

## **Emergency Paid Leave Under the American Rescue Plan Act of 2021 Frequently Asked Questions**

### **1. What is Emergency Paid Leave?**

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021, which authorized Emergency Paid Leave (EPL) designed to ease the impact of COVID-19 on Federal employees. This leave is available when an employee is unable to work, including telework, due to the impacts of COVID-19 included in the law.

### **2. Who Can Use EPL?**

EPL covers employees under the title 5 annual and sick leave programs. Full-time employees who work 80-hours in a pay period may receive up to 600 hours of paid leave. The maximum amount of leave is prorated for part-time employees and employees on uncommon tours.

### **3. Can I use EPL anytime?**

The leave provisions became effective on March 11, 2021 and extend through September 30, 2021. However, the Act set a limit on how much money can be spent on EPL (\$570M). Once that funding is exhausted, no more EPL can be granted.

### **4. Under What Circumstances is EPL Available?**

EPL is available when an employee cannot work because the employee:

1. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
2. Has been advised by a health care provider to self-quarantine due to COVID-19 concerns.
3. Is caring for an individual subject to an order described above in reason (1) or self-quarantine as described in reason (2).
4. Is experiencing COVID-19 symptoms and is actively seeking a medical diagnosis.
5. Is caring for his or her son or daughter whose school or place of care has been closed, if the school of such son or daughter requires or makes optional a virtual learning instruction model or requires or makes optional a hybrid of in-person and virtual learning instruction models, or the child care provider of such son or daughter is unavailable due to COVID-19 precautions.
6. Is experiencing any other substantially similar condition specified by OPM.
7. Is caring for a family member 1) who has a mental or physical disability or who is 55 years of age or older and 2) is incapable of self-care, without regard to whether another individual is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID-19.
8. Is obtaining immunization related to COVID-19 or is recovering from any injury, disability, illness, or condition related to such immunization (after using any administrative leave provided).

## 5. What are the Pay Rates for EPL?

EPL is paid at the rate you normally receive when you are on annual leave, subject to the biweekly cap. The amount could differ if you receive certain premium pays such as standby pay or night pay.

The pay cap is \$2,800 per pay period, or \$35.00 per hour for those working standard 80-hour pay periods (assuming there are no special pays that impact the final pay rate). You may not be granted EPL if it will take you beyond the pay cap, but you could use annual leave or sick leave to balance out the pay period.

Example: You are caring for your parent who is 70 years old and unable to care for themselves due to dementia. You share care for your parent with several siblings. Your turn to provide care is next pay period. The adult care center where the parent would normally be during your workday is closed due to COVID-19 and you need to be off for a full 80-hour pay period.

- a. Your hourly rate is \$32.00 an hour. You would be eligible for EPL for the full pay period.
- b. Your hourly rate is \$70.00 an hour. You would be eligible for EPL for 40 hours in the pay period. To cover the additional 40 hours, you could request annual or sick leave.

EPL is not available for any other purposes other than those identified above. This leave is available no matter how long you have been an employee.

## 6. How is EPL Granted?

If you meet the one of the stated reasons for use (see Q4), your supervisor will only be able to grant you EPL conditionally until the U.S. Office of Personnel Management (OPM) verifies that funds are still available. Once OPM advises that funds are available, your leave will be approved as EPL. However, if the EPL funds have been depleted, then you will have to substitute another appropriate type of leave or make repayment, if you did not have another type of leave available for use.

Because of the special conditions on the granting of EPL a unique process for handling these leave requests has been developed. If you meet the conditions for using EPL, you must complete and have your supervisor approve a [\*COVID-19 Emergency Paid Leave \(EPL\) Employee Notification and Supplemental Leave Request Form\*](#). The form lists the situations when EPL can be used and specifies what documentation is needed for each one. You will be required to identify which of the reasons apply to your need for leave. The information you will need to supply will depend on the need for leave, e.g., if you are quarantined, waiting for a medical diagnosis, or if you are caring for a son or daughter whose school is closed or place of care is unavailable. Space to provide this information is included in the EPL request form.

You will also be required to sign an [\*Employee Agreement in Connection with Emergency Paid Leave \(EPL\) Provided Under Section 4001 of the American Rescue Plan of 2021\*](#), prior to

requesting EPL for the first time, certifying that you understand EPL is granted conditionally and that if funds are not available, your leave will have to be converted to another type of leave or you will be required to make repayment.

**7. Do I Still Submit a Request for EPL in the Time & Attendance System? How?**

Yes! Employees will also need to submit a request for the leave in the time and attendance system. For all covered employees conditionally using EPL for the below qualifying circumstances, meeting all the required authorizations, you will code the time to **pay code 061 (Administrative Leave – Weather & Safety Leave Used)** with the below associated payroll remarks during the qualifying period from March 11 through September 30, 2021. **It is imperative that the correct pay code and payroll remarks are entered in order for requests to be processed.**

*Note that the use of pay code 061 is an interim solution which enables employees to code such leave as soon as possible. The Interior Business Center (IBC) is developing a specific pay code for EPL which will calculate any pay limits and address retirement service credit adjustments. If using EPL, it is important that employees closely monitor their pay and leave usage to ensure they do not exceed the limits established by this law. If limits are exceeded, employees will be required to repay any overpayments.*

<b>Qualifying Circumstance Reason Code</b>	<b>Description</b>	<b>Payroll Remark</b>
1	Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19	EPL - 1, Occurrence # and dates used
2	Has been advised by a health care provider to self-quarantine due to concerns related to COVID-19	EPL - 2, Occurrence # and dates used
3	Is caring for an individual who is subject to such an order or has been so advised	EPL- 3, Occurrence # and dates used
4	Is experiencing symptoms of COVID-19 and seeking a medical diagnosis	EPL - 4, Occurrence # and dates used
5	Is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, if the school of such son or daughter requires or makes optional a virtual learning instruction model or requires or makes optional a hybrid of in-person and virtual learning instruction models, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions	EPL- 5, Occurrence # and dates used

6	Is experiencing any other substantially similar condition	EPL- 6, Occurrence # and dates used
7	Is caring for a family member with a mental or physical disability or who is 55 years of age or older and incapable of self-care, without regard to whether another individual other than the employee is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID-19	EPL- 7, Occurrence # and dates used
8	Is obtaining immunization related to COVID-19 or is recovering from any injury, disability, illness, or condition related to such immunization	EPL- 8, Occurrence # and dates used

### 8. Can I request EPL retroactively?

If you used leave without pay (LWOP) for any of the qualifying circumstances outlined in Q7 after March 11, you may submit a request to convert the LWOP to EPL. Whether you will be granted EPL will depend on whether the Fund is still available.

If you used other types of paid leave, such as sick leave, after March 11 for the qualifying circumstances, you may also submit a request to convert that leave to EPL. However, be sure to review Q9 and understand the potential impact on retirement benefits. Again, whether you will be granted EPL retroactively will depend on whether Funds are still available.

### 9. Does Using EPL Impact Retirement Benefits?

It could! It is important to note that the Act includes language that *prohibits crediting time spent out of work on approved (not conditional) EPL toward computation of your retirement annuity*. The number of EPL hours utilized will be documented on your retirement record. Any paid EPL will reduce the total service used to calculate your Federal civilian retirement benefit.

EPL remains creditable service for determining an employee's total service credit for the purpose of establishing eligibility for a retirement annuity benefit and for determining an employee's standard rate of basic pay for purposes of calculating the high-3 average salary computation.

### 10. Who Can I Contact if I Have Additional Questions?

If you need additional information, please contact your servicing human resources office.