



## Department of Energy

Brookhaven Site Office

P.O. Box 5000

Upton, New York 11973

5/6/2020

Mr. Kevin Fox  
Prime Contract Manager  
Brookhaven Science Associates, LLC  
Brookhaven National Laboratory  
Upton, New York 11973  
*Delivered via email*

Dear Mr. Fox,

**SUBJECT: DEPARTMENT OF ENERGY COVID-19 ORDER 350.1, PAID TIME OFF GUIDANCE – M&O AND MAJOR SITE FACILITY CONTRACTS COVERED BY ORDER 350.1 AND DOE CONTRACTOR HUMAN RESOURCES PROGRAM UNDER PRIME CONTRACT NO. DE-SC0012704 FOR THE MANAGEMENT AND OPERATION OF THE BROOKHAVEN NATIONAL LABORATORY**

This letter is to inform you that the Department of Energy (DOE) has extended DOE's Contractor Human Resource Program to revise their benefit packages to include paid Weather and Safety or equivalent leave for employees, subject to all the limitations identified in the initial policy, potentially through September 30, 2020.

The attached guidance provides this authority for pre-approval beyond the eight weeks currently authorized and is limited in that once access to the site is restored, partially or completely, Weather and Safety or other equivalent paid leave ends for the portion of the site for which access is restored--unless the Contracting Officer, in advance, approves continuation. BHSO looks forward to working with BSA to implement your revised leave policies.

This guidance shall in no way relieve the prime contractor of any obligations or responsibilities it may otherwise have under the contract or under law. All other terms and condition of the Prime Contract remain in effect.

If you have any questions regarding this letter, the point of contact is the undersigned and can be reached at extension 2405, or via email at [Aundrea.Clifton@science.doe.gov](mailto:Aundrea.Clifton@science.doe.gov).

Sincerely,

**AUNDREA CLIFTON** Digitally signed by  
AUNDREA CLIFTON  
Date: 2020.05.06  
13:26:50 -04'00'

Aundrea Clifton  
Contracting Officer  
Business Division

#### Attachments:

1. Department of Energy guidance to extend Paid Time Off in accordance with DOE Order 350.1 Chg 7 (LtdChg), Contractor Human Resource Management Programs

cc: R. Gordon, SC-BSHO  
F. Fernandez, SC-BHSO  
M. McCann, SC-BHSO  
J. Loh, SC-BHSO

K. Porter, SC-BHSO  
J. Anderson, BSA  
R. Lincoln, BSA  
G. Clark, BSA

To minimize the impact of COVID-19 on Department of Energy operations, Contracting Officers are authorized to provide pre-approval to M&O and major site facility contractors for Weather and Safety or other equivalent paid leave within the following parameters:

**Employees who are able to telework:** Employees who are able to perform their jobs remotely shall telework. Only hours worked may be charged to the contract. The contractor should make every effort to identify work that can be performed remotely to maximize employee telework.

**Weather and Safety Leave (or Contractor equivalent for a condition that prevents employees from safely traveling to or performing work on site):** Weather and Safety Leave or other equivalent leave is only available to employees who are unable to work due to COVID-19 related circumstances and cannot telework.

**Limited pre-approval beyond the eight weeks currently authorized in the April 10, 2020 guidance:** For pre-approval of Weather and Safety or other equivalent paid leave beyond the eight weeks currently authorized in the April 10, 2020 guidance, in authorizing pre-approval, Contracting Officers must stipulate for each affected contractor that: (1) in no event does the pre-approval extend beyond September 30, 2020; and (2) once access to the site is restored, partially or completely, in phases or all at once, Weather and Safety or other equivalent paid leave ends for the portion of the site for which access is restored--unless the Contracting Officer, in advance, approves continuation.

The authority applies only to M&O contracts and major site and facility management contracts that are subject to DOE Order 350.1, *Contractor Human Resources Management Program*, include the model H clause "Employee Compensation: Pay and Benefits," or equivalent language, and require Department approval of contractor compensation and benefits.

Contractors are responsible for supporting any claimed costs, including claimed leave costs for their employees, with appropriate documentation and identifying credits that may reduce reimbursement. The associated costs will be considered allowable if not otherwise unallowable. Each Contracting Officer should verify the contractor has policies and procedures in place to ensure the employees do not receive both unemployment compensation and paid time off. Contracting Officers will direct the contractor to track all leave taken related to the COVID-19 pandemic. Contractors are responsible for developing plans for how to use the relief provisions available to them under the CARES Act and any other applicable statute or regulations. The Department's Contracting Officers will work with the M&O and major site and facility contractors to implement their revised leave policies.