



# New Pay and Leave Rules to Assist Agencies and Employees During a Pandemic Health Crisis

*Working for America*

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT





# New Regulations

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- Interim Regulations: Locality-Based Comparability Payments and Evacuation Payments (71 FR 47692)
- Final Regulations: Absence and Leave (71 FR 47693)
- Issued on August 17, 2006
- Effective on September 18, 2006



# Evacuation Payments During a Pandemic Health Crisis

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- Evacuation payments may be authorized when employees are ordered to evacuate their regular worksite during a pandemic health crisis
- Evacuated employee may be required to perform work from home (or alternative location) that is considered necessary or required to be performed during the evacuation



# Evacuation Payments During a Pandemic Health Crisis

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- Evacuation payments must be based on employee's regular rate of pay, including applicable allowances, differentials, and other authorized payments
- Evacuation payments may not continue for more than 180 calendar days
- Agency head may grant additional special allowance payments to offset direct added expenses incidental to performing work from home/alternative location



# Evacuation Payments During a Pandemic Health Crisis

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- Interim regulations are available on OPM's Web site at <http://www.opm.gov/fedregis>
- New fact sheet, *Evacuation Payments During a Pandemic Health Crisis*, is available on OPM's Web site at <http://www.opm.gov/oca/pay/html/PandEvac.asp>
- Sample agency plan is available on OPM's Web site at <http://www.opm.gov/oca/pay/html/PandEvacPlan.asp>



# Official Worksite Determinations

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- Certain location-based pay entitlements, such as locality payments, are based on the location of the employee's official worksite
- Generally, official worksite for a telework employee is the location of the main office, provided the employee is scheduled to report at least once a week on a regular and recurring basis to that office



# Official Worksite Determinations

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- During an emergency situation, such as a pandemic health crisis, an agency may make a temporary exception and not require a telework employee to report once a week to the main office
- In such emergency situations, the employee would continue to receive locality rate for the location of the main office





# Official Worksite Determinations

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- Interim regulations are available on OPM's Web site at <http://www.opm.gov/fedregis>
- Revised fact sheet, *Official Worksite for Location-Based Pay Purposes*, is available on OPM's Web site at [http://www.opm.gov/oca/pay/html/Official\\_Duty\\_Station.asp](http://www.opm.gov/oca/pay/html/Official_Duty_Station.asp)





# Sick Leave

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- Final regulations remove requirement for employee to maintain a balance of 80 hours of sick leave in order to use the maximum amount of sick leave available for family care
- Final regulations will assist employees who may be required to care for a family member in the event of a pandemic health crisis



# Sick Leave

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- A full-time employee may use up to 104 hours (13 workdays) of sick leave for general family care and bereavement purposes and up to 480 hours (12 workweeks) of sick leave to care for a family member with a serious health condition
- An agency may advance a maximum of 30 days of sick leave for a serious disability or ailment of the employee or a family member or for purposes related to the adoption of a child



# Sick Leave

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- An employee must provide administratively acceptable evidence as to the reason for the use of sick leave no later than 15 calendar days after the date the agency requests documentation
- If an employee is unable to provide the requested certification, despite diligent good faith efforts, the employee must provide such certification within a reasonable period of time, but not later than 30 calendar days