



# National Postal Mail Handlers Union

**Paul V. Hogrogian**  
*National President*

**Michael J. Hora**  
*National Secretary-Treasurer*

**June Harris**  
*Vice President*  
*Central Region*

**John A. Gibson**  
*Vice President*  
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**David E. Wilkin**  
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**Lawrence B. Sapp**  
*Vice President*  
*Southern Region*

**Don J. Sneesby**  
*Vice President*  
*Western Region*

April 30, 2021

TO: All Local Unions

FROM: Paul Hogrogian, National President  
Michael Hora, National Secretary-Treasurer  
Teresa Harmon, Manager, CAD

RE: **OPM Issues Guidelines/Regulations on COVID-19 Emergency Paid Leave**

The National Office has just received the attached notification from the Postal Service regarding the OPM Guidelines for Use of the COVID-19 Emergency Paid Leave also known as the Emergency Federal Employee Leave (EFEL). On March 11, 2021, President Biden signed into law the American Rescue Plan Act of 2021 (Public Law 117-2). The Act included provisions authorizing emergency paid leave (EPL) for covered Federal employees in specified qualifying circumstances through special funds. The EPL provision in section 4001 of the Act is administered by the U.S. Office of Personnel Management (OPM).

## **General Information from OPM on the Emergency Paid Leave include the following:**

- \$570 million fund administered by OPM.
- EFEL authorized only if paid out of the Fund.
- Covers employees under the title 5 annual leave and sick leave program plus employees of the United States Postal Service
- Applies to qualifying leave taken during period from March 11 through September 30, 2021.
- 8 qualifying circumstances:
  - (1) Subject to Federal, State, or local government quarantine or isolation order related to COVID-19 (including government advisory).
  - (2) Advised by health care provider to self-quarantine due to COVID-19 concerns.
  - (3) Caring for an individual subject to (1) such order/advisory or (2) such advice.
  - (4) Experiencing symptoms of COVID-19 and actively seeking a medical diagnosis.
  - (5) Caring for employee's 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) Experiencing any other substantially similar condition (as approved by OPM).
  - (7) 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, 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.



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(8) Obtaining immunization related to COVID-19 or recovering from any injury, disability, illness, or condition related to such immunization (after using any administrative leave provided by the employing agency).

- Employee must be unable to work (including telework) because of a qualifying circumstance.
- Employee will be required to submit supporting documentation and certifications.
- EPL is paid at same hourly rate as annual leave.
- EPL is a separate leave entitlement used at employee request; employee may not be required to first use any other available paid leave.
- Limitation on EPL hours:
  - \* Biweekly limit (EPL hours allowed only to extent that the value of those EPL hours in a biweekly pay period does not exceed \$2,800 for full-time employee or equivalent limit for part-time employee, which can limit number of leave hours);
  - \* Aggregate limit (total of 600 hours for regular full-time employee or equivalent limits for employees with part-time, seasonal, or uncommon tours);
  - \* Fund exhaustion (no EPL available once the Fund is exhausted).
- Due to possibility of Fund exhaustion, EPL is granted on a conditional basis. If an agency does not receive reimbursement for conditionally granted EPL, that EPL will be cancelled and the employee will be obligated to take action to resolve any overpayment debt.
- In calculating an employee's retirement annuity benefit, total creditable service will be reduced by the amount of EPL used.
  - \* Hours of EPL remain creditable service for purposes of (1) determining an employee's total service credit for the purpose of establishing eligibility for a retirement annuity benefit and (2) determining periods of time during which an employee has a rate of basic pay used in computing an employee's high-3 average rate of basic pay.
  - \* Basic pay generated by EPL is subject to retirement and Thrift Savings Plan (TSP) deductions/contributions. o Time covered by EPL remains creditable service for other purposes (just as other paid leave)—e.g., creditable service for purposes of determining an employee's annual leave accrual rate.
  - \* OPM will be providing instructions on annotating employees' Individual Retirement Record.

## **OPM Requirements for employee to provide documentation (including employee certifications).**

a. For all requests for emergency paid leave (EPL), an employee is required to provide the employing agency with documentation containing the following information as soon as practicable, which in most cases will be when the employee provides notice under paragraph 1:

- (1) Date(s) for which EPL is requested;
- (2) Description of the qualifying circumstance justifying use of EPL;



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**(3)** Written statement (self-certification) that the employee is unable to work (including telework) because of the cited qualifying circumstance and that the employee will meet the conditions associated with the cited qualifying circumstance during the use of EPL; and

**(4)** Written statement (self-certification) meeting the requirements described in C3 indicating that the employee understands

**(A)** that approval of emergency paid leave is conditional upon the availability of monies in the Fund, and

**(B)** what obligations the employee will have if the leave is cancelled due to exhaustion of the Fund. (NOTE: Agencies must have employees sign this statement before approving an employee's first use of EPL. An agency may require a separate certification in connection with each subsequent use of EPL by the employee but is not obligated to do so.)

**b.** To confirm eligibility for EPL for qualifying circumstance (1), an employee must provide to the agency the governmental quarantine or isolation order applicable to the employee.

**c.** To confirm eligibility for EPL based on qualifying circumstance (2), an employee must provide to the agency the name of the health care provider who advised the employee to self-quarantine due to concerns related to COVID-19.

**d.** To confirm eligibility for EPL based on qualifying circumstance (3), an employee must provide to the agency the same documentation described in paragraph b or c, as applicable.

**e.** To confirm eligibility for EPL based on qualifying circumstance (4), an employee must provide to the agency a written self-certification that the employee is experiencing symptoms of COVID-19 and taking immediate steps to obtain a medical diagnosis.

**f.** To confirm eligibility for EPL based on qualifying circumstance (5), an employee must provide to the agency—

**(1)** the name of the son or daughter being cared for;

**(2)** the name of the school, place of care, or child care provider and a brief description of the situation (i.e., closure, use of on-line instruction, unavailability of the child care provider); and

**(3)** a written explanation regarding why the employee's circumstances (e.g., ages of children, number of children, special needs of children, lack of other adults in the home) make the employee unable to work (including telework) during the requested hours of leave.

**g.** To confirm eligibility for EPL based on qualifying circumstance (6), an employee must provide to the agency any documentation the Director of OPM requires or recommends with respect to a particular substantially similar condition.

**h.** To confirm eligibility for EPL based on qualifying circumstance (7), an employee must provide to the agency documentation as follows—

**(1)** the name of the family member with a mental or physical disability and a written certification by the employee that the identified family member has a mental or physical disability (as defined in paragraph D.9.b), if applicable;

**(2)** the name and age of the family member that is 55 years or older, if applicable;

**(3)** a written certification by the employee that the identified family member is "incapable of self-care" (as defined in paragraph D.9.c);

**(4)** the name of the place of care that is closed or the direct care provider that is unavailable and a written explanation of how the closure or unavailability is due to COVID-19; and



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(5) a written explanation regarding why the employee's care responsibilities make the employee unable to work (including telework) during the requested hours of leave.

i. To confirm eligibility for EPL based on qualifying circumstance (8), an employee must provide to the agency a written self-certification that the leave will be (or was) used to obtain immunization related to COVID-19 or to recover from any injury, disability, illness, or condition related to such immunization.

j. In addition to the above generally required documentation requirements, an agency is authorized to request additional reasonable information, explanations, or certifications from an employee if the agency has reason to believe that EPL is not being used for the qualifying circumstance(s) invoked by the employee.

k. Once an employee has met the requirements of paragraphs a through i, as applicable, the agency may grant conditional approval of EPL. However, an agency may deny EPL based on an agency's determination that an employee's justification for the leave is not supported by the documents submitted or any other available facts.

Effective immediately, the Postal Service is requiring that all employees requesting EFEL must provide certain documentation which is listed on the attached.

Additionally all employees who were conditionally approved for EFEL leave under the Postal Service's interim policy, which started on March 11, 2021, must complete an Employee Notification and Leave Request Form, supply additional related documentation and complete the Employee Agreement for the EFEL that was previously approved. The information must be submitted to their respective supervisor within ten days of receiving these forms. Failure to provide these completed signed forms will result in a denial of EFEL. In such cases, the employee's EFEL will be converted to leave without pay (LWOP) and the employee will be liable for repayment of the EFEL taken or the employee may elect to convert the EFEL used to another applicable, paid type of accrued leave.

Please do not hesitate to contact the National CAD should you have any questions.

Cc: National Executive Board  
National/Regional CAD