

Caregiving and Excused Leave Frequently Asked Questions (FAQs) During the Coronavirus Disease 2019 (COVID-19) Pandemic

April 8, 2020

Introduction

NASA is granting supervisors the authority to grant periods of excused leave (XLV) for civil service employees who are unable to complete their work requirements due to caregiving responsibilities resulting from school and/or facility closures because of the Coronavirus Disease 2019 (COVID-19). It is expected that supervisors will use this excused absence authority in a manner that facilitates as much telework as an employee can reasonably perform during the employee's established tour of duty, taking into account the employee's specific circumstances.

Note: The excused leave (XLV) referenced in this document is different than weather and safety leave (XLV61), which is granted when an employee is unable to telework for reasons such as lack of equipment, etc. The granting of excused leave for reasons outlined in this document is not an entitlement and is subject to supervisory approval on a pay period basis.

Frequently Asked Questions

1. When may supervisors grant excused leave (XLV) for caregiving?

Supervisors may grant excused leave (XLV) for employees who are not eligible for weather and safety leave and who meet any of the following special circumstances:

- The employee has a child or children who attend an elementary or secondary school that is closed due to the Coronavirus Disease 2019 (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.
- The employee has other family members (e.g., adult child or elderly parent with special needs) in the home who require care and supervision.

Note: It is important for employees to communicate their circumstances and any work requirement impacts to their supervisors to ensure all flexibilities are fully considered prior to approving excused leave. Supervisors should respect employee privacy rights if circumstances include special needs or other health-related circumstances.

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2. What factors should a supervisor consider when an employee requests excused leave (XLV) for caregiving?

NASA is authorizing supervisors to grant reasonable amounts of excused absence to employees in the previously described circumstances. In making the determination regarding how much excused absence is reasonable/appropriate, the supervisor should consider factors such as the following:

- The age and care needs of the employee's child or children.
- The needs of any adults in the home requiring care by the employee.
- The number of children or other persons in the home requiring care/supervision.
- The presence in the home of other healthy caregivers who can share the caregiving responsibilities.
- The 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).

Note: Excused leave should not be granted in lieu of sick leave or in instances where use of sick leave is appropriate. Supervisors should continue to allow employees to establish flexible work schedules that allow for expanded hours in which telework can be performed.

3. Is there a limit on how much excused leave (XLV) can be granted to an employee who is unable to work due to caregiving responsibilities while teleworking during the Coronavirus Disease 2019 (COVID-19) pandemic?

As a general rule, the amount of excused leave (XLV) granted to a telework-eligible employee during a period when the employee would be otherwise expected to telework, if not for dependent care needs, should not exceed 20 hours in a biweekly pay period for a full-time employee.

Employees who are on a part-time work schedule are eligible to receive an equivalent amount of excused leave (XLV) in proportion to the number of hours the employee works each pay period. To determine this amount, divide the number of hours an employee works each pay period by 80 hours, then multiply that number by 20 hours. The final number of hours should be rounded to the nearest 15-minute period.

Example: An employee who works 60 hours a pay period is eligible to receive 15 hours of excused leave (XLV). The formula is the following: (60 hours *divided by* 80 hours) *multiplied by* 20 hours, equals 15 hours.

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4. Is it possible to receive more than 20 hours of excused leave (XLV) for caregiving?

In very rare circumstances, the employee's second-level supervisor, in consultation with the Servicing Human Resources Office, may approve additional hours for excused leave (XLV) for caregiving. Supervisors should coordinate requests for additional hours with the second-level supervisor for approval. Decisions to grant more than 20 hours of excused leave per pay period in the case of a full-time employee and more than the prorated amount in the case of a part time employee should be made in consideration of the employee's individual circumstances and the mission needs. Prior to submitting a request for additional hours, the employee should be offered every available work schedule flexibility (e.g., expanding the employee's work schedule to include nights/weekends, etc.) to complete the required work. Additional hours may only be offered when the other workplace flexibilities noted above are not feasible/sufficient.

5. Can a supervisor approve excused leave (XLV) for caregiving of an ill family member?

Excused absence should not be granted in lieu of sick leave or in instances where use of sick leave is appropriate. This excused absence authority is provided for situations where sick leave is not appropriate to address the circumstance.

6. Can a supervisor approve excused leave (XLV) for caregiving retroactively?

Yes. A supervisor can approve excused leave (XLV) for dependent care retroactively to the date that mandatory telework for the employee's Center was implemented. There may be limited situations in which an employee may be retroactively approved for excused leave (XLV) prior to mandatory telework being implemented; however, the same criteria must be met. If excused leave (XLV) is approved for a prior pay period, then a prior pay period adjustment will need to be completed in the Web-based Time and Attendance Distribution System (WebTADS). Instructions on how to submit a prior pay period adjustment can be found at the following link: <https://help.aao.nasa.gov/documents/20124/36110/WebTADS+Timesheet+Adjustment+Request.pdf/1776dccd-dab9-0f33-3fe1-f8b22f377d8a?t=1579053078145> (you may need to copy and paste the link into your browser if it does not launch automatically).

7. How can an employee request excused leave?

When possible, requests for excused leave (XLV) should be made in advance in the Web-based Time and Attendance Distribution System (WebTADS) with a **Remark** section annotation of "COVID-19 Caregiving". When requesting via WebTADS is not possible, requests may be made via e-mail to the supervisor. Supervisors may request additional information about an employee's request. Such as:

- The availability of other caregivers.
- The age and care needs of the employee's child or children.
- The needs of any adults in the home requiring care by the employee.

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- The number of children or other persons in the home requiring care/supervision.
- The presence in the home of other healthy caregivers who can share the caregiving responsibilities.
- 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).
- Additional work scheduling flexibilities.

8. How should an employee code excused leave on the timecard for caregiving duties during the Coronavirus Disease 2019 (COVID-19) pandemic?

The employee should code the timecard to the hour code type XLV and annotate in the comments section of the timesheet "COVID-19 Caregiving".

9. Can an employee just use weather and safety leave (XLV61) instead of excused leave (XLV) for dependent care during COVID-19 since there is no limit on usage?

No. Weather and safety leave is not appropriate for dependent care. For additional information on when weather and safety leave is appropriate, please reference the Employee Leave and Telework Guidance located on the NASA People Web page at: <https://nasapeople.nasa.gov/coronavirus/coronavirus.htm>.

10. Is a mission critical employee eligible to request excused leave (XLV) for caregiving?

It depends.

- a. If a mission critical employee is teleworking for any amount of time, the employee may be eligible for excused leave (XLV) for caregiving during the timeframe for which they are teleworking. Supervisors should make use of every scheduling flexibility (e.g., expanding the employee's work schedule), telework, and/or try to locate other employees who can share the mission critical workload. When the workplace flexibilities noted above are not feasible and the employee's request meets the requirements, supervisors should permit the employee to use excused leave for caregiving (XLV).
- b. If a mission critical employee is required to be onsite at a Center/other duty location full time, the employee would not be eligible for excused leave for caregiving (XLV). In this situation, supervisors should make use of every scheduling flexibility (e.g., expanding the employee's work schedule) or try to locate other employees who can share the mission critical workload so the employee can accommodate family needs.
- c. If a mission critical employee is not required to be onsite at a Center/other duty location full time, but does not have the ability to telework for any time not spent onsite at a Center/other duty location, the employee would not be eligible for excused leave for caregiving (XLV). Due to the inability to telework, the employee

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would be eligible for weather and safety leave (XLV61) for any time not required to be onsite at a Center/other duty location.

11. Can a supervisor approve excused leave (XLV) if a family member (e.g., child, elderly parents, etc.) does not live in the employee's home but the employee has a responsibility to provide limited caregiving?

Yes. It is possible that an employee may have limited caregiving responsibilities for a family member not living directly in the employee's home (e.g., regular caregiver is unavailable). The excused leave (XLV) for caregiving can be applied to family member's caregiving needs that occur outside the house. Just as a supervisor should consider the specific needs when an employee's family members live in the home, supervisors should consider an employee's individual circumstances/needs for caring for family members living outside the home prior to approving any excused leave (XLV), when determining the amount of excused leave for caregiving to approve, etc. The use of excused leave (XLV) may only be offered when the other workplace flexibilities noted above are not feasible/sufficient.

12. Are Pathways Students eligible to receive excused leave (XLV) for caregiving responsibilities?

Yes. If the Pathways Student is not in a non-pay status (e.g., is not in a leave without pay status to attend school), they are eligible for excused leave (XLV) for caregiving responsibilities.

13. Are changes to a Dependent Care Flexible Spending Account (DCFSA) allowed?

As more dependent care providers and schools respond to the call for social distancing, you may feel the need to make a change to your DCFSA election. Changes to a DCFSA election are permitted outside of Open Season, if you experienced a Qualifying Life Event (QLE). Two QLEs that many have experienced recently are:

- A change in employment status for you, your spouse, or dependent.
- A change in cost or coverage of your dependent care services.

The change to an account must be consistent with the reason for the change. For example, if a dependent care provider is no longer providing care (e.g., before/after care/daycare closes, summer day camp cancels, or care is no longer needed), the election can be reduced. Similarly, if you need supplemental child or adult care due to an increase in hours worked, you may increase your election.

If you have experienced a QLE, you may submit a change to DCFSA in your online account at www.FSAFEDS.com or by calling 1-877-FSAFEDS (372-3337). For additional information on QLEs, refer to the Qualified Life Event Enrollment Web page at <https://www.fsafeds.com/enrollment-qle?start>.