



Department of Air Force
Civilian Force Management Directorate
AF/A1C
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UPDATE #2 DAF POLICY AND FACT SHEET ON COVID-19 VACCINATION AND CIVILIAN PERSONNEL

This document provides information for Commanders, civilian employees, supervisors, and managers concerning the Department of the Air Force (DAF) intent for vaccinating the Total Force and its implications for civilian employees.

References:

- a) Executive Order 13991, *Protecting the Federal Workforce and Requiring Mask-Wearing* (20 Jan 21)
- b) *Department of the Air Force (DAF) Intent for Vaccinating the Total Force and Beneficiaries* (Jan 14, 2021)
- c) Office of the Under Secretary of Defense, Personnel and Readiness, memorandum *Civilian Duty Status and Use of Weather and Safety Leave During COVID-19 Pandemic*, March 30, 2020
- d) Headquarters Air Force, Civilian Force Policy Division, 6 April 2020, *Weather and Safety Leave Fact Sheet*
- e) USD(PR) Memorandum, *Administrative Leave for Coronavirus Disease 2019 Vaccination of Department of Defense Employees*, 14 April 21

GENERAL DISCUSSION

Since the beginning of the coronavirus disease 2019 (COVID-19) pandemic, the Secretary of Defense has set protecting the workforce as a top priority, while still emphasizing safeguarding our national security capabilities and supporting the whole-of-nation response to the pandemic. The immediate response to the pandemic included a calibrated realignment of various Federal activities and operations around the country and overseas, as well as operational shifts and reductions, including a dramatic surge in the use of telework and Weather and Safety Leave (WSL). The Federal government, DoD, and the DAF previously provided guidance regarding transitioning to optimized civilian workforce operations, utilizing a phased approach and as local conditions warranted. **The status of vaccination plan implementation is simply one factor to be considered in this phased approach.** As more of the population is vaccinated, it is possible that more employees could be expected to transition to the traditional worksite in accordance with the phased approach, as well as applicable Force Health Protection Guidance Supplements. Commanders must continue to follow DoD and DAF guidance, in conjunction with guidance from the Centers for Disease Control and Prevention (CDC), state and local health

officials, and their servicing health and safety professionals, and in consultation with their servicing Civilian Personnel Section (CPS) and legal office.

VACCINATING THE TOTAL FORCE

The DAF is offering vaccination to the Total Force and its beneficiaries, including civilian employees, against COVID-19. Reference (b) describes that intent and provides the framework for Commanders and medical treatment facilities to vaccinate personnel. Commanders are expected to manage the COVID-19 vaccination program as a high priority and make every effort to exhaust available doses. As the DoD COVID-19 Vaccination Distribution Plan (or “schema”) is eventually removed, we expect commanders and supervisors to continue to encourage their personnel to be vaccinated as this is a critical factor in our effort to combat the disease.

- COVID-19 vaccinations are voluntary for all employees. All personnel are encouraged to get vaccinated to protect their health as well as the health of their coworkers and families.
- The vaccines meet FDA standards for safety and effectiveness, but remain optional in accordance with the guidelines in which the FDA authorized them under an Emergency Use Authorization (EUA).
- Commanders are authorized to *offer* the vaccination to civilian employees, in accordance with the references above; if personnel decline the vaccine, Commanders should vaccinate the next individual within the priority schema. Commanders and supervisors may not *require* an employee to fill out a DHA Form 207 or other document indicating their declination of the vaccine or vaccination status. As a general matter, supervisors may **not** ask employees if they have been vaccinated, and requiring employees to sign a form or document indicating their declination of the vaccine would inherently require them to disclose their vaccination status. Any document that sets out the employee’s vaccination declination or status, if obtained involuntarily, should be destroyed or returned to the employee.
- Follow-on care (other than the administration of a second vaccine dose) will be provided through employees’ existing health care plans or personal health care providers.
- To the extent possible, individuals are encouraged to return to the same location for their second COVID-19 vaccine dose, as applicable, in accordance with the vaccine’s dosing timing requirements according to the FDA EUA.
- These novel vaccines are designed to protect people from severe symptoms and death. We do not yet know whether it will keep people from contracting COVID-19, becoming mildly ill, or from transmitting the virus, or whether the current vaccines have similar efficacy against new variants of the virus. Therefore, Commanders must continue to follow applicable Force Health Protection guidance and implement/use all available mitigation strategies (i.e., maximizing telework, mask wear, physical distancing, etc.), continue to protect vulnerable populations, and use voluntary expanded testing capacity to surveil and protect the Total Force and our families. Per Executive Order 13991, reference (a), the use of masks and

physical distancing is currently mandatory on all Federal property in accordance with the most current CDC guidelines.

- Vaccination status MUST NOT be used as a determinative factor for bringing individuals back to the workplace. (This aspect is subject to change if the FDA and CDC determines whether the vaccines are capable of preventing transmission of the virus and whether they are capable of protecting against new variants of the virus.) Commanders must follow applicable guidance from the President, the Office of Management and Budget (OMB), Office of Personnel Management (OPM), DoD and DAF.
- **Per DoD policy, as a general matter, supervisors may NOT ask employees if they have been vaccinated.** For purposes of acting on a request for administrative leave for vaccination and recovery, supervisors may only 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.
- Supervisors may ask about an employee's vaccination status only if there is a business *necessity* for the information, as determined on a case-by-case basis. (Examples of a business necessity can be found in the next paragraph.) 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 the regular worksite instead of continuing telework.
- 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 that 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. 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.
- If Commanders or supervisors, in accordance with the very limited circumstances described above, determine it is necessary to ask civilian employees about their vaccination status, it is strongly recommended that queries be limited to the following language:
 1. "Your decision to answer this question is completely voluntary. Have you been fully vaccinated against COVID-19 (fully vaccinated being defined as having received the initial dose and second dose, if required, or any required booster and having waited the recommended period for full efficacy)?"
 2. (May be asked in connection with a request for administrative leave.) "Your decision to answer this question is completely voluntary. Have you experienced a reaction to the vaccine requiring a period of recovery?"

- Administrative leave is authorized for the purpose of receiving the COVID-19 vaccination from DoD, Federal, State and local government organizations, or private health care organizations and pharmacies. DoD civilian employees who accept an offer to get vaccinated through either DoD or private providers shall receive the time necessary to obtain the vaccination, generally up to 4 hours per vaccination event. Employees should NOT be charged personal leave, and other statuses (such as on-duty status or weather/safety leave) are not appropriate.
- The administrative leave authorization includes the time spent traveling to and from the vaccination location, time at the vaccination location, and if needed, for a reasonable amount of recovery time.
- 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 must notify and coordinate with their supervisor regarding the time off needed to obtain the vaccine so that it does not conflict with mission accomplishment or important work center requirements.
- Even though 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, it is nevertheless DoD policy to grant administrative leave for duty time spent obtaining COVID-19 vaccinations and, if needed, up to two workdays of recovery time, even when EPL is available for this purpose. The EPL guidance will be issued under separate policy.
- Commanders will comply with applicable labor obligations (to the extent that such obligations do not conflict with the Department's ability to conduct operations during this public health emergency), as appropriate.

TRANSITIONING THE CIVILIAN WORKFORCE TO OPTIMIZED OPERATIONS

Commanders and supervisors must review and comply with current Presidential, OMB, OPM, DoD and DAF guidance regarding capacity allowed during HPCON status related to COVID-19.

- It remains DAF policy to maximize telework whenever possible.
- Nothing in these guidelines impacts the ability of Commanders to recall civilian employees to the workplace to meet mission-essential requirements, even though such action may be outside the scope of the phased return to optimized operations. Per existing DAF guidance, however, effective safeguards and mitigation measures must be put into place to ensure civilian employees who are required to work at traditional worksites are able to safely travel to and from work and perform their jobs in a safe manner.

- Supervisors and managers are encouraged to take a collaborative approach to develop a plan for each civilian employee's transition to optimized operations, including potential return to a traditional worksite, **on a case-by-case basis**.
- Commanders and supervisors are strongly encouraged to continue maximizing telework flexibilities for civilian employees who self-identify as being at higher risk of serious complications from COVID-19, or as a member of special populations, as defined by the CDC.
- Since no vaccine is 100% effective, anyone considered at higher risk of severe complications from COVID-19 continues to be considered as such under current CDC guidance. **CDC guidance still calls for following all possible non-pharmaceutical interventions whether employees are vaccinated or not.**
- Commanders and supervisors are also strongly encouraged to continue utilization of telework wherever they recognize opportunities to leverage increased telework capabilities in moving towards a new, post-pandemic normal in support of increasing workforce efficiency, emergency preparedness, and quality of life, as well as to realize potential benefits in recruitment and retention strategies and infrastructure cost savings.
- Even at a stage when many or even most employees have returned to traditional worksites (HPCON A), a civilian employee who is at higher risk of serious complications from COVID-19, or who is a member of a special population, as defined by the CDC, may legally be entitled to reasonable accommodation under the Rehabilitation Act of 1973 (as amended by the Americans with Disabilities Act). Such an employee *may be* entitled to continued telework, WSL, or other accommodations. By law, the request for accommodation requires an individualized assessment of the facts and circumstances (both medical and job-related) of the particular requesting employee. Supervisors should consult with their servicing CPS and Legal offices for assistance in such situations.
- The matrix accompanying reference (c) continues to be in effect. That matrix can be found at <https://media.defense.gov/2020/Mar/31/2002272915/-1/-1/1/CIVILIAN-DUTY-STATUS-AND-USE-OF-WEATHER-AND-SAFETY-LEAVE-DURING-COVID-19-PANDEMIC.PDF> or in the Headquarters Air Force, Civilian Force Policy Division, 6 April 2020, *Weather and Safety Leave Fact Sheet* (reference (d)).
- For civilian employees who were placed on WSL, such placement should be reassessed periodically to determine whether the factors driving the placement have changed and/or whether other alternatives may be available.
- Per OMB directive, Agencies and managers must continue to take precautions for vulnerable populations that are at higher risk for severe illness from COVID-19, including older adults and people of any age who have serious underlying medical conditions.
- Once a decision has been made to return civilian employees who have been placed on WSL to traditional worksites, supervisors and managers must notify those employees that such leave will be terminated, and advise of the reporting date. (Supervisors and managers

should consult with their servicing CPS Labor Relations Specialist to ensure any applicable labor obligations are satisfied.)

WORKERS' COMPENSATION CLAIMS

There may be instances when a civilian employee is vaccinated while in a duty/paid status and experiences negative side effects causing illness, and/or who returns to a traditional worksite and later develops COVID-19. If an employee believes their illness resulted from a work-related incident, they may file a workers' compensation claim under the Federal Employees' Compensation Act (FECA).

- The employee should report the illness to their supervisor as soon as possible and the supervisor should inform the employee to electronically file a form CA-1, Notice of Traumatic Injury, via the U.S. Department of Labor's ECOMP system.
- Supervisors are responsible for reporting the incident to the AFPC Injury Compensation Branch (DP1TC) as well as requesting a CA-16, Authorization for Exam and/or Treatment, via email at injury.compensation@us.af.mil as soon as possible, but no later than 7 calendar days from the date of the injury.
- Employees are reminded that their incident must meet all the normal requirements for workers' compensation claim acceptance and that claims are adjudicated by the Department of Labor.

FREQUENTLY ASKED QUESTIONS AND ANSWERS

Q1. Are supervisors or Commanders authorized to *order* civilian employees to get vaccinated?

A1. No. DoD civilian employees currently may NOT be ordered, mandated, coerced, or constructively mandated/pressured to receive a vaccine.

Q2. Are supervisors or Commanders authorized to *offer* civilian employees vaccination?

A2. Yes. In accordance with reference (b), Commanders may offer vaccination to civilian employees. Commanders should consult with their servicing Medical Treatment Facility to understand the local vaccine rollout before authorizing vaccination to civilian employees. Any discussion to make an offer of vaccination should be brief, consisting only of information given to the employee related to the offering of the vaccine, with a concise statement that it is completely voluntary. Employees are free to decline such an offer, and will not be subject to adverse personnel action or management responses for doing so.

Q3. May human resources or occupational health offices ask employees if they would like to be offered DoD-provided vaccination?

A3. Yes. The human resources or occupational health office may survey the workforce to determine employee interest in receiving DoD-provided vaccination for the 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 obtaining vaccination through the DoD. A list of interested employees should not be retained once it has served its intended purpose of facilitating voluntary participation in DoD-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 inappropriately reveal the person has a medical condition.

Q4. Are supervisors or Commanders authorized to *suggest* civilian employees get vaccinated on their own, through their private health providers?

A4. DoD has established that vaccines are safe and effective. Therefore, it is important to encourage vaccination through informing and educating our employees on the safety and efficacy of available vaccines. However, as vaccination is currently completely voluntary, Commanders and supervisors must ensure employees know that the decision to obtain the vaccine is a personal choice. They may not offer in such a way that it appears to be anything other than at the employee's discretion. An employee is free to decline such an offer, and will not be subject to discipline or adverse personnel action for doing so.

Q5. May a Commander determine that access to the workplace will be contingent on getting vaccinated?

A5. Commanders have the authority to determine safety measures required for access to the workplace. However, Commanders must consult with their servicing Legal, CPS (Employee/Labor Relations), and Medical offices prior to requiring that employees get vaccinated as a condition of accessing the worksite. Since civilian employees cannot be ordered to get vaccinated, there are important duty status and labor bargaining ramifications that must be considered. For example, this might require the granting of WSL to an employee denied access who cannot effectively telework.

Q6. By itself, does vaccination mean a person is safe (either from getting infected or from transmitting the virus) to be in the workplace?

A6. Not necessarily. These novel vaccines are designed to protect people from severe COVID-19 disease and death. No vaccine is 100% effective and we do not yet know whether these vaccines will keep people from becoming mildly ill, prevent them from transmitting the virus, or whether the current vaccines have similar efficacy against new variants of the virus. Therefore Commanders must continue to implement/use all available mitigation strategies (i.e. maximizing telework, enforcing mandatory mask wearing for all individuals, physical distancing, etc.), continue to protect vulnerable populations, and use voluntary expanded testing capacity to surveil and protect the Total Force and our families. Managers and employees are also reminded that maximum vaccine efficacy isn't achieved until after a period of time (approximately 2 weeks) has passed following administration of the *second* dose (applies to the currently EUA-approved vaccines). Employees should also consult with their medical providers regarding risks associated with, and timing of, returning to regular worksites.

Q7. As more and more of the population gets vaccinated, can Commanders require employees to return to the regular worksite even though they have self-identified as

being at higher risk of serious complications or are members of CDC recognized “special populations”?

A7. Probably not. Although risk from contracting severe disease/dying might be significantly reduced after completing the vaccination regimen, no vaccine is 100% effective, so anyone considered at higher risk of severe complications from COVID-19 continues to be considered as such under current CDC guidance. We also do not yet know whether or to what extent the vaccines will keep people from contracting COVID-19 and becoming mildly ill or from transmitting the virus, or whether the current vaccines have similar efficacy against new variants of the virus. CDC guidance still calls for following all possible non-pharmaceutical interventions whether employees are vaccinated or not. Additionally, per existing DAF guidance, effective safeguards and mitigation measures must be put into place to ensure civilian employees who are required to work at traditional worksites are able to safely travel to and from work and perform their jobs in a safe manner. Status of the vaccination program is *only one factor* that contributes to any decision to progress towards recalling more civilian employees to traditional worksites, but shall not be used as a determinative factor. Commanders nevertheless retain the ability to recall civilian employees to the workplace to meet mission-essential requirements, even though such action may be outside the scope of the phased return to optimized operations. In addition, a civilian employee who is at higher risk of serious complications from COVID-19, or who is a member of a special population, as defined by the CDC, may legally be entitled to reasonable accommodation under the Rehabilitation Act of 1973 (as amended by the Americans with Disabilities Act).

Q8. Our Commander has authorized the vaccine be offered to DoD civilian employees through our Military Treatment Facility. If my civilian employee wants to accept the offer to get the vaccine through the DoD, what duty status should they be in when going to get the shot?

A8. DoD civilian employees who accept an offer to get vaccinated through the DoD shall receive the time necessary in the form of administrative leave to obtain the vaccination, generally up to 4 hours per vaccination event. This includes the time spent traveling to/from the vaccination location, time spent at the vaccination location and, if needed, for a reasonable amount of recovery time. They should NOT be charged personal leave, and other statuses (such as on-duty status or weather/safety leave) are not appropriate. Under *usual* circumstances, civilian employees who wish to seek medical treatment, including receiving vaccinations, would be required to request sick leave (or annual leave, leave without pay, compensatory time off or earned credit hours) to cover the period of absence while seeking/receiving medical treatment. However, because of the officially declared state of emergency caused by the COVID-19 pandemic and USD (PR) Memorandum, Administrative Leave for Coronavirus Disease 2019 Vaccination of Department of Defense Employees dated 14 April 2021, it is in the interest of the Department of the Air Force for the workforce to be vaccinated as soon as possible; therefore, traveling to/from and receiving the vaccine, as well as a reasonable recovery period, is an authorized activity chargeable to administrative leave. Employees must notify and coordinate with their supervisor regarding the time off needed to obtain the vaccine so that it does not conflict with mission accomplishment or important work center requirements. For clarity, this authorized administrative leave use is for the COVID vaccine only during this current pandemic situation, and only applies to absence for the *employee* to get vaccinated, not for employee absences to get their family members vaccinated. Time off for other (non-COVID) vaccinations or to take family members to be vaccinated should continue to be requested and coded as sick leave (or annual leave, leave without pay, compensatory time off or earned credit hours).

Q9. My civilian employee plans to get vaccinated through their private provider, NOT through the DoD. Do they have to take personal leave to go get vaccinated against COVID-19?

A9. No. DoD civilian employees who wish to get vaccinated through a private provider shall receive the time necessary to obtain the vaccination, generally up to 4 hours per vaccination event. This includes the time spent traveling to/from the vaccination location, time spent at the vaccination location and, if needed, for a reasonable amount of recovery time. They should NOT be charged personal leave, and other statuses (such as on-duty status or weather/safety leave) are not appropriate. Under *usual* circumstances, civilian employees who wish to seek medical treatment from private medical providers, including receiving vaccinations, would be required to request sick leave (or annual leave, leave without pay, compensatory time off or earned credit hours) to cover the period of absence while seeking/receiving medical treatment. However, because of the officially declared state of emergency caused by the COVID-19 pandemic and USD (PR) Memorandum, Administrative Leave for Coronavirus Disease 2019 Vaccination of Department of Defense Employees dated 14 April 2021, it is in the interest of the Department of the Air Force for the workforce to be vaccinated as soon as possible; therefore, traveling to/from and receiving the vaccine, as well as a reasonable recovery period, is an authorized activity chargeable to administrative leave. Employees must notify and coordinate with their supervisor regarding the time off needed to obtain the vaccine so that it does not conflict with mission accomplishment or important work center requirements. For clarity, this authorized administrative leave use is for the COVID vaccine only during this current pandemic situation, and only applies to absence for the *employee* to get vaccinated, not for employee absences to get their family members vaccinated. Time off for other (non-COVID) vaccinations or to take family members to be vaccinated should continue to be requested and coded as sick leave (or annual leave, leave without pay, compensatory time off or earned credit hours).

Q10. What if it takes less than 4 hours to get the vaccination? Or if it takes more than 4 hours?

A10. Employees are only authorized the administrative leave to obtain the vaccination and for a reasonable recovery period, so if it takes less than 4 hours, the employee should only be granted that amount of time it actually took. Additionally, it should generally not require more than 4 hours to obtain the vaccination. However, if there are unusual circumstances (such as extended commuting time to the vaccination site, or extended waiting time at the site), employees may be granted additional administrative leave on a case-by-case basis. If an employee experiences an adverse reaction, no more than 2 workdays of administrative leave should be granted for recovery associated with a single vaccination dose.

Q11. What if an employee can only get vaccinated during non-work hours (e.g. an off-shift worker)? Can employees get overtime or compensatory time off for time spent outside of working hours to get vaccinated?

A11. No. If an employee receives their vaccination outside their scheduled work hours, they will not be granted overtime pay or compensatory time off. Commanders are encouraged to provide shift workers with opportunities for vaccination through the DoD (for example, offering off-shift operating hours of MTF vaccination clinics), or to consider other options to provide employees vaccination opportunities.

Q12. What time and attendance code should be used to document administrative leave used for a COVID-19 vaccination event?

A12. Per DoD guidance, the code for physical fitness should be used; specifically “LN” for administrative leave and the environmental/hazard/other subcode of “PF”.

Q13. If full vaccination requires an employee to receive two doses at two separate vaccination events, will the employee be granted four hours of administrative leave for each vaccination event?

A13. Yes. If an employee’s vaccination requires two events, up to four hours of administrative leave will be granted for each event. Additionally, if an employee experiences an adverse reaction, no more than 2 workdays of administrative leave should be granted for recovery associated with a single dose; therefore, up to 4 workdays total could be granted if adverse reactions are experienced with both doses.

Q14. If an employee is unable to receive the vaccine when they arrive for their appointment, are they eligible to receive additional administrative leave for a rescheduled appointment?

A14. Yes, at the supervisor’s discretion. Generally, an employee will require no more than two vaccination events and will be granted no more than four hours of administrative leave to cover each vaccination event. However, a supervisor may grant additional administrative leave as needed for extenuating circumstances. If, for some reason, an employee is unable to receive their vaccine after traveling to the vaccination location, the supervisor has discretionary authority to grant additional administrative leave for that time.

Q15. Will employees be reimbursed for travel expenses if they must travel to a vaccination site outside of the normal commuting area?

A15. No. Employees will not be reimbursed for travel-related expenses while on administrative leave to attend vaccination events.

Q16. My employee’s vaccination appointment is scheduled during a time when I am unable to release her from performing her duties. Can I deny the employee’s use of administrative leave for a scheduled vaccination appointment?

A16. Supervisors may require employees to provide advance notice of anticipated absences and may, in certain circumstances, disapprove these leave requests. However, supervisors should keep in mind that getting the workforce vaccinated as soon as possible is a high priority of the DAF and vaccine appointments can be difficult to reschedule. Moreover, 2nd doses medically must be administered within specified time frames after the 1st dose. Consequently, supervisors should only disapprove time off for vaccinations under truly mission critical circumstances. Finally, DoD guidance is that employees *shall be granted* administrative leave to obtain vaccinations; therefore, if a Commander or supervisor must disapprove a request due to mission critical circumstances, they must provide other opportunities for the employee to take the administrative leave necessary to get vaccinated.

Q17. What if an employee used personal leave to get vaccinated before we began granting administrative leave to receive the COVID-19 vaccination. Can employees use administrative leave retroactively?

A17. Yes. Employees who were vaccinated prior to the date of the memorandum are authorized to retroactively substitute administrative leave for personal leave taken for their vaccination

event(s), and if used, for associated reasonable recovery time. The retroactive substitution is subject to the same limitations as outlined herein.

Q18. What if an employee experiences side effects and becomes ill after receiving the vaccine, either through the DoD or through their private provider, while on administrative leave? Will they be authorized administrative leave for the period of illness?

A18. Yes, up to 2 workdays for each dose. The administrative leave authorization includes the time spent traveling to and from the vaccination location, time at the vaccination location, and if needed, for a reasonable amount of recovery time. 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.

Q19. 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. Should supervisors still grant administrative leave in these situations?

A19. Yes. DoD policy is to grant administrative leave for duty time spent obtaining COVID-19 vaccinations and, if needed, up to two workdays of recovery time, even when EPL is available for this purpose. Guidance for EPL will be issued under separate policy.

Q20. Can I require that my employees first use the EPL for vaccination and any necessary recovery time before I grant them administrative leave for this purpose?

A20. No. It is DoD policy that supervisors *shall* grant employees up to 4 hours of administrative leave, per vaccination event, to receive COVID-19 vaccinations, and such time 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.

Q21. If an employee receives the vaccine while on administrative leave, and they experience side effects and become ill after receiving the vaccine, would their illness be covered through Workers' Compensation/OWCP?

A21. If an employee believes their illness resulted from a work-related incident (e.g. receiving the vaccine), they may file a workers' compensation claim under the Federal Employees' Compensation Act (FECA). The employee should report the illness to their supervisor as soon as possible and the supervisor should inform the employee to electronically file a form CA-1, Notice of Traumatic Injury, via the U.S. Department of Labor's ECOMP system. Supervisors are responsible for reporting the incident to the AFPC Injury Compensation Branch (DP1TC) as well as requesting a CA-16, Authorization for Exam and/or Treatment, via email at injury.compensation@us.af.mil as soon as possible, but no later than 7 calendar days from the date of the injury. Employees are reminded that their incident must meet all the normal requirements for claim acceptance and that claims are adjudicated by the Department of Labor.

Q22. I have an employee who I believe is in an occupation that requires them to keep their immunizations current. How can I confirm whether this is accurate and if so, is the COVID-19 vaccine included in that requirement?

A22. Even if your employee falls under an occupation where immunizations are required, the COVID-19 vaccination is still voluntary at this time because the FDA Emergency Use Authorizations (EUAs) that cover the current vaccines require that patients are given the opportunity to refuse the vaccine. Some Federal employees in certain occupations may have

immunizations required as a condition of employment. (Typically such positions include medical personnel, Child Development/Youth Center workers, and some other occupations with risk of occupational exposure to contagious diseases.) You should contact your servicing Civilian Personnel Section (CPS) in order to determine whether your employee's position is one that is designated as requiring current vaccinations as a condition of employment.

Q23. I have confirmed with my servicing CPS that my employee is required to keep vaccinations current as a condition of their employment. I know right now the vaccine is voluntary, but if the FDA changes the vaccine designation from Emergency Use Authorization to fully approved, and the DAF subsequently requires the COVID-19 vaccine for those employees who are required to keep immunizations current, can I force an employee to get vaccinated?

A23. No. Management can never force an employee to undergo a medical procedure or treatment, including vaccinations. If an employee who is otherwise required to keep immunizations current refuses to get the COVID-19 vaccination (after the DAF mandates its use), the employee would be subject to the normal disciplinary/adverse action process for failure to follow instructions and/or failure to maintain a condition of employment. Managers should consult with their servicing CPS (Employee Relations) and Legal offices for assistance in such situations.

Q24. I have an employee who has requested/has received a reasonable accommodation of being placed/continued on Weather/Safety Leave related to their higher risk of severe illness from COVID-19. With more and more people getting vaccinated, when can I require them to come back to work?

A24. There is no "one-size-fits-all" answer to this question. Each case and situation must be addressed according to the specific circumstances of that case, including the specific pandemic conditions at the workplace and in the community/region. Employees at higher risk of severe complications from COVID-19 may be entitled to a reasonable accommodation. If an employee requests a reasonable accommodation, the interactive accommodation process must be engaged. Commanders and supervisors are also strongly encouraged to contact their servicing Reasonable Accommodation Coordinator, CPS and legal offices for assistance. While an employee may be determined to be entitled to an accommodation, they are not necessarily entitled to the accommodation of their choosing. An employee who is receiving an accommodation of WSL may have their need for that accommodation re-evaluated, and/or the accommodation adjusted, through the interactive process as conditions change.

Q25. In order to ensure all available doses of vaccine are used, our Commander has asked for lists of volunteers who want to receive the vaccine whenever a dose is available. However, I am concerned about private and/or medical information being gathered/maintained. Should that information be gathered/maintained and am I required to provide it?

A25. The human resources or occupational health office may survey the workforce to determine employee interest in receiving DoD-provided vaccination for the purposes of obtaining an appropriate number of doses and facilitating voluntary vaccination. A list of interested employees should not be retained once it has served its intended purpose of facilitating voluntary participation in DoD-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 inappropriately reveal the person has a medical condition. Additionally, the servicing medical staff may have requirements to request/report certain data in conjunction with the administration of the vaccines. (For example, the vaccine may be contra-indicated for people with certain underlying medical conditions.) Commanders should consult with their servicing MTFs regarding any information needed for this purpose and must ensure that required information is collected/maintained in accordance with the Rehabilitation Act of 1973 and applicable privacy and/or HIPAA guidelines. No one other than authorized medical personnel should collect or maintain specific medical information. Commanders are strongly encouraged to consult with their servicing MTF, Legal, and CPS offices prior to collecting any such information.

Q26. I have an employee on Weather and Safety Leave who is immunocompromised and cannot telework due to the nature of their position. I need them to come back to work. If the rest of the office/work unit gets vaccinated, can I mandate them to return?

A26. Supervisors should avoid mandating the return of employees who are in the higher risk categories or special populations prior to HPCON A, except in the most urgent mission-needs situation. Vaccination status should have no bearing on that decision. The fact that other members of the office have been vaccinated does not mean they can no longer transmit the disease, and thus they may well remain a danger to the employee. Additionally, it will likely be difficult to determine with certainty who within a work unit has been vaccinated to assess the risk to personnel. Although DAF guidance does not impact the authority to recall civilian employees to traditional worksites to meet urgent, mission-essential requirements, effective safeguards and mitigation measures must be put into place to ensure civilian employees are able to travel safely to and from work and perform their jobs in a safe manner. A supervisor should consider and try to find a balance between the risk to the employee and the mission need. Installation, community and individual vaccination levels are just one part of assessing that risk. In addition, an employee who is at higher risk of serious complications from COVID-19, as defined by the CDC, may be legally entitled to reasonable accommodation (under the Rehabilitation Act).

Q27. If a supervisor determines to recall a civilian employee back to the traditional worksite, can an employee refuse?

A27. Supervisors are encouraged to take a collaborative approach to develop a plan for each civilian employee's transition to optimized operations and seek creative, flexible, and tailored solutions. Where duties can be performed by telework, supervisors should maximize telework whenever possible. Where mission needs cannot be met by telework, other new work arrangements should be considered. Ultimately, a supervisor can mandate an employee's return to the traditional worksite. An employee may also request leave under a variety of leave entitlements. Also, even at a stage/phase when most civilian employees have transitioned to optimized operations and/or returned to the traditional worksites (HPCON A), a civilian employee who is at higher risk of serious complications from COVID-19, as defined by the CDC, may be legally entitled (under the Rehabilitation Act) to reasonable accommodation, including full-time telework or possibly WSL.

Q28. My employees are teleworking and are able to perform all of their job duties that way. Do I have to recall them to the worksite if they get vaccinated?

A28. No. It remains DAF policy to maximize telework whenever possible. Where employees are able to perform the full range of their duties through telework, or where there is not an urgent mission need for the remaining duties to be performed in the immediate future, supervisors may determine not to recall those employees. Vaccination status should have no bearing on that decision. Per DoD policy and law, an employee's decision whether to be vaccinated is voluntary and information about an employee's vaccination status is not necessary for supervisors to make decisions about how and when employees will report to the regular worksite instead of continuing telework.

Q29. I'm a civilian employee and I've been teleworking successfully during the COVID-19 pandemic, but my supervisor has determined that we must all return to the regular worksite when the pandemic subsides. Can I be approved to continue teleworking full-time post-COVID?

A29. Telework is not an entitlement and Commanders and supervisors are responsible for determining employee/position telework eligibility. There are a variety of factors that must be considered in making such determinations and ultimately, it may be determined that permanent telework is not in the best interests of the DAF.

Q30. I have been teleworking due to my worksite being closed and I am able to perform all of my job duties this way. Now that everyone is getting vaccinated, our office is reopening. Do I have to return to my traditional worksite or can I continue to telework full time?

A30. It remains DAF policy to maximize telework whenever possible. Where employees are able to perform the full range of their duties through telework, or where there is not an urgent mission need for the remaining duties to be performed in the immediate future, Commanders and supervisors are encouraged to continue telework. However, telework is not an entitlement and Commanders and supervisors retain authority to approve or disapprove telework arrangements.

Q31. If an employee is designated as an 'emergency employee', non-telework eligible, AND is at higher risk of COVID-19 as defined by the CDC, can the employee still be ordered to report to the worksite based on their 'emergency employee' designation?

A31. Yes, a civilian employee designated as an "emergency employee" who is non-telework eligible and at higher risk of COVID-19 complications, can be required to report to the worksite or an alternative worksite. Wing Commanders (or Complex Commanders or equivalent) retain ultimate decision authority with respect to mission criticality and safety when there is a disagreement between management and individual employees with respect to their recall. However, effective safeguards and measures *must* be put in place to ensure that all higher risk emergency employees who are required to work, or who are recalled from WSL, are able to safely travel to and from work and perform their jobs on site in a safe manner. Commanders and supervisors are encouraged to take a collaborative approach in working with their civilian employees to develop plans for each civilian employee's transition to optimized operations and seek creative, flexible, and tailored solutions. In addition, an employee who is at higher risk of serious complications from COVID-19, as defined by the CDC, may be legally entitled to reasonable accommodation (under the Rehabilitation Act).

Q32. My supervisor has notified me that I will be required to return to the traditional worksite and has offered me an opportunity to get vaccinated through the DoD. I believe I am at a higher risk for COVID-19 and I want to continue to telework to minimize my risk. What can I do?

A32. Whether you receive the vaccine is entirely your decision and you cannot be ordered or coerced into receiving it. Additionally, an employee's vaccination status is not necessary for supervisors to make decisions about how and when employees will report to the regular worksite instead of continuing telework. It remains DAF policy to maximize telework whenever possible. Moreover, a civilian employee at higher risk under the CDC classification may have a legal right (under the Rehabilitation Act of 1973, as amended by the Americans with Disabilities Act) to the reasonable accommodation of extended telework, even if other employees have been recalled to the traditional worksite. It will depend on the ability for the employee to safely perform his or her job at the worksite. By law, a request for accommodation requires an individualized assessment of the facts and circumstances (both medical and job) of the particular requesting employee. An employee with a disability that puts them at higher risk from COVID-19 may well be entitled to continued telework as an accommodation. Note that denials of requests for reasonable accommodation should only be made after consultation with the local servicing CPS and legal offices.

Q33. I have employees who have been deemed mission-essential, but who also have self-identified as "higher risk" and were placed on Weather and Safety Leave. Now that we are offering everyone the vaccine, can I recall them to the traditional worksite?

A33. Emergency civilian employees on approved WSL may normally remain on WSL until the threat of transmission lowers. Commanders are reminded that at this time, per DoD policy and law, vaccinations are strictly voluntary for civilian employees and information about an employee's vaccination status is not necessary for supervisors to make decisions about how and when employees will report to the regular worksite. It may be difficult to determine with certainty who within a work unit has been vaccinated to assess the risk to personnel. However, in circumstances where critical, urgent, or mission-essential functions (to include essential maintenance and production tasks or services needed to support the warfighting mission, or to protect people and property) cannot be supported without emergency employees returning to work, management may recall those emergency employees from WSL. Special precautions must be enacted to support the health and welfare of emergency employees, and especially those who are higher risk from serious COVID-19 complications, while also ensuring accomplishment of critical mission requirements. Consistent with mission, supervisors and managers should seek to minimize the number of higher risk emergency employees required to work, by deliberately identifying the required skills, assessing mission impact and considering alternative approaches (such as whether those not at higher risk possess similar skills). Supervisors are encouraged to take a collaborative approach in working with their civilian employees to develop plans for each civilian employee's transition to optimized operations and seek creative, flexible, and tailored solutions. Wing Commanders (or Complex Commanders or equivalent) retain ultimate decision authority with respect to mission criticality and safety when there is a disagreement between management and individual employees with respect to their recall. Effective safeguards and measures must be put in place to ensure that all higher risk emergency employees who are required to work, or who are recalled from WSL, are able to safely travel to and from work and perform their jobs on site in a safe manner. Moreover, a civilian employee at higher risk under the CDC classification may have a legal right (under the Rehabilitation Act of 1973, as amended by the Americans with Disabilities Act) to reasonable

accommodation, even if other employees have been recalled to the traditional worksite. Commanders must assess these situations in consultation with Medical, Legal and Civilian Personnel advisors.

Q34. I have been on Weather and Safety Leave because I cannot do my job remotely. My supervisor has notified me that because so many people are getting vaccinated, I will be required to return to the traditional worksite soon. I believe I am still at a higher risk for COVID-19 and I want to continue to stay home to minimize my risk. What can I do?

A34. Civilian employees on approved WSL may normally remain on WSL until the threat of transmission lowers. Healthy civilian employees always have the option to request personal leave (e.g., annual, advanced annual, LWOP, compensatory time off) for safety reasons and supervisors and managers are encouraged to approve such requests as appropriate. Also, even under HPCON A, CDC-designated Higher Risk and Special Populations may legally be entitled to reasonable accommodation (under the Rehabilitation Act). An employee with a disability that puts them at higher risk from COVID-19 may be entitled to either continued telework or continued leave (of some form) as an accommodation. By law, the request for accommodation requires an individualized assessment of the facts and circumstances (both medical and job) of the particular requesting employee.

Additionally, during the COVID-19 outbreak, supervisors and managers should seek to minimize the number of higher risk employees required to return to traditional worksites, by deliberately identifying the required skills, assessing mission impact and considering alternative approaches (such as whether those not at higher risk possess similar skills). Supervisors are encouraged to take a collaborative approach in working with their civilian employees to develop plans for each civilian employee's transition to optimized operations and seek creative, flexible, and tailored solutions. Installation Commanders (or equivalent) retain ultimate decision authority with respect to mission criticality and safety when there is a disagreement between management and individual employees (who do not have a disability) with respect to their recall. However, effective safeguards and measures must be put in place to ensure that all higher risk employees who are required to work, or who are recalled from WSL, are able to safely travel to and from work and perform their jobs on site in a safe manner. Civilian employees may self-identify as "higher risk" or as members of "special populations", in accordance with CDC criteria, and supervisors and managers may approve WSL if the employee cannot telework and if adequate safety and mitigation measures cannot be put into place.

Q35. May a supervisor ask employees if they have been vaccinated for COVID-19?

A35. Per DoD policy, as a general matter, supervisors may NOT ask employees if they have been vaccinated. For purposes of acting on a request for administrative leave for vaccination and recovery, supervisors may only 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. Supervisors may ask about an employee's vaccination status only if there is a business *necessity* for the information, as determined on a case-by-case basis. (Examples of a business necessity can be found below.) Currently, COVID-19 vaccines have been approved for use under the terms of 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 the regular worksite instead of continuing telework. 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 that 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. 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.

Q36. May a Commander require that all employees sign a form or other document if they are declining the vaccination?

A36. No. A Commander may not require that an employee sign a form or other document indicating the employee's vaccination status. Per DoD policy, as a general matter, supervisors may **not** ask employees if they have been vaccinated, and requiring employees to sign a form or document indicating their declination of the vaccine would inherently require them to disclose their vaccination status. Any document that indicates the employee's vaccination status, if obtained involuntarily, should be destroyed or returned to the employee.

Q37. 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?.

A.37 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.

Q38. May a commander or supervisor require proof of vaccination?

A38. No. The vaccines are currently voluntary and per DoD policy, as a general matter, supervisors may **not** ask employees if they have been vaccinated. Compelling employees to provide proof of vaccination status undermines the voluntary nature of the vaccine and vaccination status. Even if an employee falls under an occupation where immunizations are required, the COVID-19 vaccination is still currently voluntary for all individuals. Some Federal employees in certain occupations may have immunizations required as a condition of employment, however. (Typically such positions include medical personnel, Child Development/Youth Center workers, and some other occupations with risk of occupational exposure to contagious diseases.) At this time, proof of vaccination does not provide proof of protection of the force. These novel vaccines are designed to protect people from severe symptoms and death. We do not yet know whether it will keep people from contracting COVID-19, becoming mildly ill, or transmitting the virus, or whether the current vaccines have similar efficacy against new variants of the virus. Therefore, Commanders must continue to implement/use all available mitigation strategies (i.e., maximizing telework, mandatory mask wearing for all individuals, minimum 6-foot physical distancing, etc.), and continue to protect vulnerable populations. Vaccination status is not a determinative factor when analyzing whether employees can or should return to the regular worksite. Per DoD policy, information about an

employee's vaccination status is not necessary for supervisors to make decisions about how and when employees will report to the regular worksite.

Q39. My employees perform the vast majority of their duties in a secure environment (SCIF), which is also fairly "close quarters", and are not telework eligible. Am I permitted to ask them whether they have been vaccinated and require them to report to the regular work site?

A39. Per DoD policy, 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 the information, *as determined on a case-by-case basis*. In accordance with current DoD policy, **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 the regular worksite. 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 that an employee *voluntarily* provide information about the employee's vaccination status. 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. (Please see questions #7, 24, 26, 27, 31, 33 and 34 regarding requiring employees to return to the regular work site.)

Q39. Where do supervisors or Commanders go if they have additional questions about vaccinating civilian employees?

A39. Commanders or supervisors should consult their servicing CPS (Employee Relations), MTF, and/or Legal offices if they have additional questions.