

**Key points:**

- **Weather & safety leave can be granted in certain situations when employee isn't sick**
- **Symptomatic employees should use sick leave for absence**
- **Be reasonable on medical documentation requests**

**Know when sick leave, weather & safety leave can be granted during COVID-19 pandemic**

By Christine M. Bulger, Esq., **cyberFEDS®** Legal Editor

**CHART:** Office of Personnel Management [guidance](#) on HR flexibilities and authorities for handling the [coronavirus pandemic](#) primarily recommends the use of telework to both allow employees to continue working and to utilize the benefits of social distancing. However, some employees may be personally affected by the virus, whether through quarantine, exposure, personal infection, or infection of a family member. If telework is not an option for these employees, [weather & safety leave](#) and [sick leave](#) may be granted when appropriate.

The following table explains the situations where weather & safety leave and sick leave may be granted, according to OPM's [guidance](#). Note that "asymptomatic" means not exhibiting symptoms, and "symptomatic" means exhibiting symptoms.

| Situation   | May weather & safety leave be granted? | May sick leave be approved? |
|---|--|-----------------------------|
| <b>Asymptomatic employee</b> chooses to stay home because she has been in direct contact with an individual exposed to COVID-19   | No                                     | No                          |
| Local health authority has directed <b>asymptomatic employee</b> who has been exposed to COVID-19 to quarantine or isolate  | Yes                                    | No                          |
| Local health authority has determined <b>asymptomatic employee</b> who has been exposed to COVID-19 would jeopardize the health of others if allowed to return to work. | Yes                                    | No                          |
| Local health authority has determined <b>symptomatic employee</b> who has been exposed to COVID-19 would jeopardize the health of others if allowed to return to work.  | No                                     | Yes                         |

|  |           |            |
|--|-----------|------------|
| <b>Formerly asymptomatic employee</b> who has been receiving weather & safety leave due to exposure to COVID-19 <b>becomes symptomatic</b> | <b>No</b> | <b>Yes</b> |
| Employee must stay home to care for <b>asymptomatic family member</b> who was exposed COVID-19   | <b>No</b> | <b>No</b>  |
| Employee must stay home to care for <b>symptomatic family member</b> who was exposed COVID-19  | <b>No</b> | <b>Yes</b> |

If the employee doesn't qualify for weather & safety leave or sick leave in these situations, she would have to use some other form of paid time off (for example, annual leave or compensatory time off) or leave without pay.

### **Medical documentation**

Employees aren't required to provide a doctor's note when they request to use three days or more due to illness from COVID-19. Under [5 CFR 630.405](#) (a), an agency may grant sick leave only when the need for sick leave is supported by administratively acceptable evidence. An employee's self-certification as to the reason for her absence can serve as administratively acceptable evidence, regardless of the duration of the absence.

OPM's guidance provides that supervisors should use their best judgment and follow the agency's policies for granting leave. However, agencies need to be mindful about the burden they place on an employee if a medical certificate is required. The medical community is likely to be extremely overburdened by patients suffering from COVID-19, and employees may have a difficult time attempting to secure medical documentation.