



COMMITTEE ON
WAYS AND MEANS

House of Representatives
Washington, DC 20515

May 17, 2021

The Honorable Kathleen McGettigan
Acting Director
U.S. Office of Personnel Management
1900 E Street NW
Washington, DC 20415

Dear Acting Director McGettigan:

Thank you for your leadership guiding the Office of Personnel Management (OPM) through the first months of the Biden Administration and for your work to implement the Emergency Paid Leave (EPL) provisions for federal employees in the American Rescue Plan. I write, however, to express my concerns about how EPL guidance issued by OPM has been interpreted by the United States Postal Service (USPS). I urge OPM to issue clarifying guidance so that all USPS employees who need to use EPL to provide child care can do so.

As you know, Congress passed the American Rescue Plan in March in order to fulfill part of President Biden's "Build Back Better" agenda. The American Rescue Plan appropriated \$570 million to the Emergency Federal Employee Leave Fund so that federal workers can receive up to 600 hours of paid leave if they are unable to work between now and the end of September for a number of COVID-related reasons.

Subsequently, OPM issued guidance saying that federal workers are eligible for EPL if they must miss work due to a "qualifying circumstance". One of those qualifying circumstances is "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."

Unfortunately, the USPS has taken the position that its workers are only eligible for EPL if they must provide child care during the hours they would normally work. This interpretation of OPM guidance is unfair to the many USPS workers who work evening and overnight shifts. It is unreasonable to expect a USPS worker to provide child care for the hours when school would normally be open, only to then need to work a full evening or overnight shift. This interpretation punishes the workers whose shifts do not take place during the daytime.

In order to make the American Rescue Plan's EPL provisions available for all USPS workers, no matter what time of day their shifts take place, I urge you to issue guidance clarifying that EPL is available to those who work evening and overnight hours.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "Thomas R. Suozzi".

Thomas R. Suozzi
Member of Congress