Human Resources Flexibilities and Force Health Protection Guidance
2019 Novel Coronavirus Outbreak (COVID-19)

1. In light of the recent spread of the Novel Coronavirus (COVID-19), DoD has provided guidance in relation to Human Resource flexibilities available.

2. The following questions and answers are provided to assist supervisors and employees with understanding the flexibilities provided.

Q1. What is the difference between using sick leave for exposure to a quarantinable communicable disease and exposure to seasonal influenza? If everyone is getting sick at work can I just take sick leave to avoid being exposed?

A1. **Quarantinable Communicable Diseases.** For purposes of this guidance, the term “quarantinable communicable disease” means a disease for which Federal isolation and quarantine are authorized. Under certain circumstances, the CDC or a State or local health department may determine that exposure to a quarantinable disease would jeopardize the health of others, and that quarantine of the exposed individual is warranted to protect the public’s health. Agencies should refer to the list of quarantinable communicable diseases at https://www.cdc.gov/quarantine/aboutlawsregulationsquarantineisolation.html.

**Influenza.** Influenza may be classified as either seasonal or pandemic. Influenza strains that are new and capable of causing a pandemic are classified as quarantinable diseases; however, seasonal influenza strains – those that cause outbreaks of influenza every winter – are not considered quarantinable. Therefore, exposure to seasonal influenza will not meet the criteria for use of sick leave for exposure to a quarantinable communicable disease. Employees who are sick with seasonal influenza and contagious to others should be allowed to use sick leave according to agency policies.

Q2. Can agencies grant sick leave for exposure to a quarantinable communicable disease such as 2019 Novel Coronavirus (COVID-19).

A2. Yes. A symptomatic employee is entitled to use an unlimited amount of accrued sick leave when he or she is unable to perform due to a quarantinable communicable disease, such as 2019 Novel Coronavirus (COVID-19).
Q3. Can an employee who is healthy and opts to stay at home to provide care for a family member infected with a quarantinable communicable disease such as COVID-19 use sick leave?

A3. Yes. An employee is entitled to use a total of up to 104 hours (13 days) of sick leave each leave year to provide care for a family member who is ill or receiving medical examination or treatment. If an employee’s family member is symptomatic (ill) due to a quarantinable communicable disease, such as COVID-19, the employee may use his or her accrued sick leave for general family care.

Q4. Can an employee request sick leave to care for a family member with a serious health condition?

A4. Yes. An employee is entitled to use up to 12 weeks (480 hours) of sick leave each leave year to care for a family member with a serious health condition.

Q5. Can an employee invoke his or her entitlement to use the Family and Medical Leave Act (FMLA) to care for a family member with a quarantinable communicable disease, such as COVID-19?

A5. Yes. An employee may invoke his or her entitlement to unpaid leave under the Family and Medical Leave Act (FMLA) of 1993 in appropriate circumstances. https://www.opm.gov/policy-data-oversight/payleave/leave-administration/factsheets/family-and-medical-leave/

Q6. When an employee has exhausted all of his or her annual or sick leave may they be granted leave without pay (LWOP)?

A6. If an employee has exhausted his or her available annual or sick leave and other forms of paid time off, he or she may request leave without pay (LWOP). However, granting LWOP is a matter of supervisory discretion and limited to agency internal policy.

Q7. Can an employee with a medical emergency related to COVID-19 participate in the leave Voluntary Leave Transfer Program (VLPT)?

A7. Yes. If an employee has a personal or family medical emergency related to a quarantinable communicable disease, such as COVID-19, and is absent (or expected to be absent) from duty without available paid leave for at least 24 work hours, he or she may qualify to receive donated annual leave under the Voluntary Leave Transfer Program (VLTP) or Voluntary Leave Bank Program (VLBP).

Q8. Does the employee need a telework agreement before he or she can telework?

A8. Yes, the Telework Enhancement Act requires every employee who participates in telework to have a written agreement, regardless of the type of telework.

Q9. Is telework voluntary?

A9. Yes. An agency may not compel an employee to telework, even if the duties of the
position make that employee “telework eligible.”

Q10. Can an agency force an employee to telework?

A10. No.

Q11. If the employee has a telework agreement in place and the manager requires them to telework during controlled monitoring period, does the employee have the option to refuse to telework?

A11. Yes. The employee will have the option to use leave flexibilities to such as annual leave, advanced leave, etc.

3. Please contact the CPAC at (845) 938-3943 if you have any questions about the information provided.

//SIGNED//
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