

United States Senate

WASHINGTON, DC 20510

March 6, 2020

The Honorable Dale Cabaniss
Director
United States Office of Personnel Management
1900 E Street NW
Washington, DC 20415-1000

Dear Director Cabaniss:

We write today regarding your February 3, 2020, February 7, 2020, and March 3, 2020, guidance to the Heads of Executive departments and agencies aimed at preparing federal workers for the impact of Coronavirus Disease 2019 (COVID-19). While we appreciate the fast-evolving nature of the threat posed by COVID-19, we are concerned that the U.S. Office of Personnel Management's (OPM) preliminary guidance is silent on how federal employees and contractors will be supported as they follow guidance from public health officials.

While the spread of COVID-19 is likely to affect different individuals, families, and communities differently, it is increasingly likely that a significant number of Americans will need to practice social distancing in some way, be it due to illness, testing, treatment, or quarantining. As the largest employer in the nation, it is paramount that the federal government lead by example and prioritize the health, economic well-being, and security of its employees and contractors as we mobilize to respond to the recent outbreak and spread of COVID-19. In addition to sharing recommendations from the Centers for Disease Control and Prevention (CDC) about when employees exhibiting symptoms should stay home, we urge you to clarify that federal employees and contractors who follow such guidance will not be at risk of income insecurity, disciplinary action, or any other adverse employment actions.

As we saw during the most recent government shutdown, too many federal employees and contractors live paycheck-to-paycheck and are not easily able to weather disruptions to their income or manage unexpected expenses without dipping into savings or relying on credit. We urge you in the strongest possible terms to issue guidance immediately assuring federal employees and contractors that they will not be asked to choose between their ability to meet their financial obligations and their sense of duty to follow guidance that protects the public health.

Further, in addition to directing departments and agencies to incorporate telework in their continuity of operations (COOP) plans, we urge you to also direct agencies to take a generous and public health-facing position on expanding telework availability before agencies need to implement their COOP plans and approving unscheduled leave when federal employees and contractors are unable to work due to their own illness or that of a loved one. While telework is a necessary component of preparing for widespread, community outbreaks of COVID-19, we urge you to also make clear that federal employees and contractors will not be expected to work while

they or a loved one are ill and in need of rest, treatment, and/or recuperation—even if they have exhausted all of their available paid leave. We encourage you to issue guidance making this clarification as soon as practicably possible.

While we appreciate the need to disseminate appropriate guidance at the appropriate time, we also know that preparedness and effective communication inspire confidence. We are deeply concerned that OPM's preliminary guidance is unnecessarily complex and leaves significant doubt that agencies will have uniform interpretations of how and when to use each of the many different types of potentially applicable leave. We trust that OPM is doing more than just issuing written guidance but would urge you to also take proactive and ongoing steps to educate agencies and human resources officials on these leave categories, including by offering trainings, webinars, and developing a prominently shared frequently asked questions document.

Further, we worry that OPM's guidance to date does not demonstrate to our nation's hardworking public servants that the federal government is prioritizing their health, well-being, and economic security. We urge you to swiftly develop and circulate guidance that does more to reassure them that they will not be penalized for heeding public health guidance, they will continue to receive pay while doing so, and they will not be expected to work while sick.

In addition, we ask that OPM work with health insurance providers to ensure federal employees can affordably access the preventive care and treatment they may need as a result of COVID-19. Americans should be able to take recommended measures to protect their health and that of more vulnerable members of their communities without facing negative economic consequences.

Thank you in advance for your prompt attention to this matter. We look forward to working together on this critical issue moving forward.

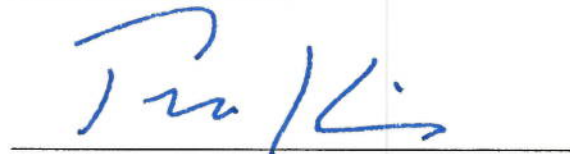
Sincerely,



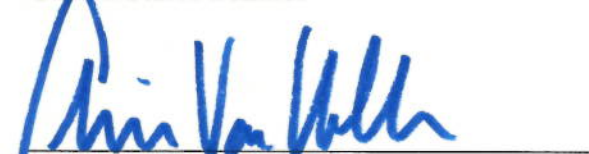
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