**Employees Return to the Office: Frequently Asked Questions**

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|  | **Question** | **Answer** |
|  | Will employees who identify as increased risk be allowed to stay on weather and safety leave? | This depends on whether the employee is mission-essential or not.  Effective beginning on Sunday, January 31, 2021, mission-essential employees who are on weather and safety leave, because they are unable to perform work at home (e.g., have non-portable work), must report to their official duty station on their first regular workday. This includes employees who identify as being at increased risk.  Employees not determined to be mission essential and who provided the required medical documentation for increased risk status and who are unable to perform work at home (e.g., non-portable job duties), may remain on weather and safety leave for the period no work can be assigned. |
|  | After being directed to return to the office, what if a mission-essential employee states that he/she will not return to the office? | If an employee states he/she will not come in, the employee may request to use accrued leave, such as annual leave, sick leave (where appropriate), or leave without pay. Seasonal employees may request to be placed into a non-pay (release) status.  Seasonal employees may be entitled to unemployment if placed in a non-pay (released) status; this determination will depend on the circumstances of their release and state law. Remind employees that work is available for them and this request could impact their ability to receive unemployment benefits, depending on their state’s requirements.  If the employee requests a reasonable accommodation, it must be considered.  See FAQ #5, below, for further details. During that reasonable accommodation application process, the employee may request use accrued leave or be placed on leave without pay or be placed in a non-pay status.  IRS will not approve weather and safety leave during this period. |
|  | Can I require non-mission essential employees who are on weather and safety leave because they are increased risk and do not have portable work to call in for group meetings, attend town halls, do reading, training, basic research, etc.? | Yes. Attendance at meetings, town halls, reading assignments, are pertinent and valuable aspects of an employee’s job duties. Such activities will keep employees engaged and up-to-date. While an employee is evacuated, you can also assign any work without regard to grade, level, or title. Employees must only have the necessary knowledge and skills to perform the work. |
|  | If an employee is directed to report to work, and they refuse, what action will be taken? | Management should document the discussion with the employee and any efforts taken to address the employee’s concerns with reporting to work. Employees should be advised that supporting documentation may be required to support any asserted reason that is preventing them from reporting to work as directed. If management attempts to address the employee’s concerns, but the employee continues to refuse to report to work, the employee must request appropriate leave, and management will need to determine approval or disapproval. Management should consult with the local Labor Relations (LR) Specialist prior to initiating any disciplinary action. |
|  | May an employee request a reasonable accommodation for a disability in connection with their return to the workplace? | Yes. Any employee may request reasonable accommodation regarding performing their job duties as well as other terms, conditions or privileges of employment. If an employee asks for a reasonable accommodation or uses other words (e.g. I have a medical condition and would like….to meet my needs) that indicate in substance they are asking for a reasonable accommodation, the IRS has an obligation to engage in an interactive dialogue with the employee to explore viable options. If an employee makes such a request the employee and manager should follow the procedures for addressing reasonable accommodation needs outlined in [IRM 1.20.2](http://irm.web.irs.gov/link.aspx?link=1.20.2). For additional guidance contact \*EDI Disability Branch. Accommodation options may be limited or not available but will depend on the circumstances involved in each case. A reasonable Accommodation Coordinator will assist with addressing employee requests. |
|  | If an employee requests to take leave after returning to the office to work, will their leave be approved? | Normal time and attendance rules apply (including leave provisions). The employee should follow standard workgroup procedures for requesting leave. |
|  | What kind of personal protective equipment (PPE) is IRS providing? | The use of protective cloth face coverings is recommended by CDC and required for IRS employees while at work in open areas. Protective masks are in short supply due to the pandemic, however, Facilities Management, Security Services has obtained masks in bulk for employee use. Surgical masks and certified respirators are not required, and the purchase of these types of PPE are discouraged in order to avoid disrupting supply lines for the health care industry.  Facial coverings are required to be worn unless alone in a private office or walled cubicle and must be worn in all open IRS spaces.  Employees can wear their own personal protective masks. In addition, employees should bring a personal protective mask into the office. If they prefer not to wear their personal protective mask, it can be used as a backup to the IRS issued mask for safety reasons.  Single use, disposable gloves and/or hand washing facilities are available for employees if required for specific work activities. Bulk hand sanitizer dispensers are provided at IRS work locations if supplies are available commercially. In many instances, employees will have access to a personal 4-ounce bottle of hand sanitizer. Business units are encouraged to purchase protective gloves, if they are necessary for specific work activities, and sanitizing wipes from local sources using purchase card holders, if possible and if supplies are available. |
|  | What if the employee states they cannot wear the required face coverings? | Employees returned to the office who state they are unable to wear face coverings in public areas in the IRS facility may formally request a reasonable accommodation (RA) through their manager. Information on how to request an RA is contained in [IRM 1.20.2](http://irm.web.irs.gov/link.aspx?link=1.20.2). While the RA is processed and if no alternative is available, the manager may approve the employee to telework. If telework is not an option, and the employee states that they cannot wear a face covering in public areas in the IRS facility, the employee should be placed on leave. The employee is not allowed access to IRS facilities while the RA is being processed. See [Leaders' Alert](https://irssource.web.irs.gov/Lists/General%20News/DispItemForm.aspx?ID=2433&) issued August 25, 2020. |
|  | Will the childcare centers be open when offices reopen? | Visit the General Services Administration website for a complete listing of [childcare center locations](http://www.gsa.gov/portal/content/104495) and to determine whether they have been reopened. |
|  | What if I return to an IRS office and subsequently get sick? | If you to return to an IRS office, contract COVID-19, and confirm you have contracted COVID-19 from the workplace, you may consider filing a claim with the Office of Workers’ Compensation Programs (OWCP) and follow appropriate procedures (see FAQ 9 below for details). You may request to use sick leave, other types of leave, or paid time off, as appropriate.  If you are otherwise sick or receiving a medical examination or treatment (not COVID-19 related), you may request to use sick leave, other types of leave, or paid time-off as appropriate. If your family member is sick or receiving medical examination or treatment (not COVID-19 related), you may request sick leave for general family care, or other types of leave, or paid time off, as appropriate.  If the employee has no leave available, supervisors are authorized to approve requests for advanced leave or leave without pay in certain circumstances.  See the [COVID-19 Leave Options Table](https://irssource.web.irs.gov/Linked%20Documents%20Library/COVID-19OutbreakLeaveOptionsTable.pdf) for further information.  When an employee opts not to take leave and they do not have portable work, a supervisor may find it appropriate to enforce the employee’s use of leave. See [Office of Personnel Management’s Fact Sheet](https://www.opm.gov/policy-data-oversight/covid-19/fact-sheet-additional-guidance-in-connection-with-the-covid-19-emergency/) issued on March 3, 2020.  Supervisors should consult with their servicing LR Specialist before ordering enforced leave because enforced leave is an adverse action that imposes procedural requirements (i.e., advance notice, an opportunity to reply, the right to representation, and an agency decision) under the law. Enforced leave of 14 days or less may be subject to agency administrative grievance procedures or negotiated grievance procedures. In addition, enforced leave lasting longer than 14 days may be appealed to the Merit Systems Protection Board (MSPB) or potentially grieved under any applicable negotiated grievance procedure. |
|  | I am a supervisor and my employee informed me that they believe they have contracted COVID-19 as the result of a work-related exposure. What should I do? | If an employee believes they have contracted COVID-19 as the result of a *work-related exposure*, they should complete [Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation using the Employees' Compensation Operations & Management Portal.](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDEsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDAzMjYuMTkzNjM3NjEiLCJ1cmwiOiJodHRwczovL3d3dy5lY29tcC5kb2wuZ292LyJ9.0dDtMoXoUT2js8575HVAThdUK-MsBUuq_jQe-6zAkt8/br/76684554808-l) The employee should submit factual evidence concerning exposure, including whether they work in high-risk employment, as well as supporting medical evidence. (See the Department of Labor: [Claims under the Federal Employees' Compensation Act due to the 2019 Novel Coronavirus (COVID-19](https://www.dol.gov/owcp/dfec/InfoFECACoverageCoronavirus.htm) for additional information). |
|  | If employees cannot report back to work due to child or dependent care issues, can they stay on Weather and Safety leave or are other options available? | The IRS is required to follow government-wide [OPM guidelines](https://www.opm.gov/policy-data-oversight/covid-19/questions-and-answers-on-human-resources-flexibilities-and-authorities-for-coronavirus-disease-2019-covid-19.pdf) on this issue, which do not allow weather and safety leave to be approved based on child or dependent care needs. Employees may consider work schedule flexibilities such as the expanded maxiflex flexible work schedule that is available for those with caregiving responsibilities (see [Interim Guidance Memorandum HCO-06-0620-0012](http://imdtrack.web.irs.gov/IG_Uploads/IRS.gov_No/hco-06-0620-0012.pdf)) or other available work schedules (e.g., gliding, staggered, 4/10, 5/4-9). See [IRM 6.610.1.5](http://irm.web.irs.gov/link.aspx?link=6.610.1.5), Work Schedules, for details. |
|  | Will new employees with non-portable work be required to report for work? | Yes |
|  | What if an employee says they became newly increased risk upon being recalled to the office to work? | If the business unit has determined the employee to be mission-essential, they are required to report to the office. If the employee is not mission-essential, then the employee must provide the required medical documentation and may remain on weather and safety leave for periods of time there is no work that can be assigned. The medical documentation must be from a licensed medical professional and state they are at increased risk for serious complications from COVID-19 (based on [CDC guidelines](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html)). |
|  | What if an employee says they are sick upon being recalled to the office and cannot return to work? | If an employee is sick, they may request to use sick leave, other types of leave, or paid time off, as appropriate.  If the employee remains on sick leave, medical documentation may be requested on the 4th consecutive workday after the employee was expected to report to duty. For more information, see IRM 6.630.1.5 and Article 34 Section 3A. |
|  | If an employee reports to the post of duty and answers “Yes” to any of the self-screening COVID-19 questions, how do you respond as a manager? | If an employee answers “Yes” to any of the questions presented during COVID-19 self-screening, they should not enter the worksite. The employee should contact their manager and request leave and/or other paid time-off. See the [COVID-19 Leave Options Table](https://irssource.web.irs.gov/Linked%20Documents%20Library/COVID-19OutbreakLeaveOptionsTable.pdf) for further information. The manager may advise the employee to contact their healthcare provider. |
|  | Is the emergency line being updated for building openings, to include not reporting unless contacted by management? | Yes. |
|  | When an employee returns to duty in the office, is SETR completed any differently? | No. Due to reporting requirements for COVID-19, employees are to continue to enter their time daily into SETR. This allows leadership to report on various items, including how many employees are reporting to a post of duty. Employees need to ensure if they are in the office, they are not checking the Telework indicator. It is the responsibility of managers to ensure time is submitted daily and recorded appropriately. |
|  | What happens if an employee appears to be sick but says that he/she is not sick? | Please contact your LR Specialist for further guidance. |
|  | Management recalls an employee to their post of duty with social distancing and PPE available. The employee claims they ***do not feel safe*** to come into the workplace along with the fear of exposure to COVID-19 and bringing it back to their residence. What options are available for the employee? | The employee may request to use leave or other paid time off (e.g., previously earned compensatory time off, credit hours, time off award hours). |
|  | Can an employee who was previously on weather and safety leave, and who can now work from home, request to telework? | This may be an option. The employee should consult with their manager to determine eligibility for telework. |
|  | Can we ask employees who identify as increased risk for documentation? | Effective October 13, 2020, medical documentation from a licensed medical professional stating the employee is at increased risk for serious complications from COVID-19 (based on [CDC guidelines](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html)) is required. Effective January 31, 2021, mission-essential employees (as determined by their business unit) are required to report to the office, including those who identify as being at increased risk. |
|  | Can management request either Form 10837 or other documentation from an employee based on their response? | Form 10837, Request for Weather and Safety Leave Due to Emergency Conditions, is an optional form that employees may use to request weather and safety leave, or they may provide other documentation (e.g., email) to support their request. |
|  | What if the employee does not respond to call back? How many attempts should we make? | The manager should attempt to contact employee using all numbers including emergency contact. A written recall directive may be sent to the address of record. If there is no response, please determine if a “safety” check is warranted. Managers should comply with any protocols established by his/her BOD regarding this issue. |
|  | We anticipate once contact is initiated with employee and they are told to report to the office, the employee will engage local NTEU and then could respond back to management with different story or scenario? How do we handle that? | Management should document the discussion with the employee and any efforts taken to address the employee’s concerns with reporting to work at their official duty station. Employees should be advised that supporting documentation may be required in the future to support any asserted reason that is preventing them from reporting as directed. If management attempts to address the employee’s concerns, but the employee continues to refuse to report to work, the employee must request appropriate leave, and management will need to determine approval or disapproval. Otherwise, management may charge Absence Without Leave (AWOL) and initiate discipline at a later date, as appropriate after consultation with Labor Relations. |
|  | Is it possible to conduct in person new hire training at these locations following social distance guidelines? | No, not at this time. The evacuation order will remain in effect for most employees to promote social distancing. The agency continues to evaluate this challenge. |
|  | What if an employee lives with someone who is increased risk, but they themselves are not increased risk – is W&S leave an option and if so, can employees self-certify that they live with someone who is high risk? | Under these circumstances, weather and safety leave is not appropriate. An employee can use personal leave or other paid time off. |
|  | What if I have teleworking employees who need to come into the office for mail, supplies, or new cases? Will they be recalled? If they continue to be under the evacuation order, can I require them to come into the office periodically for new work? | Teleworking employees may be directed by their manager into the office to pick up items like work assignments, mail related to their assigned work, and supplies; these teleworking employees will not have the evacuation order rescinded solely for this purpose. |
|  | What happens if my business unit rotates employees or teams in and out of the office to maintain social distancing? What happens when the employees are not reporting to the office to maintain social distance? | Weather and safety leave may be provided to employees who are prevented from safely traveling to or safely performing work at an approved location. In this situation, employees who are asked not to report to the office to maintain social distancing and who cannot telework may be approved for weather and safety leave for the period no work can be assigned.  \*NOTE- You cannot require an employee to telework if not under an evacuation order- this is part of the reason we took the position that the IRS must not revoke the evacuation orders for any IRS employee. Doing so is NOT a requirement to direct an employee into the office under Article 3 of the NA. |