

QUICK REFERENCE GUIDE

Workers' Comp and COVID

Am I Eligible?

CONTRACTING COVID-19

A Federal employee who contracts COVID-19 while in performance of their job duties would have the full coverage of the Federal Employees' Compensation Act (FECA) for related medical treatment and for wage loss or disability related to that condition.

COVID-19 VACCINATION

Prior to September 9th a Federal employee who sustains injuries as a result of deleterious effects of the COVID-19 vaccine (furnished or sponsored by NIH), would have the full coverage under FECA for related medical treatment and for wage loss or disability.

After September 9th President Biden issued an executive order mandating COVID-19 vaccination for most Federal employees. As a result, a Federal employee who sustains injuries as a result of deleterious effects of the COVID-19 vaccine received following the release of this order, would have the full coverage under FECA for related medical treatment and for wage loss or disability related to that condition.

How Do I File?

To establish coverage for COVID-19, you must submit a medical report from a qualified physician reflecting positive test result for COVID-19 based on established employment-related exposure to COVID-19.

Exposure to COVID-19 alone does not constitute a work-related injury and does not entitle you to medical treatment under the FECA. You must be diagnosed with COVID-19 to potentially be afforded coverage.

To establish coverage as a result of injuries sustained from the COVID-19 vaccine, you must submit a medical report from a qualified physician indicating that the side-effects of the vaccine caused you to receive medical treatment.

To file a CA-1, Notice of Traumatic Injury, use the Employees' Compensation Operations & Management Portal (ECOMP) at www.ecomp.dol.gov. For more information on filing a CA-1, Traumatic Injury Claim, contact the [NIH Workers' Compensation Office](mailto:wcp@mail.nih.gov) at 301-402-2669 or wcp@mail.nih.gov.

What Type Of Leave Am I Eligible For?

EMERGENCY PAID LEAVE (EPL)

EPL is a paid leave category recently established by the [American Rescue Plan Act of 2021](#). EPL provides employees with up to 600 hours (max \$2,800 bi-weekly) of paid leave for the following reasons:

1. An employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. An employee has been advised by a health care provider to self-quarantine related to COVID-19;
3. An employee is caring for an individual subject to (1) such order/advisory or (2) such advice
4. An employee is experiencing symptoms of COVID-19 and actively seeking (i.e., taking immediate steps to obtain) a medical diagnosis
5. An employee is caring for a child when required because, due to COVID-19 precautions, the child's school or place of care has been closed, or the child is participating in virtual learning

- instruction, or the child's care provider is unavailable
6. An employee is experiencing any other substantially similar condition (as approved by OPM)
 7. An employee is caring for a family member (i) who has a mental or physical disability or who is 55 years of age or older and (ii) who is incapable of self-care
 8. An employee is obtaining immunization related to COVID-19 or recovering from any injury, disability, illness, or condition related to such immunization

This Leave Category Is For Retroactive Use From March 11, 2021 – September 30, 2021.

EXCUSED ABSENCE

Up to 4 hours of excused absence can be provided to employees for travel and vaccination for each individual dose of the COVID-19 vaccine, received either through NIH or an outside source. If employees need more than 4 hours of excused absence for receiving the vaccine or if employees experience symptoms following receipt of the vaccine, they should request sick and/or annual leave to cover their excess absence, or work with their supervisor to discuss other flexibilities such as alternative work schedules. Employees are required to notify their supervisor if they are getting a COVID-19 vaccination during normal tour hours.

WEATHER AND SAFETY LEAVE

Employees who are unable to safely travel to and from work are eligible for weather and safety leave. If an employee is [telework](#) eligible, they would not be eligible for weather and safety leave and should continue to telework unless advised otherwise by their supervisor.

NIH LEAVE BANK/VLTP

The [NIH Leave Bank](#) can provide paid leave to employees who are enrolled as members of the program and experience a personal or family medical emergency, including emergencies related to COVID-19. To receive Leave Bank hours, the member must complete the NIH Leave Bank application packet, including supporting medical documentation and submit it to the Leave Bank Office. For more information, please contact the NIH Leave Bank at 301-443-8393.

The VLTP can also provide paid leave to an NIH employee diagnosed with COVID-19 or who has a qualifying family member requiring their care who is diagnosed with COVID-19. To apply for VLTP hours, the employee should contact their IC's VLTP Coordinator to inquire about the application process.

Can I Telework?

At this time, NIH Leadership's expectation is that everyone who is able to [telework](#) is currently doing so. If you are an employee who is generally eligible to telework and you are asymptomatic but instructed to quarantine, it is the expectation that you are teleworking. If you are ill, it is the general expectation that you are on sick leave. However, if you feel well enough to telework, we encourage you to do so.

If you are an employee who is generally not eligible to telework due to the type of duties you have, but you feel well enough to work from home, please partner with your supervisor to work on identifying any portable duties that may be completed remotely.

Ultimately, we advise that all employees work with their supervisor to determine individual telework capabilities.

Who Can I Contact For More Information?

- NIH Workers' Compensation Program: 301-402-2669 or wcp@mail.nih.gov
- NIH Leave Bank Program: 301-443-8393 or LeaveBank@od.nih.gov
- Workplace Flexibilities Team: WorkFlex@mail.nih.gov