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Management

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DATE: February 18, 2022

TO: Mission Area Chief Operating Officers and Staff Office Equivalents
Mission Area Chief Human Capital Officers

FROM: Anita R. Adkins
Acting Chief Human Capital Officer

SUBJECT: Leave Flexibilities for COVID-19 Issues

This memorandum clarifies the different leave flexibilities available to employees for COVID-19 issues. This guidance aligns with the Model Safety Principles from the [Safer Federal Workforce](#).

Vaccinations

Employee Vaccination. Effective January 21, 2022, while the preliminary injunction is in place, leave-eligible employees who seek the primary series of COVID-19 vaccination doses will be granted up to 4 hours of administrative leave per dose and not use official duty time. The administrative leave will cover the time it takes to travel to the vaccination site, receive the vaccination dose, and return to work. If an employee needs to spend less time getting the primary series doses only the needed amount of administrative leave should be granted. Additional time may be granted for extenuating circumstances such as the distance to the vaccination site. Employees may only receive administrative leave during their normal work hours and may not receive administrative leave or overtime work for time spent getting a vaccination outside their tour of duty.

- Corrected timesheets for the initial vaccination, charging administrative leave, can be submitted retroactively from February 10, 2021. Timesheets that were previously coded as official duty time do not need to be corrected.

Booster Shots. Supervisors must grant up to 4 hours of administrative leave to leave-eligible employees who seek any authorized COVID-19 booster shot and authorized additional doses. The administrative leave will cover the time it takes to travel to the vaccination site, receive the booster, and return to work. If an employee needs to spend less time getting the booster or additional doses, only the needed amount of administrative leave should be granted. Additional time may be granted for extenuating circumstances such as the distance to the vaccination site. Employees may only receive administrative leave during their normal work hours and may not receive administrative leave or overtime work for time spent getting a vaccination outside their tour of duty.

- Corrected timesheets for a booster shot may be submitted retroactively to September 22, 2021.
- Corrected timesheets for an additional dose of COVID-19 vaccine may be submitted retroactively to August 12, 2021.

Adverse Reactions. Supervisors must grant leave-eligible employees up to 2 workdays of administrative leave if an employee has an adverse reaction to a COVID-19 vaccination (including primary series doses, authorized boosters, and authorized additional doses). If more than 2 workdays are needed to recover, the employee may request other paid or non-paid leave (e.g., sick leave, annual leave, leave without pay (LWOP), etc.).

- Corrected timesheets for adverse reactions, charging administrative leave, may be submitted retroactively to March 11, 2021.

Accompany a Family Member Receiving Vaccination. Supervisors must grant leave-eligible employees up to 4 hours of administrative leave to accompany a family member who is receiving a COVID-19 vaccination (including primary series doses, authorized boosters, and authorized additional doses). If an employee needs to spend less time to assist their family member, only the needed amount of administrative leave should be granted. Employees may only receive administrative leave during their normal work hours and may not receive administrative leave or overtime work for time spent helping a family member receive a vaccination outside their tour of duty. For this purpose, a “family member” is defined under [5 CFR 630.201](#).

- Corrected timesheets for administrative leave to accompany a family member to receive a COVID-19 vaccination is retroactive to July 29, 2021.
- Corrected timesheets to accompany a family member for a booster shot may be submitted retroactively to September 22, 2021.

Quarantine and Isolation

Quarantine is a strategy used to prevent transmission of COVID-19 by keeping people who have been in close contact with someone with COVID-19 apart from others. Isolation is used to separate people with confirmed or suspected COVID-19 from those without COVID-19. For additional information, refer to the Safer Federal Workforce [Quarantine and Isolation](#) frequently asked questions, the Centers for Disease Control (CDC) [website](#), and [Frequently Asked Questions](#) on USDA’s Response to COVID-19 Workplace Safety.

Quarantine. If an employee is required to quarantine after close contact or official travel and if the employee is unable to work, including unable to telework, agencies may grant weather and safety leave while the employee is required to quarantine.

Isolation. If an employee is required to isolate for probable or confirmed COVID-19 and is unable to work, including unable to telework, the employee may request sick leave, annual leave, credit hours, compensatory time off, advanced annual/sick, emergency paid leave, Family and

Medical Leave Act (FMLA) leave, or LWOP. Weather and safety leave may not be granted. To mitigate close contacts in the workplace, agencies may grant up to 3 days of administrative leave if an employee has COVID-19 symptoms and is isolating while actively seeking to be tested.

- Corrected timesheets may be submitted retroactively to February 7, 2020.
- Corrected timesheets to use emergency paid leave may only be submitted for use between March 11, 2021, through September 30, 2021.

Leave Flexibilities

There are several leave and workplace flexibilities to assist employees during the pandemic. If an employee has been exposed to COVID-19 and is able to safely telework (or work remotely if a remote worker), the employee may request to telework (or continue to work remotely) or request leave (annual, credit hours, compensatory time off, advanced annual leave, or LWOP). If the employee becomes ill or is caring for a family member who becomes ill and they are unable to work, including unable to telework, they may also request sick leave, advanced sick leave, and Family Medical Leave Act leave. Since funds are still available for emergency paid leave, corrected timesheets may also be submitted to use emergency paid leave from March 11, 2021, through September 30, 2021, if the conditions for emergency paid leave have been met.

- **Annual Leave.** An employee may use any or all accrued annual leave for personal needs, such as rest and relaxation, vacations, medical needs, personal business, emergencies, or to provide care for a healthy or sick family member. An employee has a right to take annual leave subject to the right of the supervisor to schedule the time at which annual leave may be taken. See Office of Personnel Management (OPM) [Annual Leave](#) fact sheet for additional information.
- **Advanced Annual Leave.** Employees who need additional annual leave may request advanced annual leave. A supervisor may advance annual leave in an amount not to exceed the amount the employee would accrue during the remainder of the leave year. An employee may request advanced annual leave regardless of their existing sick leave balance. See OPM [Advanced Annual Leave](#) fact sheet for additional information.
- **Sick Leave.** An employee is entitled to use an unlimited amount of accrued sick leave for personal medical needs. See OPM [Personal Sick Leave](#) fact sheet for additional information.
- **Sick Leave for General Family Care.** An employee is entitled to use 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. Leave is prorated for part-time and uncommon tours of duty. See OPM [Sick Leave for Family Care or Bereavement Purposes](#) fact sheet for additional information.
- **Sick Leave to Care for a Family Member with a Serious Health Condition.** 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. Leave is prorated for part-time and uncommon tours of duty. If an employee's family member is symptomatic due COVID-19, that would generally constitute a serious health condition. If an employee has already used 13 days of sick leave for general family care, the 13 days must be subtracted from the 12 weeks. An employee may not use more than a combined total of 12 weeks of sick leave each leave year for all family care purposes. See OPM [Sick Leave to Care for a Family Member with a Serious Health Condition](#) fact sheets for additional information.

- **Advanced Sick Leave.** Employees who need additional sick leave may request advanced sick leave. Agencies may advance up to 240 hours if the employee would jeopardize the health of others by their presence on the job because they were exposed to a communicable disease; or up to 104 hours to care for a family member who has been similarly exposed. An employee may request advanced sick leave regardless of their existing sick leave balance. See OPM [Advanced Sick Leave](#) fact sheet for additional information.
- **Emergency Paid Leave.** Although emergency paid leave ended September 30, 2021, employees may still request and be granted retroactive emergency paid leave to replace other leave that was used for certain COVID-19 related circumstances if the employee lacked information or was not allowed to use emergency paid leave at the time. Corrected timesheets to use emergency paid leave may only be submitted for use between March 11, 2021, through September 30, 2021, or until the fund is exhausted. See OPM April 29, 2021, [COVID-19 Emergency Paid Leave](#) memo for additional information.
- **Weather and Safety Leave.** Weather and safety leave may be granted if traveling to or performing work at the normal worksite would pose significant safety risks for the employee, other employees, or the general public and the employee is unable to telework. Weather and safety leave may not be granted if the employee is able to telework or if the employee is sick with COVID-19 or otherwise in circumstances under which sick leave was appropriate.
- **Compensatory Time Off.** Compensatory time off is earned time off with pay in lieu of overtime pay for overtime work. An employee may use compensatory time off to be absent from work for any purpose, with supervisory approval. See OPM [Compensatory Time Off](#) fact sheet for additional information.
- **Compensatory Time Off for Travel (Travel Comp).** Travel comp is earned time off with pay for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. An employee may use travel comp to be absent from work for any purpose, with supervisory approval. See OPM [Compensatory Time Off for Travel](#) fact sheet for additional information.
- **Credit Hours.** Credit hours are hours an employee elects to work, with supervisory approval, in excess of the employee's basic work requirement under a flexible work schedule. An employee may use credit hours to be absent from work for any purpose, with supervisory approval. See OPM [Credit Hours](#) fact sheet for additional information.

- **Family and Medical Leave Act.** The FMLA provides eligible employees with up to 12 workweeks of LWOP with job protection during any 12-month period for a serious health condition that prevents an employee from performing their duties or to care for a spouse, son or daughter, or parent with a serious health condition. An employee or family member who contracts a quarantinable communicable disease, such as COVID-19, and becomes ill would generally be considered to have a qualifying serious health condition. See OPM [FMLA](#) fact sheet for additional information.
- **Leave Without Pay.** LWOP is a temporary non-pay status and absence from duty that may be granted at the employee's request. In most instances, granting LWOP is a matter of supervisory discretion. In situations where LWOP is taken for a purpose that would qualify under FMLA, granting LWOP without requiring the employee to invoke FMLA will preserve the employee's entitlement to 12 weeks of FMLA leave. An extended period of LWOP may have an effect on an employee's benefits including health benefits, retirement benefits, and life insurance. See OPM [LWOP](#) and [Effect of Extended LWOP on Federal Benefits and Programs](#) fact sheets for additional information.
- **Voluntary Leave Transfer Program (VLTP).** 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, they may qualify to receive donated annual leave under the VLTP. The VLTP allows an employee to donate annual leave to assist another employee who has a personal or family medical emergency and who has exhausted their own available paid leave. See OPM [VLTP](#) fact sheet for additional information.
- **Alternative Work Schedules.** Alternate work schedules (AWS) include flexible work schedules and compressed work schedules. Under an AWS an employee can complete their biweekly work requirement in less than 10 workdays. Under a flexible work schedule an employee may choose to adjust arrival and departure times. Agencies should discuss options with their employees to help maximize productivity at work, while assisting them in meeting their family and personal needs. See OPM Handbook on [Alternative Work Schedules](#) for additional information.

If you have any questions about this memorandum, please contact Allen Hatcher, USDA Acting Deputy Chief Human Capital Officer, at allen.hatcher@usda.gov or (703) 457-7760, or Lisa Swenka, Senior Human Resources Specialist, Pay and Leave Policy, at lisa.swenka@usda.gov or (202) 731-7958.