their work assignments and management's expectations during the period of the emergency.

## **APPENDIX B: Human Resource Management Guidelines**

e. Discuss leave and work schedule options with employees.

f. Communicate that telework in response to an emergency situation does not guarantee regular telework privileges under normal circumstances.

g. Ensure hours worked by an employee are accurately captured in WebTADS. If WebTADS is unavailable, manually track hours worked.

B.6.4.4 Supervisors may authorize employees to make long distance or toll calls while teleworking. If so, employees should be provided telephone credit cards or the employee will be reimbursed for business-related long distance and toll phone calls on their personal telephone. Employees will be required to certify that all usage of such services was for official Government business. Supervisors should clearly communicate whether the employee is authorized to make long distance calls during an emergency situation.

B.6.4.5 If funds are available, employees may temporarily be re-located to another NASA Center to carry out assigned duties.

B.6.4.6 Official records removed from the official duty station for emergency telework assignments remain the property of NASA, and any records generated from telework assignments become the property of NASA. Removal of Government records from the official duty station requires prior coordination or approval with the supervisor. If the immediate supervisor is not available, the employee must coordinate with the next level supervisor. The removal of Privacy Act and other sensitive information for emergency teleworking assignments requires advance supervisor approval. Off-site access to classified data is not permitted. All official records, regardless of work location, must be protected in accordance with NASA policies and procedures. Information that is sensitive or subject to the Privacy Act should be identified as such and employees should be counseled on proper use and safeguarding of these documents.

B.6.4.7 NASA Headquarters-owned equipment may be used by employees, in accordance with NASA Headquarters policies and practices, in their residences provided the equipment is available and is used only for authorized purposes. Strict adherence to supervisory requirements and property management regulations concerning the safeguarding and removal of all equipment is essential. At the conclusion of the emergency period, NASA Headquarters-owned computer equipment must be returned by emergency teleworking employees to the worksite.

B.6.4.8 Employees are covered by the Federal Employees Compensation Act. On-the-job injuries must be brought to the immediate attention of the supervisor and are subject to investigation.

a. Headquarters is not liable for damages to the employee's real and/or personal property while the employee is teleworking except to the extent that the Agency is held liable under the Federal Tort Claims Act or the Military and Civilian Tort Claims Act. Advice and assistance regarding legal claims or other liabilities must be referred to the Office of the General Counsel/Chief Counsel.

## **APPENDIX B: Human Resource Management Guidelines**

b. Headquarters assumes no responsibility for any operating costs, including home maintenance, insurance, personal equipment (with the possible exception of telephone charges incurred per paragraph 6.4.4), or utilities associated with an employee's use of his/her personal residence as an alternative worksite.

### **B.6.5 Leave Options**

B.6.5.1 Various situations can occur where Federal employees are approved delayed arrival, not required to report to work, or are dismissed before the end of their workday. In addition, there are a variety of leave options and paid time off flexibilities to assist employees prevented from reporting for work and performing their duties due to illness caused by a pandemic health crisis or caring for a family member who is affected by a pandemic health crisis. Determining the leave status can be complicated depending on an employee's work schedule and/or leave situation. Clarification, instructions, and guidance on requesting and approving leave will be communicated by Headquarters HRMD based on the specific nature of the event.

B.6.5.1.1 Employees should always attempt to talk with their supervisor, or another management official in their office, before not reporting to work or before leaving the worksite early. If this is not possible, the employee must leave a phone or e-mail message or written note for his/her supervisor. However, simply leaving a message with his/her supervisor does not mean that the absence after the authorized arrival or before departure time is approved. Supervisors will review the individual hardship or special circumstance of an employee's request and notify the employee of approval or non-approval of leave. The following leave options are available to assist employees affected by an emergency situation.

B.6.5.2 Excused Absence Authority - During an emergency situation and/or closure of NASA Headquarters, OPM and/or the Executive Director of Headquarters Operations, will disseminate specific information on excused absence for Federal employees. Excused absence, sometimes called "administrative leave" is a brief period of authorized absence without loss of pay or charge to earned leave. Excused absence is not an entitlement, and NASA Headquarters is not required to grant it. However, in limited circumstances, for the benefit of the Agency's mission or a Government-wide recognized and sanctioned purpose, excused absences may be authorized. OPM will consult with Federal agencies and Administration officials to develop a consistent, Government-wide approach to the use and authorization of excused absence in the event of a pandemic situation and disseminate guidance to Federal agencies.

B.6.5.2.1 Depending on the nature of the emergency, OPM or the Executive Director of Headquarters Operations will determine when excused absences may be granted and may delegate the authority to supervisors. The Executive Director of Headquarters Operations may:

- a. Automatically place employees on excused absence for a period of one day or up to one pay period in order to provide an opportunity to determine the nature and extent of the emergency. Further excused absence may be necessary depending on the emergency situation. The extent of employees' hardship/emergency, and operational and budget implications, may be used to determine the amount of absence to excuse. Depending on when an emergency is declared and the extent of the emergency, employees may be placed on a Standard Work Schedule when automatically placed on excused absence.

## APPENDIX B: Human Resource Management Guidelines

- b. During periods of evacuation, or after expiration of an administrative dismissal order, exercise broad discretion to grant excused absence to individual employees who are unable to report for work at an alternate duty location due to hardship caused by the disaster.
- c. In case of short-term commuting delays, or hardship when there is a delayed arrival or early dismissal, grant additional excused absence beyond that authorized by the OPM (e.g., congested roads, availability of public transportation, security measures, or disruption of power or water). In the case of commuting delays in reaching and entering NASA Headquarters for extended periods due to hazardous situations or heightened security, employees should anticipate longer, more difficult commuting and should take appropriate action to ensure that they are able to report for work on time or request annual leave, other paid leave, or leave without pay.
- d. Grant excused absence to employees to assist in emergency law enforcement, relief, or clean-up efforts in affected communities, as authorized by Federal, State, or other officials having jurisdiction. Charitable organizations, such as the Red Cross, the Humane Society of the United States, etc., while providing much needed services and humanitarian support, are not Federal organizations and are not under Federal, State or local jurisdiction. (See 6.11)

B.6.5.2.2 Supervisors should not grant excused absences before an early dismissal, a delayed opening, or a closure advisory is rendered by the OPM or the Executive Director of Headquarters Operations. If excused absence is not authorized by OPM or the Executive Director of Headquarters Operations, employee absences will be charged to an appropriate leave category. Employees on pre-approved leave should continue to be charged leave until the date they were scheduled to return to duty.

B.6.5.2.3 Positions/employees designated as “emergency” may vary depending on the emergency situation. Dismissal or closure announcements do not apply to Emergency Staff Designees (ESD) or ERG members and they must report for or remain at work when operations are disrupted *unless* they are instructed otherwise. In addition, a determination may be made that, in a particular emergency situation, employees who were not designated as an ESD or ERG member (i.e., non-emergency employees) are required to report for or remain at work when NASA Headquarters operations are disrupted. An employee designated as emergency:

- a. Who reports late because of unusual transportation difficulties may be excused, if authorized by the Director, Headquarters HRMD, without charge to leave when late arrival is deemed unavoidable and the employee has made a reasonable effort to arrive on time.
- b. Who is unable to report to work must call their supervisor within one hour before the start of their tour of duty. If excused absence has not been authorized, the supervisor will evaluate employees’ individual situations (case-by-case basis) and decide on the type of leave that will be charged.
- c. Will not be automatically charged absence without leave (AWOL) because he/she was not able to report for duty. The Headquarters HRMD should be consulted in questionable cases.
- d. Who is in an actual duty status may be excused by the supervisor even though he/she is designated as an emergency employee when a decision is made to dismiss Federal employees during the workday.

## **APPENDIX B: Human Resource Management Guidelines**

B.6.5.2.4 The principles governing excused absences, administrative dismissals and closings for those employees teleworking may vary depending on the circumstances. One of the major benefits of the Telework Program is the ability of participants to continue working at their alternative worksites during a disruption of Government operations. The ability to conduct work (and the nature of any impediments), whether at home or at the office, determines when an employee may be excused from duty. Excused absences relating to these types of emergency closings will be announced to all NASA Headquarters employees at the time of the emergency. Depending on the below situations, the employee may be required to continue teleworking, take approved leave, or receive an authorized excused absence. In general, an employee working at home or alternative worksite:

- a. May not be excused from duty for an interruption in work at NASA Headquarters (e.g., closing or dismissal) unless their work cannot be completed due to that interruption.
- b. May be excused from duty during an emergency situation if the emergency adversely affects the telework site (e.g., disruption of electricity, loss of heating or cooling, natural disaster), a personal hardship that prevents the employee from working successfully at the telework site, or if the duties are such that the employee cannot continue to work without contact with the regular worksite.

B.6.5.2.5 If an employee is on official travel and NASA Headquarters is closed, the employee is expected to continue working unless the closure makes it impossible for the employee to continue work (i.e., assignment requires frequent contact with NASA Headquarters). Supervisors will evaluate employees' individual situations (case-by-case basis) and decide on the type of leave that will be charged, unless excused absence has been authorized and is appropriate for the particular situation.

B.6.5.3 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.

B.6.5.4 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.

B.6.5.5 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.

B.6.5.6 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

## APPENDIX B: Human Resource Management Guidelines

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.

B.6.5.6.1 In addition, at the beginning of each leave year employees are credited (advanced) the amount of annual leave they will earn during the new leave year (except for employees on temporary appointments). New Federal employees entering duty after the beginning of the leave year are credited with the amount of annual leave they can earn during the balance of the leave year at the beginning of the first full biweekly pay period of their employment. The advancement of annual leave that will be earned during the leave year is a privilege and not a right. While advanced leave is available for use, employees are financially liable for the difference between the leave used and leave earned when they leave the agency. Supervisors may determine whether the emergency justifies approval of advanced annual leave.

B.6.5.7 Advance Sick Leave - If an employee has exhausted his or her accrued sick leave, he or she may request advance sick leave. A maximum of 30 days (240 hours) of sick leave may be advanced for an employee's serious disability or illness. All requests for advanced sick leave are processed by the NSSC. Additional guidance as to the process and documentation required can be obtained via <https://www.nsc.nasa.gov/>.

B.6.5.8 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 non-pay status and absence from duty that, in most cases, is granted at the employee's request. All requests for LWOP for 30 or more consecutive days must be processed through the Headquarters HRMD. Employees have an entitlement to LWOP in the following situations:

- a. 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. Unpaid leave under the FMLA can be used "all at once", intermittently, or to enable the employee to work a part-time schedule. Accrued annual or sick leave may be used in lieu of unpaid leave. FMLA may be granted for situations necessitated by (a) the birth of, or to care for, a newborn child; (b) the placement of a child with the employee for adoption or foster care; (c) the care of a family member (child, spouse, or parent) who has a serious illness and is incapacitated or who is receiving medical treatment; or (d) the employee's own health problems which preclude performance of the employee's duties.
- b. The Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353) provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service.
- c. Disabled veterans are entitled to LWOP for necessary medical treatment.
- d. Employees may not be in a pay status while receiving workers' compensation payments from the Department of Labor; therefore, such employees may be charged LWOP.

B.6.5.9 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

## APPENDIX B: Human Resource Management Guidelines

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. All requests for LWOP for 30 or more consecutive days must be processed through the Headquarters HRMD.

B.6.5.10 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 NASA and/or Federal voluntary leave transfer program, voluntary leave bank program, and/or emergency leave transfer program. All requests to participate in a leave donation program are processed by the NSSC. Additional guidance as to the process and documentation required can be obtained via <https://www.nssc.nasa.gov/>.

B.6.5.10.1 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**.

B.6.5.10.2 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**.

B.6.5.10.3 Emergency Leave Transfer Program – An emergency leave transfer program (ELTP), 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 an influenza pandemic. An employee is **not required to exhaust his or her available paid leave** before receiving donated annual leave. When, and if an ELTP is established by OPM, they will provide guidance as to the process and documentation required for applicants.

B.6.5.11 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 an emergency situation or influenza pandemic.

B.6.5.11.1 Compensatory Time Off – Compensatory time off is earned time off with pay in lieu of overtime pay for overtime work which was requested and approved by the supervisor.

B.6.5.11.2 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.

B.6.5.11.3 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.

B.6.5.12 Military Leave - Any full-time Federal civilian employee whose appointment is not limited to 1 year is entitled to military leave. Military leave under 5 U.S.C. 6323(a) is prorated for part-time career employees and employees on an uncommon tour of duty.

## APPENDIX B: Human Resource Management Guidelines

B.6.5.12.1 Employees must provide a copy of their military orders to the Headquarters HRMD Payroll Liaison. If a copy cannot be submitted prior to active military duty/training, the employee shall be placed in an appropriate leave category (i.e., annual leave) and WebTADS will be adjusted upon receipt of the military orders. Types of military leave include:

- a. 5 U.S.C. 6323 (a) provides 15 days (120 hours) per fiscal year for active duty, active duty training, and *inactive duty training*. An employee can carry over a maximum of 15 days into the next fiscal year.
- b. Inactive Duty Training is authorized training performed by members of a Reserve component not on active duty and performed in connection with the prescribed activities of the Reserve component. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training. For further information, see Department of Defense Instruction Number 1215.6, March 14, 1997.
- c. 5 U.S.C. 6323 (b) provides 22 workdays per calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor. This leave is provided for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation\* as defined in section 101(a)(13) of title 10, United States Code.
- d. 5 U.S.C. 6323(c) provides unlimited military leave to members of the National Guard of the District of Columbia for certain types of duty ordered or authorized under title 39 of the District of Columbia Code.
- e. 5 U.S.C. 6323(d) provides that Reserve and National Guard Technicians *only* are entitled to 44 workdays of military leave for duties overseas under certain conditions.

B.6.5.12.2 The term "contingency operation" means a military operation that: is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of title 10, United States Code, chapter 15 of title 10, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.

B.6.5.12.3 Days of Leave - Military leave should be credited to a full-time employee on the basis of an 8-hour workday. The minimum charge to leave is 1 hour. An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay.

- a. Employees who request military leave for inactive duty training (which generally is 2, 4, or 6 hours in length) will now be charged only the amount of military leave necessary to cover the period of training and necessary travel. Members of the Reserves or National Guard will no longer be charged military leave for weekends and holidays that occur within the period of military service.
- b. A full-time employ working a 40-hour workweek will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year, or the equivalent of three 40-hour workweeks. Military leave under 6323(a) will be prorated for part-time employees and for employees on

## APPENDIX B: Human Resource Management Guidelines

uncommon tours of duty based proportionally on the number of hours in the employee's regularly scheduled biweekly pay period.

### B.6.6 Work Schedule Options

B.6.6.1 The Executive Director of Headquarters Operations may establish alternative work schedules as needed, consistent with Federal law and regulation, to facilitate continued operations during a pandemic health crisis or other emergency situations. In addition to the Standard Work Schedule, several other alternative work schedule options are currently available to NASA Headquarters employees. Two new flexible work schedules, Variable Workweek and Maxiflex, will be available at NASA Headquarters in the near future. If the Executive Director of Headquarters Operations or his designee, finds that a work schedule option has had or would have an adverse agency impact, he/she may determine not to continue such a schedule.

B.6.6.2 General Work Schedule Requirements - New NASA Headquarters employees are automatically entered into WebTADS, the Agency's web-based electronic time and attendance system, with a standard work schedule. Any work schedule changes must be requested by an employee and approved by the first-line supervisor in WebTADS.

B.6.6.2.1 Senior Executive Service employees may work either a standard, flexible, compressed or First Forty schedule. However, they cannot earn overtime, compensatory time, or credit hours.

B.6.6.2.2 NASA Headquarters official business hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday. Offices are required to ensure that adequate staff coverage is available during official business hours to maintain continuity and to respond to inquiries from outside their areas and/or outside of NASA Headquarters.

B.6.6.2.3 All work schedules must be established between the hours of 6:00 a.m. and 6:00 p.m. Time worked beyond an employee's tour of duty is considered either overtime or compensatory time, if appropriate, and must be requested and approved in advance by the first-line supervisor.

B.6.6.3 Standard Work Schedule - The Standard Work Schedule, commonly referred to as "traditional," has a basic work requirement of 8 hours per day plus a 30 minute non-paid lunch period, Monday through Friday, 8:00 a.m. to 4:30 p.m.

B.6.6.3.1 The tour of duty is a fixed schedule; there is no flexibility in the arrival and departure time on any day during the pay period.

B.6.6.3.2 Employees must be present or otherwise accounted for by leave and/or other approved absence, during the tour of duty, except during the lunch period.

B.6.6.3.3 There is no legal authority for credit hours under a Standard Work Schedule. Work ordered and approved in advance by the supervisor beyond the set schedule is considered overtime or compensatory time, as appropriate.

B.6.6.4 Compressed Work Schedule - A Compressed Work Schedule (CWS) is a category of Alternative Work Schedules (AWS). The Compressed Work Schedule available at NASA Headquarters is commonly called the 5 4/9 schedule which includes a basic work requirement of

## APPENDIX B: Human Resource Management Guidelines

eight 9-hour days and one 8-hour day, plus a 30 minute non-paid lunch period each day, and one day off each pay period. Work is scheduled Monday through Friday. The day off is commonly referred to as “regular day off” (RDO). For part-time employees, the schedule is set between 32 and 64 hours a pay period in fewer than 10 days, with 1 or more days exceeding 8 hours.

B.6.6.4.1 Employees may request a compressed tour with an arrival time between the hours of 6:00 a.m. and 9:00 a.m. The request must be submitted via WebTADS at least one pay period in advance of when the tour is requested to be implemented.

B.6.6.4.2 Once approved, the compressed tour becomes the normal tour of duty and is a fixed schedule. An employee cannot vary the arrival and departure times, nor move the RDO, on any day during the pay period once fixed. On rare occasions, the supervisor may require, and approve, a change to the RDO within the pay period for mission-related reasons. Permanent changes to the work schedule must be requested and approved via WebTADS at least one pay period in advance of when the tour modification requested is to be implemented.

B.6.6.4.3 There is no legal authority for credit hours under a CWS. Work ordered and approved in advance by the supervisor beyond the set schedule is considered overtime or compensatory time, as appropriate.

B.6.6.4.4 Both full-time and part-time employees who are prevented from working on a holiday are entitled to pay for the number of hours scheduled on that day. If the holiday falls on the RDO of a full-time employee, the RDO will be moved to the preceding workday and will be designated as the “in lieu of” holiday, except as provided in the following circumstance. If the holiday falls on the first Monday of the pay period, and this is the normally scheduled RDO, the employee’s RDO will be moved to the following workday and designated as the “in lieu of” holiday. Part-time employees are not entitled to an “in lieu of” holiday if the holiday falls on their non-workday.

B.6.6.4.5 Supervisors will make adjustments in an employee’s work schedule as necessary to accommodate training. Supervisors and employees should consider reverting to a Standard or Flexitour Work Schedule (8 hour days) for the pay period if training is a week or more in length and is known in advance.

B.6.6.4.6 If travel is known in advance, supervisors and employees should consider reverting to a Standard or Flexitour Work Schedule (8 hour days) for the pay period if travel is a week or more in length.

B.6.6.5 Flexible Work Schedule - A Flexible Work Schedule (FWS) is a category of AWS. Flexitour is a FWS available at NASA Headquarters which has a basic work requirement of 8 hours per day, Monday through Friday, plus a 30-minute non-paid lunch period each day, for full-time employees. In the case of a part-time employee, it has a biweekly basic work requirement of less than 80 hours.

B.6.6.5.1 Flexitour includes flexible time bands which include the hours that an employee may choose to vary his/her times of arrival to and departure from work. Headquarters flexible time bands are from 6:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 6:00 p.m. Flexible time bands

## **APPENDIX B: Human Resource Management Guidelines**

however, does not preclude the supervisor's right to require an employee to work at any time during the day based on the needs of the organization

B.6.6.5.2 Employees may request an arrival time between 6:30 a.m. and 9:00 a.m. and a departure time between 3:00 p.m. and 6:00 p.m., which includes a non-paid lunch period of 30 minutes. Employees may request an arrival time as early as 6:00 a.m. only if the employee schedules a lunch period of at least 1 hour. If the employee wishes to take only the required 30-minute lunch period, then the scheduled arrival time can be no earlier than 6:30 a.m., since core hours are from 9:00 a.m. to 3:00 p.m. The schedule, once set, is a fixed schedule.

B.6.6.5.3 Flexitour includes core hours during the workday when an employee is required to be present for work. NASA Headquarters core hours are between 9:00 a.m. and 3:00 p.m. Employees must be present during the core hours or otherwise accounted for by leave and/or other approved absence, unless they are on their scheduled lunch period.

B.6.6.5.4 Credit hours are hours that employees voluntarily elect to work in excess of their basic work requirement, subject to the supervisor's approval, so as to vary the length of their workday. Credit hours are only available under a FWS and are distinguished from overtime/compensatory hours in that they are elected by the employee rather than being required by management.

- a. Employees may earn no more than 2 credit hours in a day. In addition, employees may not earn credit hours to lengthen their workdays to more than 10 hours per day. Supervisors must ensure that there is meaningful work available to be performed beyond an employee's normal work day prior to approving credit hours.
- b. Credit hours may be earned and used within the same workweek, within the same pay period or carried over to another pay period. Full-time employees may not carry more than 24 credit hours into the next biweekly pay period. Part-time employees may not carry more than one-quarter of their biweekly work requirement.
- c. Credit hours may be approved by supervisors/team leaders verbally or in writing on either a daily, weekly, bi-weekly, or projected basis. However, credit hours approved and earned must be recorded in WebTADS before the end of each pay period.

B.6.6.5.5 Full-time employees are entitled to 8 hours of pay for holidays. Part-time employees are entitled to pay for the number of hours scheduled for that day, not to exceed 8 hours.

B.6.6.5.6 Supervisors will make adjustments in an employee's work schedule as necessary to accommodate training. Supervisors and employees should consider reverting to a Standard work schedule or adjusting the arrival and departure times for those under a Flexitour Work Schedule for the pay period if training is a week or more in length and is known in advance.

B.6.6.5.7 If travel is known in advance, supervisors and employees should consider reverting to a Standard work schedule or adjusting the arrival and departure times for those under a Flexitour Work Schedule for the pay period if travel is a week or more in length.

B.6.6.6 First Forty Work Schedule - A First Forty tour is the period of duty prescribed for employees when it has been determined that it is impractical to establish a regularly scheduled basic workweek, in which case the first 40 hours of duty is considered regularly scheduled work

## APPENDIX B: Human Resource Management Guidelines

and constitutes the basic workweek. The 40 hours are performed within a period of not more than 6 days, without the requirement for specific days and hours within that 6-day period. Any time less than 40 hours is charged to an appropriate leave category. First Forty is reserved for Senior Executive Service employees only.

B.6.6.6.1 During an emergency situation, the Director, Headquarters HRMD may approve First Forty work schedules for non-SES employees. Supervisors may call or send an e-mail to the Director, Headquarters HRMD, with the list of names of those employees they will require to be placed on First Forty with a short rationale.

### B.6.7 Pay

B.6.7.1 Catastrophic events may prevent employees from reporting data for payroll purposes. Web Based Time and Attendance Distribution System (WebTADS) is NASA's civilian employee time and attendance data collection tool. NSSC reviews, validates, and delivers time and attendance data to the Department of Interior (DOI) and acts as liaison between NASA Headquarters and DOI. Contingency plans for a WebTADS outage are already in place and include provisions for time and attendance to be automatically submitted. If WebTADS is inaccessible to employees for any extended period of time, Headquarters HRMD will distribute an alternative time and attendance reporting tool to the Headquarters Officials-in-Charge and coordinate with NSSC and DOI in the maintenance of the tool. This tool would also be used to collect necessary data on telework activities.

B.6.7.2 Emergency employees who remain at NASA Headquarters or an alternate site, during an emergency period beyond their tour of duty are eligible for pay only if they actually work during this period (e.g., merely staying at the site does not convey pay eligibility if the employee is not assigned work or is not in a duty status).

B.6.7.3 The Executive Director of Headquarters Operations may order an evacuation upon an official announcement of a pandemic health crisis and may authorize evacuation payments to employees who are ordered to be evacuated from the regular worksite during a pandemic health crisis and directed to work from home (or an alternative location mutually agreeable to NASA Headquarters and the employee). (See 6.12 Evacuation Payments for additional information.)

B.6.7.4 In the event of a catastrophic type of emergency other than a pandemic health crisis, specific guidance will be provided regarding the pay status of employees and the applicability of evacuation pay to that emergency from OPM and/or the agency.

B.6.7.5 The Executive Director of Headquarters Operations may determine that an employee(s) is needed to perform work that is critical to the mission of the Agency. For any pay period where such a determination is made, covered employees will be paid under the annual maximum earnings limitation instead of a biweekly premium earnings limitation, subject to the conditions provided in law and regulation. (See 5 U.S.C. 5547(b) and 5 CFR 550.106-550.107.) This has a financial benefit for employees whose premium pay earnings would cause them to exceed the biweekly limit during some pay periods. When an annual premium pay limitation is applied, the affected employee's basic pay and premium pay in any calendar year is limited to the **greater of** (1) the annual rate of basic pay payable for GS-15, step 10 (including any applicable locality rate or special rate of pay), or (2) the annual rate payable for level V of the Executive Schedule.

## **APPENDIX B: Human Resource Management Guidelines**

- a. Determinations that an emergency exists will be made and documented in writing, as soon as practicable, after the work in connection with the emergency or its aftermath begins.
- b. The duration of the emergency, to include the aftermath, will be included in the documentation.
- c. The Director, Headquarters HRMD, will notify the NSSC when employees are subject to the annual limitation on premium pay and the beginning and ending dates of such coverage.

B.6.7.6 If funds are available and arrangements can be accommodated, employees may be temporarily detailed to another NASA Center where work is available.

### **B.6.8 Hiring Options**

B.6.8.1 A catastrophic event may cause a severe enough shortage in personnel to require augmentation of current staff. In addition to merit promotion and delegated examining authority, NASA Headquarters has many options for meeting emergency hiring needs. Keep in mind that some general requirements for adding personnel to the rolls, such as initiating a request for personnel action, are still required. However, many requirements that cause delays in hiring personnel may be suspended if particular hiring options are utilized. In addition, various flexibilities and incentives may be utilized to aid in competing with other organizations in attracting individuals such as: recruitment and relocation bonuses, qualifications pay, and annual leave enhancements. Authorities which must be obtained from the Office of Personnel Management will be requested by the Director, Headquarters HRMD, through the Executive Director of Headquarters Operations, to the Assistant Administrator for Human Capital Management.

B.6.8.2 Hiring Options NASA Headquarters Can Use without OPM Approval - The information provided below is a brief description of the options available. Headquarters HRMD must be consulted to discuss the most optimal hiring authority based on NASA Headquarters circumstances at the time and the steps necessary to document the process/appointment.

- a. Direct Hire Authorities (DHA) (Government-wide and Already Approved) – An agency may immediately appoint any qualified individual to the following medical occupations at all grades and geographic locations after issuing public notice: Diagnostic Radiologic Technologist, GS-0647; Medical Officer, GS-0602; Nurse, GS-0610, GS-0620; and Pharmacist, GS-0660. In addition, agency's have direct hire authority for GS-2210, GS-9 and above. Hiring timeframes are reduced drastically because rating, ranking, and veterans' preference do not apply. However, OPM encourages appointing qualified veterans' preference eligible candidates whenever possible.
- b. 30-Day Critical Need Appointment – This authority may be useful to immediately appoint individuals with specialized knowledge, skills, abilities, or competencies to address the outbreak while the agency explores other longer-term staffing options. Agencies may make 30-day appointments and may extend them for an additional 30 days. (5 CFR 213.3102(i)(2))
- c. 1-Year, 1040 Work Hours per Year Appointments in Remote/Isolated Locations – This authority may be useful to immediately handle an outbreak affecting only an isolated area. It allows 1-year, 1040 work hours per year in remote/isolated locations. Agencies may appoint

## APPENDIX B: Human Resource Management Guidelines

individuals for up to 1 year to work less than 1040 hours per year. Appointments may be extended in 1-year increments indefinitely. (5 CFR 213.3102(i)(1))

- d. Reemploying Former Federal Employees – Agencies may reappoint people previously employed under a career or career-conditional appointment by reinstatement to a competitive service position. (5 CFR 315 subpart D)
- e. Reemploying Annuitants Without Salary Offset Waiver – Agencies have the authority to reappoint individuals who are willing to work without a salary offset waiver through any applicable hiring authority (e.g., a temporary appointment under 5 CFR part 316). (5 U.S.C. 8344 or 8468)
- f. Reemployed Annuitants in Acquisition Related Positions – NASA Headquarters may request approval from the Assistant Administrator, Office of Human Capital Management, to reemploy in an acquisition-related position individuals receiving an annuity from the Civil Service Retirement and Disability Fund without discontinuing or reducing the individual’s annuity or salary. This authority may only be used for annuitants who have unusually high or unique qualifications on the basis of such individual’s service and when NASA Headquarters is experiencing exceptional difficulty recruiting or retaining a qualified employee, or has a temporary emergency hiring need making the reemployment of an individual essential. This authority does not alter the reemployment restrictions for employees separated under authority of the Voluntary Separation Incentive Pay (VSIP) Program. (41 U.S.C. 433(g))
- g. Employing Faculty Members – This authority may be useful to hire top scientists from academia to assist agencies in medical research. Agencies may appoint faculty members holding full faculty status from accredited colleges and universities, to scientific, professional, or analytical positions. Appointments are limited to 130 working days per year. (5 CFR 213.3102(o))
- h. Career Transition Assistance Plan (CTAP) and Interagency CTAP (ICTAP) – Advertising in the local commuting area to determine if individuals eligible under these programs are available may help agencies identify previously unknown, well-qualified, displaced Federal employees for immediate temporary, term, or permanent employment. These programs provide selection priority to well-qualified current and former displaced employees. (5 CFR 330, subparts F and G)
- i. Agency Reemployment Priority List (RPL) – Current and former employees on agency RPLs are another immediate source of qualified individuals available for temporary, term, or permanent competitive service appointments. The RPL provides selection priority for agency employees who will be or were separated by reduction in force or who have recovered from a work-related injury after more than 1 year. (5 CFR 330)
- j. 120 Days or Less Appointments – An agency may appoint an employee with specialized skills or competencies from another agency for up to 120 days without regard to CTAP or ICTAP selection priority. (5 CFR 330, subparts F and G)
- k. Using Private Sector Temporaries – Agencies may contract with private sector temporary firms for services to meet their emergency needs. These contracts may be for 120 days and may be extended for an additional 120 days subject to displaced employee procedures.

## APPENDIX B: Human Resource Management Guidelines

Agencies considering this flexibility should contact their procurement staff. (5 CFR 300, subpart E)

- l. NASA Excepted (NEX) Authority – NEX authority may be used to fill scientific, engineering, and administrative personnel into positions up to the equivalent of the GS-15 level on a time limited appointment not to exceed six years. The intent of the NEX authority is that it should be used when other available appointment authorities are not appropriate or not adequate to meet the needs of the situation. (42 U.S.C. 2473)
- m. Intergovernmental Personnel Act (IPA) – The IPA allows for the temporary assignment of personnel between the Federal Government and state and local governments, colleges and universities, Indian tribal governments, Federally funded research and development centers, and other eligible organizations. An individual may be appointed for an initial two years and may be extended for up to an additional four years, not to exceed a total of six years for the entire assignment. Individuals may be appointed or detailed to NASA Headquarters. (5 U.S.C. 3371 to 3376)
- n. Veterans Readjustment Appointments (VRA) – Authorizes agencies to directly hire any veteran, up to GS-11 or WG-11, who served for a period of more than 180 days active duty, all or part of which occurred after August 4, 1964, and received other than a dishonorable discharge. (5 CFR 307 and 5 CFR 315.705)
- o. 30% Compensable Veteran Appointments – Temporary appointment (not limited to 60 days or less) of any 30% or more compensable veteran to any grade/occupation for which qualified, with conversion to permanent appointment at any time during the temporary appointment. (5 CFR 316.402(b)(5) and 315.707)
- p. Disabled Veteran who Completes Prescribed Training – Authorizes agencies to noncompetitively appoint and convert disabled veteran clients of the Veterans Administration. Individuals must have completed a pre-described training program. (5 CFR 315.604)
- q. (NOTE: Job Ready Disabled Veterans Connection (JRDVC): This is an automated application system which enables agencies to quickly request a referral list of registered veterans with service connected disabilities of 20 to 100%. These veterans may be hired through noncompetitive procedure such as VRA or the 30% Compensable Veteran authority.)

B.6.8.3 Hiring Options Which Require OPM Approval - The following authorities must be requested by the Director, Headquarters HRMD, through the Executive Director of Headquarters Operations, to the Assistant Administrator, Office of Human Capital Management.

- a. 1-Year Temporary Emergency Need Appointments – OPM may grant use of this authority in response to an outbreak (e.g., to specific agencies and/or geographic locations) or upon request by an agency affected by an influenza pandemic outbreak. (5 CFR 213.3102(i)(3))
- b. Reemploying Annuitants Without Salary Offset – Agencies may want to consider bringing retirees back to work in emergency situations or to supplement their workforce during an influenza pandemic outbreak. Upon request, OPM may delegate agency heads authority to waive the dual compensation reduction (salary offset) otherwise required for reemployed

## **APPENDIX B: Human Resource Management Guidelines**

Federal civilian annuitants. OPM cannot approve waivers retroactively. (5 CFR 553, subpart B)

- c. Agency-Specific Schedule A and B Appointments – OPM may authorize excepted service appointment authority for specific positions when competitive examining is not practical. (5 CFR 213)
- d. Agency-Specific Direct Hire Authority (DHA) – Agencies may request Direct Hire Authority (DHA) for positions they need to fill based on a critical hiring need or severe shortage of candidates. OPM will expedite requests for agency-specific direct hire authority. (5 CFR 337, subpart B)
- e. Reemploying Buyout Recipients – Agencies may also want to rehire retirees or others who left the Federal Government with buyouts. Depending upon the specific statute under which the retiree received the buyout, agencies may request a repayment waiver from OPM in unusual circumstances. Persons being considered for waivers must be the only qualified applicants available for the positions and possess expertise and special qualifications needed to respond to emergencies. (5 CFR 576, subpart B)
- f. SES Limited Emergency Appointments – Agencies have the authority to make SES Limited Emergency appointments to career employees. OPM may approve agencies' requests to appoint individuals who are not current career employees, and will consider temporary space allocations for agencies who identify the need as essential. (5 CFR 317.601)

### **B.6.9 Continuity of Employee and Family Benefits**

B.6.9.1 Benefits for Federal employees and eligible family members remain unchanged during emergency situations. The NSSC will continue to provide benefit processing and counseling, including health benefits, life insurance, life event changes, and retirement. NASA Headquarters employees should contact the NSSC before initiating a claim. Contact NSSC for assistance in life insurance and health benefits at 1-877-677-2123 or <https://www.nssc.nasa.gov>.

### **B.6.10 Conduct, Authority and Disciplinary Action**

B.6.10.1 An employee's refusal (other than physical inability) to follow procedures or carry out a direct order during an emergency situation could have serious consequences for NASA and/or NASA Headquarters' mission. Supervisors are responsible for enforcing employee conduct requirements and for taking appropriate corrective action for incidents of misconduct.

B.6.10.2 Misconduct may need to be addressed immediately or action may be deferred until after a return to normal operational activities, depending on the nature and seriousness of the incident and its impact on mission.

B.6.10.3 In making determinations on a. and b. above, the supervisors are to consult with the Headquarters HRMD, either with the employee relations staff or with a designated Headquarters HRMD ESD.

B.6.10.4 All existing laws, regulations, and policies governing Federal Employee disciplinary and adverse actions, including HPR 3752.1 "Disciplinary and Adverse Actions," and the NASA Desk Guide for Table of Disciplinary Offences and Penalties, will remain in effect unless specifically waived or amended by OPM, the agency, or other responsible authority.

## **APPENDIX B: Human Resource Management Guidelines**

### **B.6.11 Volunteerism**

B.6.11.1 In the absence of a request for Federal Government assistance, employees seeking to participate in volunteer activities during basic working hours may be granted annual leave, leave without pay, and/or earned compensatory time off. Employees may also be permitted to use accumulated credit hours under flexible work schedules. Excused absence is not usually granted to employees who volunteer their services. However, in very limited and unique circumstances, excused absence, as discussed below, may be granted.

B.6.11.2 Supervisors are encouraged to make appropriate use of work schedules and time off in order to allow employees to engage in volunteer activities, while giving due consideration to the effect of the employees' absence or change in work schedule on work operations and productivity.

B.6.11.3 In limited situations, excused absence may be granted by the Director, Headquarters HRMD, for volunteer activities in which the employee's absence is not specifically prohibited by law and satisfies one or more of the following criteria:

- a. The absence is directly related to NASA's or NASA Headquarters' mission;
- b. The absence is officially sponsored or sanctioned by the NASA Administrator;
- c. The absence will clearly enhance the professional development or skills of the employee in his/her current position; and/or
- d. The absence is brief and is determined to be in the interest of NASA.

B.6.11.4 In a catastrophic situation, excused absence may be granted by the Director, Headquarters HRMD, for volunteer activities when the employee is requested to assist organizations of the Federal government that are mobilized to respond to emergency situations. In addition, excused absence may be granted when the employee is requested to assist in emergency law enforcement, relief, or clean-up efforts in affected communities as authorized by Federal, State, or other officials having jurisdiction. Charitable organizations, such as the Red Cross, the Humane Society of the United States, etc., while providing much needed services and humanitarian support, are not Federal organizations and they are not under Federal, State, or local jurisdiction.

B.6.11.4.1 Determinations and length of excused absence will be based on the emergency situation and whether Federal government assistance has been requested, the criticality of the employee's position, any additional costs that may need to be incurred due to the absence (i.e., need for temporary appointment or detailee as a backfill); and overall funding availability.

B.6.11.5 Employees requesting excused absence for volunteer services must submit a request through his/her supervisor for concurrence to the Director, Headquarters HRMD, for approval. The request must include documentation as to the nature and duration of the volunteer service. In addition, if applicable, a short description as to how the emergency is directly related to NASA Headquarters or NASA's mission; how the absence will clearly enhance the professional development or skills of his/her current position; or whether it's in response to a request from a Federal, State or other official having jurisdiction in an emergency situation. If in response to a

## **APPENDIX B: Human Resource Management Guidelines**

request from a Federal, State or other official having jurisdiction in an emergency situation, the employee must provide a copy of their credentials/license (i.e., volunteer firefighter, paramedic, medical, etc.).

B.6.11.5.1 The Director, Headquarters HRMD, will ensure that the volunteer service is not prohibited by law and meets the criteria above. The Director, Headquarters HRMD, will approve or disapprove the request.

B.6.11.6 Employees who perform mission-related Agency sponsored/sanctioned or skills-enhancing volunteer activities are covered by 5 U.S.C. Chapter 81, Compensation for Work Injuries, while they are on excused absence. Other kinds of absences would most likely not be covered.

### **B.6.12 Evacuation Payments**

B.6.12.1 The Executive Director of Headquarters Operations may order an evacuation upon an official announcement of a pandemic health crisis and may authorize evacuation payments to employees who are ordered to be evacuated from the regular worksite and directed to work from home (or an alternative location mutually agreeable to NASA Headquarters and the employee). (See Chapter 7)

B.6.12.2 The evacuation pay plan applies only during pandemic health crises. In the event of a catastrophic type of emergency (e.g., a weather-related event such as a hurricane, terrorist attack, etc.), specific guidance will be provided regarding the pay status of employees and the applicability of evacuation pay to that emergency.

### **B.6.13 Labor Relations**

B.6.13.1 The Headquarters Labor Relations Officer will maintain a continuing dialogue with the NASA Headquarters Professional Association (NHPA), IFPTE Local 9, throughout COOP planning activities. This communication will not be limited to notices required by the Federal Labor-Management Relations Statute and/or the NASA Headquarters/NHPA collective bargaining agreement, but will include broad sharing of information in the spirit of cooperation and partnership.

B.6.13.2 In an actual emergency situation, the NHPA will be provided as much advance notice as possible. Both management and the union will exercise reasonable flexibility, appropriate to the situation. Concurrent bargaining or post-implementation bargaining may be required.

## **APPENDIX B: Human Resource Management Guidelines**

### **B.7: Pandemic Health Crisis**

#### **B.7.1 Introduction**

B.7.1.1 In a pandemic health crisis, Federal employees may be infected or exposed; their families may be incapacitated; and their options for getting to work may be limited. There may also be a need to limit potential exposure.

B.7.1.2 In the event that a pandemic health crisis is expected, the NSSC will issue a notice to employees informing them of the need to establish a plan for a designated individual and a back-up individual to provide transportation from their NASA Headquarters worksite to their residence or medical facility in the event that they become ill during the workday. This is particularly important if the health crisis involves a highly contagious disease that would preclude the employee from using his/her regular car pool or public transportation. Employees need to share their emergency work-to-home transportation plans with their supervisor in case they become incapacitated due to illness during the workday.

B.7.1.3 If during a pandemic health crisis a supervisor/manager observes an employee exhibiting signs of illness, general concern may be expressed regarding the employee's health and a reminder may be made to the employee of leave options for seeking medical attention, such as requesting sick or annual leave. Although leave is generally voluntary, a supervisor may direct an employee to take leave; however, directing an employee to take leave may constitute enforced leave, which is an adverse action. Any action to direct an employee to take leave for medical reasons must be coordinated with the Headquarters HRMD and the Headquarters Occupational Health Unit.

B.7.1.4 Managers will discuss with employees alternatives regarding work, leave, and scheduling that may be applicable during a pandemic health crisis. Similarly, employees will be asked to work with managers to identify, in advance to the extent possible, any flexibilities related to work scheduling, location (such as telework), leave needs, or other working conditions employees believe will help managers plan or help employees continue working while meeting family responsibilities or other personal needs during a pandemic.

B.7.1.5 The Office of the Chief Health and Medical Officer (OCHMO), in coordination with the Center for Disease Control (CDC), the Department of Health and Human Services, and the Office of Human Capital Management, will provide official travel restriction policy and guidance during emergency situations. The OHCM will communicate the travel restrictions to Center Human Resource Officers and coordinate their posting on the Emergency Operations Center Web site.

B.7.1.6 WebTADS will be used to track and report employees in a work/non-work status during pandemic health crises. Therefore, it will be vital for managers/supervisors to ensure that employees, regardless of the worksite, enter daily work status. In the event that a real-time daily report on staffing levels is needed and NASA Headquarters cannot assure that the daily WebTADS entries are complete and accurate, the Headquarters HRMD will utilize the alternative time and attendance collection reporting tool as a means to determine and report daily on the number of NASA Headquarters employees in a work and non-work status.

## **APPENDIX B: Human Resource Management Guidelines**

### **B.7.2 Evacuation Payments during a Pandemic Crisis**

B.7.2.1 The Executive Director of Headquarters Operations 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. (State, local, and tribal public health authorities generally are primarily responsible for detecting and responding to local disease outbreaks and implementing measures to minimize the consequences of an outbreak. The Federal Government supports State, local, and tribal public health officials in preparedness and response activities).

B.7.2.2 The Executive Director of Headquarters Operations may provide evacuation payments to employees whose departure is officially authorized or ordered from any place inside or outside the United States where there is imminent danger to the lives of the evacuated employees. Further, evacuation payments may be made to employees in the United States who are ordered to evacuate from their regular worksites and directed to perform work at home (or an alternative location mutually agreeable to the agency and the employee) during a pandemic health crisis or other emergency situations. The employee's home (or an alternative location mutually agreeable to the agency and the employee), including a home/location under quarantine or confinement, may be designated as a safe haven during the period of evacuation to promote the "social distancing" of employees and protect employees from being exposed to additional viruses or mutations of a pandemic virus.

- a. 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, a supervisor may not assign work to an employee unless he or she knows the employee has the necessary knowledge and skills to perform the assigned work. NASA Headquarters will comply with statutory requirements regarding reasonable accommodation for qualified employees with a disability.
- b. Managers and supervisors are encouraged to communicate regularly with employees who are performing work from home during a pandemic health crisis or other emergency situation. 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).
- c. An employee who is ordered to work from home during a pandemic health crisis or other emergency situation may not care for his or her children while performing work. However, the employee may request changes in his or her work schedule (e.g., change to a flexible 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.

B.7.2.3 Evacuation payments will be paid on the employee's regular pay days, since these payments reflect the employee's regular pay.

## **APPENDIX B: Human Resource Management Guidelines**

B.7.2.4 Evacuation payments will be based on an 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 administratively uncontrollable overtime pay (5 U.S.C. 5545(c) (2)), standby duty premium pay (5 U.S.C. 5545(c) (1)), physicians' comparability allowances (5 U.S.C. 5948), supervisory differentials (5 U.S.C. 5755), and non-foreign 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. All deductions must be made from evacuation payments that are required by law, including retirement or Social Security (FICA) deductions, authorized allotments, and income tax withholdings.

B.7.2.5 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 an order to evacuate. The days and hours the employee would have been expected to work during the selected time period (but for the evacuation) will be determined as follows: (1) for employees with a regularly scheduled tour of duty, it will be the days and hours in the employee's normal basic workweek during the selected time period; and (2) for intermittent employees, it will be an estimate of the days and hours the employee would have been expected to work during the selected time period (not to exceed 80 hours in a biweekly pay period). If possible, the agency will estimate an intermittent employee's projected days and hours of work based on a 6-week average.

B.7.2.6 Additional Allowance Payments – The Executive Director of Headquarters Operations 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. The discretionary authority does not change reasonable accommodation obligations under the Rehabilitation Act. Examples of discretionary special allowance payments might 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. In approving additional allowance payments, authorizing officials should consider the degree to which the additional costs arise out of specifically directed job requirements when other options are not available. That is, the additional costs must be incurred in order to accomplish the work as directed and do not arise out of an employee's preference to perform the work in a more costly manner. An employee is not entitled to additional allowance payments for such increased costs unless the allowance payments are specifically approved by an authorized official. However, an employee may not be required 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, since an agency may not augment its appropriations (i.e., require an employee to absorb additional expenses incidental to performing work from home, without specific statutory authority to do so).

## **APPENDIX B: Human Resource Management Guidelines**

- a. In most situations, employees who are ordered to evacuate their official duty stations to a different geographical area outside of their normal commuting area during a pandemic health crisis will receive additional allowance payments to offset the direct added expenses incident to travel outside the limits of their official duty station (e.g., travel and subsistence expenses).
- b. In most situations, an advance salary payment will not be made to an employee who is ordered to evacuate his or her official duty station during a pandemic health crisis, since the employee will receive evacuation payments on his or her regular pay day. However, an authorizing official may make exceptions in unusual circumstances. (An advance salary payment may be made 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.
- c. Except in the case of travel expenses, Centers will determine the method and process to pay employees for any additional allowance payments that are authorized.

**B.7.2.7 Termination of Payments -** The Executive Director of Headquarters Operations must terminate an employee's evacuation payments on the date of the earliest of the following events, as applicable:

- a. The employee is assigned to another duty station outside the evacuation area.
- b. The employee is separated from his or her position with NASA.
- c. The elapsing of 180 days since the effective date of the order to evacuate.
- d. 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.
- e. The Executive Director of Headquarters Operations determines that payments are no longer warranted (e.g., based on guidance provided by State, local, or tribal public health officials or Federal officials (e.g., the Centers for Disease Control and Prevention or Department of State) regarding the status of the pandemic health crisis).

**B.7.2.8 Review and Reconciliation of Employee Payroll Accounts -** After an order to evacuate is terminated, NASA Headquarters' payroll provider will 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. NASA Headquarters representatives will review each employee's account for the purpose of making adjustments in the employee's pay. This review will be conducted at the earliest possible date after evacuation payments are terminated. NASA Headquarters will determine whether, during the period covered by evacuation payments, an employee was entitled to higher total pay under the normally applicable pay provisions than the total amount of evacuation payments received by an employee. The alternative pay computation must take into account changes in an employee's rate of basic pay that occurred during the evacuation payment period (e.g., a within-grade increase) and additional hours worked beyond the number of hours assumed in computing the evacuation payments. For the purpose of this alternative pay computation, the employee is deemed to have worked at least the number of hours assumed in computing his or her evacuation payments. If the total pay under the alternative pay computation exceeds the total amount of

## **APPENDIX B: Human Resource Management Guidelines**

evacuation payments, the agency must pay the employee the additional amount. After an employee's account is reviewed, if NASA Headquarters finds that the employee is indebted to the government, the agency must recover the debt from the employee, unless a waiver is granted. (See 5 CFR 550.408)