

COUNSEL–SPECIFIC POLICY /GUIDELINES FOR EXCUSED ABSENCES FOR TELEWORKERS WITH CAREGIVING RESPONSIBILITIES

BACKGROUND

In September 2020, the Deputy Assistant Secretary for Human Resources and Chief Human Capital Officer issued guidance authorizing Treasury bureaus to offer up to 20 hours of excused absence/administrative leave per pay period to employees with caregiving responsibilities. This authority applies only through December 31, 2020.

COUNSEL POLICY / GUIDELINES

Counsel has previously provided flexibility (and continues to provide flexibility) for telework and daily work schedules to all employees (including employees with caregiving responsibilities). These flexibilities were provided to help mitigate the impact the pandemic has had on our employees, including parents (and other caregivers). Counsel sees the Treasury authority allowing the grant of excused absences as an additional tool that may be available for employees and considered along with other flexibilities. Employee/caregivers should continue to utilize flexibilities available under our ongoing maximum telework policies to help mitigate the caregiver responsibilities. The excused absence for caregivers is not a tool of first resort, nor a tool solely of last resort.

This excused leave for caregivers is, by its nature, temporary because Treasury has only allowed this through December 31, 2020. Counsel is announcing its plan now about how to request such leave. These Counsel-specific rules apply starting on October 13, 2020. Counsel may reassess these guidelines in several weeks after managers and employees have gained experience in working with these guidelines.

Treasury has required that certain information be provided to management in order to use this excused leave. The excused leave under this policy may be granted starting on October 13, 2020 through December 31, 2020 if:

- The employee has a child or children who attend an elementary or secondary school that is either closed or operating virtually due to the COVID-19 pandemic;
- The employee has a younger child or children who are not of school age, and normal childcare arrangements are not in effect due to the pandemic; or
- The employee has other family members (e.g., adult child or elderly parent with special needs) in the home who require care and supervision, and other caregivers are not available due to the pandemic.

Employees who have received approval for this excused leave should report it in SETR using the 900-59566 (Administrative Leave - Miscellaneous). Important note: Employees using this type of excused leave should know that there may be unusual /

emergency circumstances where a manager needs to contact an employee for information on a pending case or important development in a project.

Counsel is implementing this excused leave for caregivers in two categories:

For requests by employee/caregiver for up to 10 hours per pay period:

For this level of excused leave, the first line manager may approve any such requests. To receive this leave, the employee must provide the following information / certification:

- The number of hours of excused absence they are requesting, a short written statement certifying that the employee is providing care (either for child or elderly parent), and that the employee finds the excused absence needed in order to handle caregiving responsibilities after reasonable use of the scheduling flexibilities in place for Counsel; and,
- Submit this written statement to his/her supervisor or manager in advance of using any such excused leave.

In considering approval, the manager should ensure that other flexibilities available under Counsel's maximum telework policies are also being utilized.

For requests by employee/caregiver for between 11 and 20 hours per pay period:

Treasury laid out several factors to be considered in order to grant excused leave under this authority. For this higher level of leave (11 to 20 hours a pay period), an employee/caregiver must:

- Provide a written statement explaining in detail (click here for link to Treasury guidance which lays out these factors):
 1. the age and care needs of the employee's child or children, or the needs of any adult(s) in the home requiring care by the employee;
 2. the number of children or adult(s) in the home requiring care/supervision;
 3. the presence in the home of other healthy adult caregivers;
 4. the employee's ability to perform work at times when direct care/supervision of a child or other person is not needed (e.g., while a child is sleeping), after making appropriate work scheduling flexibilities available; and,
 5. How the employee cannot use the other work flexibilities (like expansion of daily core hours) to address these caregiving needs and is unable to work a full schedule due to the caregiving responsibilities.
- Send the request through his/her supervisor or manager in advance, preferably at least 3 business days before any such leave. Leave at this level (more than

10 hours per pay period) may not be used until specific written approval is received from the appropriate level.

For this higher amount of excused leave, approval requires higher management level approval, typically at the Division/Associate level (and in consultation with Labor & Employee Relations). It is expected that not all employees who are caregivers will be granted excused absences at this level. The executive reviewing this request should determine why the existing flexibilities under the maximum telework policies currently available are not sufficient to provide the necessary assistance to the employee/caregiver. This determination should be coordinated with LER in order to ensure consistency in Counsel's approach to this higher level request.