



**DELAWARE NATIONAL GUARD
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HRIL NO: 2020-04-J

13 August 2020

HUMAN RESOURCES INFORMATION LETTER

DISTRIBUTION: All Delaware National Guard Employees (Federal & State)

SUBJECT: UPDADE J – COVID-19 Guidance: Telework Policy During School and Dependent Care Closures

1. This HRIL includes the references indicated in the following documents:
 - a. TAG Policy Memorandum No. 20 – Telework Policy for Full-Time Employees of the National Guard
 - b. HRIL 2020-04 dated 17 March 2020 and updates A, C, D, and G.
2. **APPLICABILITY:** This policy applies to all employees of the Delaware National Guard (DNG), Active Guard Reserve (AGR), and all State Employees managed in like manner. This policy also applies to employees whose tour is one year or less in duration.
3. **SUCCESSION:** This HRIL does not supersede any previous guidance in the HRIL-2020-04 series.
4. **PURPOSE:** This HRIL consolidates telework policy. Employees who are experiencing scheduling difficulties due to the closure of schools and the interruption of dependent care are permitted to utilize telework while they are at home with dependents.
5. **DEFINITIONS:**
 - a. “Closed” in this document is defined as children and faculty not physically present at a school or facility. Schools that are holding classes virtually (online) while students are physically at home may be “open” in that they are providing educational services, but “closed” in that students are not physically at the facility. “Closure” also applies to the disruption of dependent care services.

b. “Dependent Care” in this document is defined as professional services (to include physical facilities) provided for the care of children or adult dependents (i.e. day care, adult day care, visiting nurse or in home care, nursing homes, etc.). This definition also includes specialized care for individuals with special needs or specific medical requirements.

6. Existing telework agreements (to include situational and ad hoc) remain valid. Supervisors should review existing telework agreements to best meet the needs of the employee and the agency and make adjustments as necessary.

7. Supervisors will determine the effectiveness of the employee’s telework policy based on the employee’s production. In the event that the supervisor believes the employee’s production does not justify the telework hours reported, supervisors will revisit the telework agreement with the employee and make adjustments where necessary.

8. **Adjusted Work Schedules.** TAG retains the unfettered authority to set the work schedule, and as a general rule, the basic work week and work day for employees in the bargaining unit will be operated IAW current TAG work week policy. However, for those employees who have been impacted by school closures or disruption of dependent care, supervisors may authorize adjusted or alternate work schedules for employees who may be available to perform their duties at a different time of day (ref: HRIL 2020-04, Paragraph 5).

a. Commanders and supervisors must avoid adjusted work schedules that would create an unsubstantiated requirement for Compensatory Time (CT), Overtime (OT), holiday / shift differential pays, etc. All adjusted work schedules must still receive HRO concurrence prior to implementation.

b. When implementing adjusted work schedules, every effort should be made to establish schedules consistent with meeting the daily mission requirements of the DNG. Additionally, adjusted work schedules should not create undue hardship, or expose employees to unnecessary environmental hazards. In addition to adjusting employees’ schedules, it is highly recommended to incorporate telework opportunities where appropriate to maximize the effects of each.

9. **Leave.** Employees may continue to use approved regular leave, emergency (advance) leave (103 hours), LWOP, or emergency leave under FFCRA (80 hours) (HRIL 2020-04-G) as needed in conjunction with an approved telework agreement.

10. Weather and Safety Leave (LN) may be used as a *final measure* to accommodate employees who are ineligible or unable to perform telework due to extenuating circumstances (i.e. an aircraft mechanic who has exhausted limited telework options

such as online training, administrative tasks, etc.). Supervisors must use their best judgement in authorizing the use of this leave. Weather and Safety Leave may not be authorized if other leave or telework options exist for the employee. Additional guidance with regard to use of Weather and Safety Leave as outlined in HRIL 2020-04-D, paragraph 8d remains in effect.

11. Questions and Answers:

a. In the event that local schools are closed (or holding class virtually) due to COVID-19, but Federal agencies remain OPEN, is it permissible for a telework program participant to perform telework with a child in the home?

Yes. Employees are authorized telework during an emergency with a child or other persons requiring care or supervision at home. Employees must still account for work and non-paid work hours during their tour of duty and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g. to care for a child or dependent). The supervisor is responsible for ensuring that the employee's reported hours are reasonably consistent with production.

b. In the event that local schools are closed (or holding class virtually) due to COVID-19 and federal agencies are CLOSED, is it permissible for a telework program participant to perform telework with a child in the home?

Yes. Employees are authorized telework during an emergency with a child or other persons requiring care or supervision at home. Employees must still account for work and non-paid work hours during their tour of duty and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g. to care for a child or dependent). The supervisor is responsible for ensuring that the employee's reported hours are reasonably consistent with production.

12. POC for this HRIL is Mr. Michael Rogers at michael.e.rogers90.civ@mail.mil or 302-326-7111.

FOR THE ADJUTANT GENERAL:

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