



DEPARTMENT OF DEFENSE
DEFENSE CIVILIAN PERSONNEL ADVISORY SERVICE
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FOR: CIVILIAN PERSONNEL POLICY COUNCIL MEMBERS

FROM: Defense Civilian Personnel Advisory Service Director, Ms. Michelle LoweSolis

SUBJECT: Administrative Leave for Coronavirus Disease 2019 Vaccination of Department of Defense Employees

AUDIENCE: Appropriated Fund and Nonappropriated Fund

ACTION: Disseminate to Department of Defense (DoD) Human Resources Practitioners and Hiring Managers

REFERENCES:

- a. Executive Order 13991, "Protecting the Federal Workforce and Requiring Mask-Wearing," January 20, 2021
<https://www.federalregister.gov/documents/2021/01/25/2021-01766/protecting-the-federal-workforce-and-requiring-mask-wearing>
- b. Under Secretary of Defense for Personnel and Readiness Memorandum, "Administrative Leave for Coronavirus Disease 2019 Vaccination of Department of Defense Employees," April 14, 2021(attached)

BACKGROUND/INTENT: On January 20, 2021, the President signed the Executive Order at reference (a), establishing the Safer Federal Workforce Task Force, which has encouraged the prioritization, distribution, and administration of the vaccination to Federal employees. To safeguard the DoD civilian workforce and to limit the spread of COVID-19, DoD employees shall be granted up to four hours of administrative leave to receive COVID-19 vaccinations, per vaccination event. Employees who experience an adverse reaction to a COVID-19 vaccination shall be granted no more than two workdays of administrative leave for recovery, per vaccination dose. Components should review reference (b), and any applicable collective bargaining agreements to address any labor relations obligations. A reference guide containing frequently asked questions and answers is also enclosed.

Employees should use leave code 'LN' with the environmental/hazard/other code 'PF' to record administrative leave for COVID-19 vaccinations and recovery. NAF employers should code administrative leave in a way that can be easily reported.

POINTS OF CONTACT: Ms. Melissa Lalonde, Associate Director, Employment and Compensation, melissa.a.lalonde.civ@mail.mil or (571) 372-1557.

For NAF related issues: Ms. Itzel Santana, Associate Director, NAF Personnel Policy, itzel.r.santana.civ@mail.mil or (571) 372-1565.

Attachment:
As stated

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PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
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APR 14 2021

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Administrative Leave for Coronavirus Disease 2019 Vaccination of Department of Defense Employees

Reference: Executive Order 13991, "Protecting the Federal Workforce and Requiring Mask-Wearing," January 20, 2021

The Coronavirus Disease 2019 (COVID-19) continues to present risk to the health and welfare of our DoD civilian workforce. The reference established the Safer Federal Workforce Task Force, which has encouraged the prioritization, distribution, and administration of the vaccination to Federal employees. To safeguard our DoD civilian workforce and to limit the spread of COVID-19, DoD employees who are authorized to be absent from duty for purposes of receiving a COVID-19 vaccination shall be granted administrative leave.

Supervisors shall grant employees up to 4 hours of administrative leave, per vaccination event, to receive COVID-19 vaccinations administered by DoD, Federal, State and local government organizations, or private health care organizations and pharmacies. The use of administrative leave is limited to time spent traveling to and from the vaccination location, time at the vaccination location, and, if needed, for a reasonable amount of recovery time. Generally, employees should not require more than two vaccination events to complete a vaccination series, or more than 4 hours of administrative leave for each event. On a case-by-case basis, supervisors may grant employees who encounter extenuating circumstances additional administrative leave. For employees who experience an adverse reaction to a COVID-19 vaccination, no more than 2 workdays of administrative leave should be granted for recovery associated with a single vaccination dose. Employees may not be authorized to perform overtime work for purposes of receiving a vaccination outside their scheduled tour of duty. Components shall comply with applicable collective bargaining obligations, as appropriate.

A reference guide containing frequently asked questions and answers is attached. For more information, my point of contact is Ms. Melissa Lalonde, Associate Director, Employment and Compensation, Defense Civilian Personnel Advisory Service (DCPAS), at (571) 372-1557 or melissa.a.lalonde.civ@mail.mil. For Nonappropriated Fund (NAF)-related issues, my point of contact is Ms. Itzel Santana, Associate Director, NAF Personnel Policy, DCPAS, at (571) 372-1565 or itzel.r.santana.civ@mail.mil.

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Attachment:
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ADMINISTRATIVE LEAVE FOR COVID-19 VACCINATION OF DEPARTMENT OF DEFENSE EMPLOYEES

INTRODUCTION

The Novel Coronavirus Disease 2019 (COVID-19) is one of the deadliest threats facing our Nation and continues to present risk to the health and welfare of our Department of Defense (DoD) civilian workforce. Executive Order 13991 established the Safer Federal Workforce Task Force, which has encouraged the prioritization, distribution, and administration of the vaccination to Federal employees. To safeguard our DoD civilian workforce and to limit the spread of COVID-19, DoD employees who are authorized to be absent from duty for purposes of receiving a COVID-19 vaccination shall be granted administrative leave.

GRANTING OF ADMINISTRATIVE LEAVE

DoD Employees who are authorized to be absent from duty for purposes of receiving a COVID-19 vaccination shall be granted up to four hours of administrative leave per vaccination event. The use of administrative leave is limited to time spent at the vaccination location, time spent traveling to and from the vaccination location, and, if needed, for a reasonable amount of recovery time. Generally, employees should not require more than two vaccination events or more than four hours of administrative leave for each vaccination event. However, employees facing extenuating circumstances may be granted additional administrative leave on a case-by-case basis. For employees who experience an adverse reaction to a COVID-19 vaccination, no more than two workdays of administrative leave should be granted for recovery associated with a single vaccination dose.

FREQUENTLY ASKED QUESTIONS

Q1. Will I be granted administrative leave to take my family member to get vaccinated?

A1. No. The use of administrative leave is authorized for the DoD employee to receive a vaccination.

Q2. If my vaccination event only takes two hours, am I still granted four hours of administrative leave?

A2. No. Employees may only be granted administrative leave for time spent traveling to and from the vaccination location, time spent at the vaccination location, and if needed, a reasonable amount of recovery time.

Q3. What if I can only get vaccinated during non-work hours? Do I receive overtime or compensatory time off for time spent outside of my working hours to get vaccinated?

A3. No. Employees may not be authorized to work overtime for purposes of receiving a vaccination outside of their scheduled work hours.

Q4. If full vaccination requires me to receive two doses several weeks apart, will I be eligible to receive four hours of administrative leave for each vaccination event?

A4. Yes. If an employee's COVID-19 vaccination requires more than one vaccination event, up to four hours of administrative leave will be granted for each vaccination event.

Q5. If I attend my appointment but am unable to receive the vaccine as originally scheduled, am I eligible to receive additional administrative leave for my rescheduled appointment?

A5. Under usual circumstances, an employee will require no more than two vaccination events and will be granted no more than four hours of administrative leave for each vaccination event. However, a DoD Component may grant additional administrative leave as needed for extenuating circumstances.

Q6. The American Rescue Plan Act of 2021 (ARP) authorizes federal agencies to grant emergency paid leave (EPL) and seek reimbursement from the Emergency Federal Employee Leave Fund for vaccine administration and recovery from illness related to vaccination. May DoD Components still grant administrative leave in these situations?

A6. The Department's policy is to grant administrative leave for duty time spent obtaining COVID-19 vaccinations and, if needed, up to two work days of recovery time, even when EPL is available for this purpose. The EPL guidance will be issued under separate policy.

Q7. What if I experience an adverse reaction to a COVID-19 vaccination dose that requires more than two workdays of recovery?

A7. If an employee requires more than two workdays to recover from a condition related to the vaccination, the employee may request to use emergency paid leave (EPL) or other paid leave for which the employee is eligible.

Q8. Will I be reimbursed for travel expenses if I must travel to a vaccination site outside of my normal commuting area?

A8. No. Employees will not be reimbursed for travel-related expenses while on administrative leave to attend vaccination events.

Q9. My employee's vaccination appointment is scheduled during a time when I am unable to release her from performing her duties. May I deny the employee's use of administrative leave for a scheduled vaccination appointment?

A9. Supervisors may require employees to provide advance notice of anticipated absences and may, in certain circumstances, disapprove leave. Supervisors should contact their servicing Human Resources office when considering the denial of an absence for vaccination purposes.

Q10. I used my personal leave to get vaccinated before my Component began granting administrative leave to receive the COVID-19 vaccination. May I substitute administrative leave retroactively?

A10. At the discretion of the Components, employees who were vaccinated prior to the date of the memorandum may be allowed to retroactively substitute administrative leave for personal leave taken for their vaccination event(s) and, if used, for associated recovery time. The retroactive substitution is subject to the same time limits as outlined in the memorandum.

Q11. What time and attendance code should employees use to document administrative leave used for a COVID-19 vaccination event and recovery?

A11. Employees should use the time and attendance code for “physical fitness” to record administrative leave for COVID-19 vaccinations and recovery. The type hour code is ‘LN’ and the environmental/hazard/other code is ‘PF’. Nonappropriated fund employers should code administrative leave for COVID-19 vaccinations in a way that can be easily reported.

Q12. May a supervisor ask employees if they have been vaccinated for COVID-19?

A12: For purposes of acting on a request for administrative leave for vaccination and recovery, supervisors may ask employees about the time and location of the vaccination event and whether there was a reaction to the vaccine requiring a period of recovery. But as a general matter, supervisors may not ask employees if they have been vaccinated. Supervisors may ask about an employee’s vaccination status only if there is a business necessity for this information, as determined on a case-by-case basis. Currently, COVID-19 vaccines have been approved under an Emergency Use Authorization and vaccination has not been established as a requirement through appropriate DoD processes for any DoD civilian occupation. Therefore, the information is not necessary for purposes of most employment decisions. In particular, information about an employee’s vaccination status is not necessary for supervisors to make decisions about how and when employees will report to a workplace instead of telework. Supervisors need to follow applicable Force Health Protection guidance and implement appropriate workplace measures to protect all employees, assuming that not everyone will be vaccinated. Only in very limited circumstances, such as determining how long an employee with a known or suspected exposure must temporarily remain out of the workplace or whether an employee may be exempted from certain force health protection requirements as authorized in applicable policy, would it be reasonably necessary to request an employee voluntarily provide information about the employee’s vaccination status. Such information would be obtained on a case-by-case basis, to comply with specific Force Health Protection guidance, not as part of a general survey of the workforce.

Q13. May the human resources or occupational health office ask employees if they would like to be offered an employer-provided vaccination?

A13: Yes. The human resources or occupational health office may survey the workforce to determine employee interest in receiving an employer-provided vaccination for purposes of obtaining an appropriate number of doses and facilitating voluntary vaccination. The surveying office may not make assumptions about the vaccination status of employees who do or do not express interest in an employer-provided vaccination. A list of interested employees should not be retained once it has served its intended purpose of facilitating voluntary participation in employer-provided vaccination clinics. Only the minimum amount of personally identifiable information (PII) needed to determine employee interest in receiving the vaccine and to inform the number of doses required to meet demand at each vaccine tier level should be collected; no information concerning a person’s medical condition may be requested or maintained for such purposes. PII collected during such a survey must be appropriately safeguarded. Additionally, any PII compiled in response to the data call must be shared only with those who have an official need to know because an individual’s vaccine tier may potentially reveal the person has a medical condition.

Q14. May the human resources or occupational health office ask employees to voluntarily provide information about their vaccination status for purposes of assessing an organization's occupational health status, provided the data is aggregated and not linked to particular employees?

A14: Yes. Similar to the protected manner in which the human resources office collects data from employees who voluntarily self-identify as having a disability, data may be collected on a voluntary basis from employees who indicate they have been vaccinated. Such data may only be used in an aggregated and de-identified manner that is unlikely to associate it with any particular individual. For example, it would be permissible to report that 50% of employees in a large organization have indicated they are vaccinated, but it would be impermissible to report that 50% of employees in an office with only two employees indicated they are vaccinated.

REFERENCES

Executive Order Executive Order 13991, "Protecting the Federal Workforce and Requiring Mask-Wearing," January 20, 2021

The Safer Federal Workforce Task Force Webpage, <https://www.usa.gov/safer-federal-workforce>

CONTACT

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