

### Information for Department of Defense Nonappropriated Fund Employees, and HR Specialists

## INTRODUCTION

This attachment provides a general summary of the HR flexibilities and authorities available to assist Department of Defense (DoD) nonappropriated fund (NAF) employers and employees dealing with exposure to communicable diseases and influenza. As a reminder, when coping with communicable diseases, good health habits like consistent hand washing and staying home when sick are important.

Where necessary, agencies should consider implementing social distancing, including the use of telework as described below. For specific communicable diseases such as the coronavirus, agencies should follow the prevention guidelines outlined by the Centers for Disease Control and Prevention (CDC), Occupational Safety and Health Administration (OSHA).

## PAY, LEAVE, AND BENEFITS

Refer NAF employee questions to the DoD NAF Component servicing Human Resources Offices (HRO). Refer DoD NAF HRO questions to the applicable Component Headquarters offices or to:

[dodhra.mc-alex.dcpas.mbx.naf@mail.mil](mailto:dodhra.mc-alex.dcpas.mbx.naf@mail.mil)

## LEAVE AND OTHER PAID TIME OFF

In accordance with DoDI 1400.25, Volume 1405, NAF employees must be treated the same as appropriated fund employees in emergencies such as exposure to communicable diseases and influenza.

The Federal Government offers numerous leave and workplace flexibilities to assist employees who are affected by emergencies, including outbreaks of communicable diseases such as coronavirus or influenza. Under current law and regulations, employees may use sick leave, annual leave, advanced annual and/or sick leave, leave without pay, donated leave under the Voluntary Leave Transfer and Leave Bank Programs, and other paid time off such as compensatory time off and alternative work schedule (AWS).

Employees have the right to request work schedule flexibilities without fear of retaliation.

## SICK LEAVE

An employee is entitled to use an unlimited amount of accrued sick leave when he or she is unable to perform his or her duties due to physical or mental illness or is receiving medical examination or treatment.

The use of sick leave for exposure to a communicable disease would be appropriate even if the employee were not sick. Use of sick leave would be limited to circumstances where exposure alone would jeopardize the health of others and would only arise in cases of serious communicable diseases where Federal isolation and quarantine are authorized. For more information, visit the CDC website:

<http://www.cdc.gov/quarantine/AboutLawsRegulationsQuarantineIsolation.html>, which provides an illustrative, but not exhaustive, list of the types of serious communicable diseases where exposure alone would jeopardize the health of others.

Sick Leave for Personal Needs fact sheet: <http://www.opm.gov/oca/leave/HTML/perssklv.asp>.

### **LEAVE WITHOUT PAY (LWOP)**

When all paid leave is exhausted, LWOP may be approved for NAF employees for up to one year.

### **MILITARY LEAVE**

In calculating military leave for NAF employees activated in support of an emergency situation, an 8-hour civilian workday is the basis for accruing and using 1 day of military leave. An employee will not be charged military leave for hours that he/she would not otherwise work, such as during regularly scheduled days off. Military leave is pro-rated for part-time employees. Detailed information may be found at the [OPM Pay and Leave website](#).

### **FAMILY MEDICAL LEAVE ACT (FMLA)**

NAF employees may be eligible for up to 12 workweeks of LWOP (accrued paid leave may be substituted for unpaid leave). Summaries of key FMLA rules are found at [the OPM FMLA website](#) (see leave administration). During approved periods of FMLA leave, employees enrolled in the NAF Health Benefits Program (HMO or non-HMO) may continue medical and dental health insurance coverage.

### **LEAVE DONATION**

The Heads of DoD NAF Components may establish leave donation programs to assist eligible employees who are unable to report for work because of exposure to communicable diseases. Leave may be donated from/to individual employees, or leave banks may be established. The transfer of leave between appropriated and nonappropriated fund employees for the purpose of donations is prohibited. NAF employees who have a need to receive donated leave should contact the servicing NAF HRO.

### **FLEXIBLE AND COMPRESSED WORK SCHEDULES**

NAF employers are encouraged to make full use of all available flexible work schedule authorizations in order to accommodate employees dealing with the effects of exposure to communicable diseases.

### **TELEWORK**

Where positions are conducive for telework, NAF employers may permit employees to work off-site, either at telework centers, alternate work areas, or home. Telework is a particularly important tool to mitigate the spread of communicable diseases or influenza by promoting social distancing and to assist employees in balancing their ongoing work responsibilities with the need to care for their families.

Agencies should maximize their telework capacity by entering into telework agreements with as many telework-eligible employees as possible and by conducting exercises to test employees' ability to access agency networks from home. Managers should ensure that there are effective processes in place for communicating efficiently with employees who are teleworking. This option provides a means for management to maintain operations.

### **DOD NAF HEALTH BENEFITS PROGRAM (HBP)**

The DoD NAF HBP's third-party claims administrator, Aetna, may remove barriers to access for needed health care and ease administrative burdens for members during a crisis. If members need assistance with their health plan coverage, call the Members Services number on the back of their identification card or go to <https://www.nafhealthplans.com/contact/>.

### EMPLOYEE ASSISTANCE PROGRAM (EAP)

EAP may play an active role helping organizations prevent and cope with workplace violence, trauma, and other emergency response situations.

### INJURED EMPLOYEES

NAF employees who have an on the job injury because of exposure to a communicable disease may file for a workers' compensation claim through the provisions of the Longshore and Harbor Workers' Compensation Act.

The Department of Labor regulates NAF Workers' Compensation programs, which are self-insured and self-administered. Upon injury at work, NAF employees should contact the servicing NAF HRO.

For information about the Longshore and Harbor Workers' Compensation visit:  
<https://www.dol.gov/owcp/dlhwc/>

Find Department of Labor LHWC forms here: <https://www.dol.gov/owcp/dlhwc/lforms.htm>

## HOW TO HELP

### LEAVE DONATIONS

The Emergency Leave Transfer Program (ELTP), established by OPM when directed by the President, allows an employee to donate annual leave to employees adversely affected by a major disaster or, emergency such as a pandemic influenza. An employee is **not required to exhaust their available paid leave** before receiving donated annual leave.

Emergency Leave Transfer Program fact sheet: <http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/emergency-leave-transfer-program/>

An employee who is unable to do so on their own may apply through a personal representative (5 CFR 630.1105).

## FREQUENTLY ASKED QUESTIONS

### What does an alternate work site mean?

An alternate work site is any location other than the employee's official duty station where an employee can perform assigned work (e.g., the employee's home, a telework center, an alternate Government office-space).

### Do the guidelines issued for appropriated fund employees cover NAF employees?

Eligible NAF employees have authorization to receive evacuation pay, transportation, and subsistence allowances under the same guidelines as appropriated fund employees. NAF pay, leave, and benefits are comparable to those provided to appropriated fund employees, but may differ in procedures and guidelines. You should contact your servicing NAF HRO or your NAF Component for assistance.



## Human Resources Flexibilities and Authorities for Dealing with Communicable Diseases and Influenza

### POINTS OF CONTACT

#### **NAF Personnel Policy:**

Refer questions to the applicable Component Headquarters offices or to:

(571) 372-1560 or [dodhra.mc-alex.dcpas.mbx.naf@mail.mil](mailto:dodhra.mc-alex.dcpas.mbx.naf@mail.mil)