

HUMAN CAPITAL PLANNING FOR PANDEMIC INFLUENZA

Information for Departments and Agencies
U.S. Office of Personnel Management
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Introduction:

Workforce Implications of Pandemic Influenza

Pandemics have occurred intermittently over centuries. The last three pandemics, in 1918, 1957 and 1968, killed approximately 40 million, 2 million and 1 million people worldwide, respectively. Although the timing cannot be predicted, history and science suggest that we will face one or more pandemics in this century.

It is impossible to know whether the currently circulating H5N1 virus will cause a human pandemic. The widespread nature of H5N1 in birds and the likelihood of mutations over time raise our concerns that the virus will become transmissible between humans, with potentially catastrophic consequences. If this does not happen with the current H5N1 strain, history suggests that a different influenza virus will emerge and result in the next pandemic.

People accomplish the mission of Federal agencies, and a potential pandemic influenza outbreak may compromise the ability of Federal agencies to accomplish their mission. Therefore, Federal agencies must plan to deal with the potential human capital implications. If a pandemic influenza outbreak spreads, Federal employees may be infected or exposed. Their families may be incapacitated, and their options for getting to work may be limited. There may also be a need to limit potential exposure. Many employees and their supervisors will have questions about their rights, entitlements, alternative work arrangements, benefits, leave and pay flexibilities, and hiring flexibilities available during the turmoil created by the pandemic.

This handbook provides guidance and information on the programs and flexibilities available to Federal managers and employees to help deal with the effects of a potential pandemic outbreak. When circumstances warrant, OPM also will issue additional guidance to address issues that may arise during a pandemic influenza outbreak regarding the use of leave, telework arrangements, hiring flexibilities, and other human resources matters. This handbook will assist agencies and employees in understanding and using these flexibilities.

Increasingly, agencies rely upon contractors to perform many of the essential functions of the agency. Agencies are encouraged to contact their procurement staff for advice and guidance on dealing with human capital issues associated with contractors and contract workers.

Guidance on Human Capital Management Index and Quick Reference Guide

www.opm.gov/pandemic/reference

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- Medical Evaluation Program Guidance

Hiring Flexibilities

[To access links, go to <http://www.opm.gov/pandemic/agency1c-hiring.pdf>]

Hiring Flexibilities You Can Use Now Without OPM Approval

Direct Hire Authorities (DHA) (Governmentwide and Already Approved) –

An agency may immediately appoint any qualified individual to the following medical occupations at all grades and geographic locations after issuing public notice: Diagnostic Radiologic Technologist, GS-0647; Medical Officer, GS-0602; Nurse, GS-0610, GS-0620; and Pharmacist, GS-0660. Hiring timeframes are reduced drastically because rating, ranking, and veterans' preference do not apply. However, OPM encourages appointing qualified veterans' preference eligibles whenever possible. [Link to guidance](#)

30-Day Critical Need Appointment – This authority may be useful to immediately appoint individuals with specialized knowledge, skills, abilities, or competencies to address the outbreak while the agency explores other longer-term staffing options. Agencies may make 30-day appointments and may extend them for an additional 30 days. (5 CFR 213.3102(i)(2)) [Link to guidance](#)

1-Year, 1040 Work Hours per Year Appointments in Remote/Isolated Locations –

This authority may be useful to immediately handle an outbreak affecting only an isolated area. It allows 1-year, 1040 work hours per year in remote/isolated locations. Agencies may appoint individuals for up to 1 year to work less than 1040 hours per year. Appointments may be extended in 1-year increments indefinitely. (5 CFR 213.3102(i)(1)) [Link to guidance](#)

Reemploying Former Federal Employees – Agencies may reappoint people previously employed under a career or career-conditional appointment by reinstatement to a competitive service position. (5 CFR 315 subpart D) [Link to guidance](#)

Reemploying Annuitants Without Salary Offset Waiver – Agencies have the authority to reappoint individuals who are willing to work without a salary offset waiver through any applicable hiring authority (e.g., a temporary appointment under 5 CFR part 316). (5 U.S.C. 8344 or 8468)

[Link to guidance for CSRS annuitants](#)

[Link to guidance for FERS annuitants](#)

Employing Faculty Members – This authority may be useful to hire top scientists from academia to assist agencies in medical research. Agencies may appoint faculty members holding full faculty status from accredited colleges and universities, to scientific, professional, or analytical positions. Appointments are limited to 130 working days per year. (5 CFR 213.3102(o)) [Link to guidance](#)

Career Transition Assistance Plan (CTAP) and Interagency CTAP (ICTAP) –

Advertising in the local commuting area to determine if individuals eligible under these programs are available may help agencies identify previously unknown, well-qualified, displaced Federal employees for immediate temporary, term, or permanent employment. These programs provide selection priority to well-qualified current and former displaced employees. (5 CFR 330, subparts F and G)

[Link to CTAP guidance](#)

[Link to ICTAP guidance](#)

Agency Reemployment Priority List (RPL) – Current and former employees on agency RPLs are another immediate source of qualified individuals available for temporary, term, or permanent competitive service appointments. The RPL provides selection priority for agency employees who will be or were separated by reduction in force or who have recovered from a work-related injury after more than 1 year. (5 CFR 330) [Link to guidance](#)

120 Days or Less Appointments – An agency may appoint an employee with specialized skills or competencies from another agency for up to 120 days without regard to CTAP or ICTAP selection priority. (5 CFR 330, subparts F and G) [Link to guidance](#)

Using Private Sector Temporaries – Agencies may contract with private sector temporary firms for services to meet their emergency needs. These contracts may be for 120 days and may be extended for an additional 120 days subject to displaced employee procedures. Agencies considering this flexibility should contact their procurement staff. (5 CFR 300, subpart E) [Link to guidance](#)

Hiring Flexibilities Which Require OPM Approval

1-Year Temporary Emergency Need Appointments – OPM may grant use of this authority in response to an outbreak (e.g., to specific agencies and/or geographic locations) or upon request by an agency affected by a pandemic influenza outbreak. (5 CFR 213.3102(i)(3)) [Link to guidance](#)

Reemploying Annuitants Without Salary Offset – Agencies may want to consider bringing retirees back to work in emergency situations or to supplement their workforce during a pandemic influenza outbreak. Upon request, OPM may delegate agency heads authority to waive the dual compensation reduction (salary offset) otherwise required for reemployed Federal civilian annuitants. OPM cannot approve waivers retroactively. (5 CFR 553, subpart B) [Link to guidance](#)

Agency-Specific Schedule A and B Appointments – OPM may authorize excepted service appointment authority for specific positions when competitive examining is not practical. (5 CFR 213) [Link to guidance](#)

Agency-Specific Direct Hire Authority (DHA) – Agencies may request Direct Hire Authority (DHA) for positions they need to fill based on a critical hiring need or severe shortage of candidates. OPM will expedite requests for agency-specific direct hire authority. (5 CFR 337, subpart B) [Link to guidance](#)

Reemploying Buyout Recipients – Agencies may also want to rehire retirees or others who left the Federal Government with buyouts. Depending upon the specific statute under which the retiree received the buyout, agencies may request a repayment waiver from OPM in unusual circumstances. Persons being considered for waivers must be the only qualified applicants available for the positions and possess expertise and special qualifications needed to respond to emergencies. (5 CFR 576, subpart B) [Link to guidance](#)

SES Limited Emergency Appointments – Agencies have the authority to make SES Limited Emergency appointments to career employees. OPM may approve agencies' requests to appoint individuals who are not current career employees, and will consider temporary space allocations for agencies who identify the need as essential. (5 CFR 317.601) [Link to guidance](#)

OPM's Federal Hiring Flexibilities Resource Center

At OPM, our priority is to help Federal human resources specialists improve on the time it takes to hire new talent. In recent years, Congress has enacted a number of important new hiring flexibilities. These new authorities, coupled with those already existing, have the potential for dramatically improving your ability to get the right people in the right jobs at the right time. The **Federal Hiring Flexibilities Resource Center** provides you with a toolkit on using hiring flexibilities. [Link to the Resource Center](#)

Leave Flexibilities

[To access links, go to www.opm.gov/pandemic/agency1d-leave.pdf]

The Federal Government offers numerous leave flexibilities to assist employees who are affected by a pandemic influenza:

Sick Leave – An employee may use any or all accrued sick leave when he or she is unable to perform his or her duties due to physical or mental illness; is receiving medical examination or treatment; or when he or she would, as determined by the health authorities or a health care provider, jeopardize the health of others because of his or her exposure to a communicable disease.

[Link to guidance](#)

Sick Leave for General Family Care and Bereavement – An employee may use a total of up to 104 hours (13 days) of sick leave each leave year to provide care for a family member who is ill or receiving medical examination or treatment or to make arrangements necessitated by the death of a family member or attend the funeral of a family member. The amount of sick leave permitted for family care and bereavement purposes is pro-rated for part-time employees and employees with uncommon tours of duty in proportion to the average number of hours of work in the employee's regularly scheduled administrative workweek.

[Link to guidance](#)

Sick Leave To Care for a Family Member with a Serious Health Condition – An employee may use a total of up to 12 workweeks of sick leave each leave year to care for a family member with a serious health condition. If an employee has already used 13 days of sick leave for general family care and bereavement purposes (discussed above), the 13 days must be subtracted from the 12 weeks.

[Link to guidance](#)

Annual Leave – An employee may use any or all accrued annual leave for personal needs, such as rest and relaxation, vacations, medical needs, personal business or emergencies, or to provide care for a healthy or sick family member, including providing child care when a child care center is closed due to a pandemic. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken.

[Link to guidance](#)

Advance Annual and/or Sick Leave – If an employee has exhausted his or her accrued annual or sick leave, he or she may request advance annual and/or sick leave. The amount of annual leave that may be advanced may not exceed the amount the employee will accrue during the remainder of the leave year. A maximum of 30 days of sick leave may be advanced for an employee's serious disability or illness. [Link to guidance](#)

Leave Without Pay (LWOP) – If an employee has exhausted his or her available annual or sick leave or other forms of paid time off, he or she may request leave without pay (LWOP). LWOP is a temporary nonpay status and absence from duty that, in most cases, is granted at the employee's request. [Link to guidance](#)

Family and Medical Leave – An employee may invoke his or her entitlement to **unpaid** leave under the Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, an employee may take up to 12 weeks of leave without pay for a serious health condition that prevents an employee from performing his or her duties or to care for a spouse, son or daughter, or parent with a serious health condition. An employee may substitute his or her accrued annual and/or sick leave for unpaid leave in accordance with current laws and regulations governing the use of annual and sick leave. [Link to guidance](#)

Excused Absence (Administrative Leave) – *OPM will consult with Federal agencies and Administration officials to develop a consistent, Governmentwide approach to the use of excused absence in appropriate circumstances.*

Donated Leave

If an employee has a personal or family medical emergency or is adversely affected by a major disaster or emergency, he or she may qualify for donated annual leave from the Federal voluntary leave transfer program, voluntary leave bank program, and/or emergency leave transfer program.

Voluntary Leave Transfer Program – The voluntary leave transfer program allows Federal employees to donate annual leave to assist another Federal employee who has a personal or family medical emergency and who has **exhausted his or her own available paid leave**. All agencies must establish a voluntary leave transfer program. [Link to guidance](#)

Voluntary Leave Bank Program – The voluntary leave bank program allows Federal employees who are members of the agency's voluntary leave bank to receive donated annual leave from the leave bank if the employee experiences a personal or family medical emergency and has **exhausted his or her own available paid leave**. An agency is not required to establish a voluntary leave bank program. [Link to guidance](#)

Emergency Leave Transfer Program – An emergency leave transfer program, established by OPM when directed by the President, allows an employee in any Executive agency to donate annual leave for transfer to Federal employees who are adversely affected by a major disaster or emergency, such as a flood, earthquake, tornado, bombing, or a pandemic influenza. An employee is **not required to exhaust his or her available paid leave** before receiving donated annual leave. [Link to guidance](#)

Other Paid Time Off

An employee may use earned compensatory time off, compensatory time off for travel, and/or credit hours if he or she is unable to report for work as a result of a pandemic influenza.

Compensatory Time Off – Compensatory time off is earned time off with pay in lieu of overtime pay for overtime work. [Link to guidance](#)

Compensatory Time Off for Travel – Compensatory time off for travel is earned time off with pay for time spent in a travel status away from the employee’s official duty station when such time is not otherwise compensable. [Link to guidance](#)

Credit Hours – Credit hours are hours an employee elects to work, with supervisory approval, in excess of the employee’s basic work requirement under a **flexible work schedule**. [Link to guidance](#)

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Miscellaneous

[To access links, go to www.opm.gov/pandemic/agency/1i-misc.pdf]

Medical Evaluation Program Guidance – Agencies may establish periodic examination or immunization programs to safeguard the health of employees whose work may subject them or others to significant health or safety risks due to occupational or environmental exposure or demands. The new programs are enacted through written policies or directives. (5 CFR 339.205) [Link to guidance](#)

Links to Additional Information on Pandemic Influenza

[To access links, go to www.opm.gov/pandemic/agency7-links.pdf]

Direct access to the President's **National Strategy for Pandemic Influenza**:

www.whitehouse.gov/homeland/pandemic-influenza.html

The **Federal Government's one-stop website** for avian and pandemic influenza information:

www.pandemicflu.gov

Department of Health and Human Services, **Centers for Disease Control websites** providing access to U.S. Government Pandemic Influenza information and other useful information at:

www.cdc.gov/flu.

www.cdc.gov/germstopper/work.htm