

- ☐ For all requests for emergency paid leave, an employee is required to provide documentation containing the following information by submitting Appendix 1, *OPM ARP EPL Employee Notification and Leave Request Form*, as soon as practicable, which in most cases will be when the employee provides notice:
 - ☐ Date(s) for which EPL is requested;
 - ☐ Description of the qualifying circumstance justifying use of EPL;
 - III. 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
 - IV. Written statement (self-certification) by submitting Appendix 2, *OPM Employee Agreement in Connection with ARP EPL*, indicating that the employee understands
 - ☐ 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: Employees must sign this statement before approving an employee’s first use of EPL).

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

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

- ☐ To confirm eligibility for EPL based on qualifying circumstance (3), an employee must provide the same documentation as for qualifying circumstance (1) or (2), as applicable.

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

- ☐ To confirm eligibility for EPL based on qualifying circumstance (5), an employee must provide—
 - ☐ the name of the son or daughter being cared for;
 - ☐ the name of the school, place of care, or childcare provider and a brief description of the situation (i.e., closure, use of on-line instruction, unavailability of the childcare provider); and
 - ☐ 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.

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

- ☐ To confirm eligibility for EPL based on qualifying circumstance (7), an employee must provide documentation as follows—

- i. 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, if applicable;
 - ii. the name and age of the family member that is 55 years or older, if applicable;
 - iii. a written certification by the employee that the identified family member is “incapable of self-care;”
 - iv. 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
 - v. a written explanation regarding why the employee’s care responsibilities make the employee unable to work (including telework) during the requested hours of leave.
- (9) To confirm eligibility for EPL based on qualifying circumstance (8), an employee must provide 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.
- i. In addition to the above generally required documentation requirements, DLA is authorized to request additional reasonable information, explanations, or certifications from an employee if there is reason to believe that EPL is not being used for the qualifying circumstance(s) invoked by the employee.
 - ii. Once an employee has met the requirements and provided documentation, DLA may grant conditional approval of EPL. However, DLA may deny EPL based a determination that an employee’s justification for the leave is not supported by the documents submitted or any other available facts. If the agency questions the validity or adequacy of the employee’s justification, the employee must have an opportunity to provide documentation or further supplement his/her response before EPL is denied. DLA may conditionally approve use of EPL pending receipt of acceptable documentation and other information; however, it must ensure that the employee understands his/her obligations to resolve the overpayment of leave if the final decision is to deny the leave.

5. Effect on Retirement and Other Leave Benefits.

- a. Periods during which emergency paid leave is used is creditable service for the same purposes as other paid leave. For example, periods of time covered by emergency paid leave are creditable service for purposes of determining an employee’s annual leave accrual rate. Also, emergency paid leave generates basic pay that affects other payments and benefits in the same manner as other paid leave. For example, any retirement-creditable basic pay generated by emergency paid leave is subject to employee retirement deductions and agency retirement contributions.

NOTE: For some employees, leave payments may include special payments in addition to regular basic pay. Some of those special payments may be retirement-creditable basic pay (e.g., law enforcement availability pay, standby duty premium pay, the straight-rate portion of overtime pay for hours in a firefighter’s regular tour of duty under 5 U.S.C. 5545b), and some

of those special payments are not retirement-creditable basic pay (e.g., night pay under 5 U.S.C. 5545(a), nonforeign area post differentials and cost-of-living allowances, the non-straight-rate portion of overtime pay for hours in a firefighter's regular tour of duty under 5 U.S.C. 5545b).

- b. Any emergency paid leave provided to an employee under sections 4001, 7103, 7104, and 8008 of the Act reduces the employee's total service used to calculate any Federal civilian retirement annuity benefit (e.g., a Civil Service Retirement System (CSRS) annuity benefit computed under 5 U.S.C. 8339 or a Federal Employees' Retirement System (FERS) annuity benefit computed under 5 U.S.C. 8415). When OPM calculates an employee's retirement annuity benefit, total creditable service will be reduced by the amount of emergency paid leave used.
- c. Hours of emergency paid leave 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.

d. *Examples*

(1) *Example 1:* If an employee retires with 30 years of service and during 2021 received 600 hours of EPL, OPM would reduce the retirement annuity calculation by the 600 EPL hours. Based on the 2087-hour chart, 600 hours of EPL converts to 3 months and 14 days. The retirement annuity calculation would be based on 29 years and 8 months.

(2) *Example 2:* An employee covered by FERS retires at age 57 with 30 years of service and a high-3 average salary of \$75,000. $1\% \text{ of } \$75,000 \times 30 \text{ years of service} = \$22,500$.
 $\$22,500/12 = \$1,875$ monthly annuity

If the same employee received 600 EPL hours in 2021: 600 EPL hours converts to 3 months and 14 days.

$30 \text{ years} - 3 \text{ months } 14 \text{ days} = 29 \text{ years } 8 \text{ months } 16 \text{ days}$

$1\% \text{ of } \$75,000 \times 29 \text{ years and } 8 \text{ whole months } (29.666667) = \$22,250$

$\$22,250/12 = \$1,854$ monthly annuity (rounded down to the next lower whole dollar amount)

In this example, the employee would lose \$21 a month in retirement benefits for receiving 600 EPL hours.

- e. The fact that an employee was able to use emergency paid leave instead of annual leave, resulting in an excess balance of annual leave at the end of the leave year, is not a basis for the restoration of forfeited annual leave due to an exigency of the public business under 5 U.S.C. 6304(d)(1)(B).

Appendix 1

OPM American Rescue Plan (ARP) COVID-19 Emergency Paid Leave (EPL) Employee Notification and Leave Request Form

Identifying Information

Employee name

Phone number (work)

Email address (work)

Name of organization (agency, office, division, branch, etc.)

EPL Qualifying Circumstance Causing the Employee to be Unable to Work

Employee is unable to work because the employee is—

- (1) Subject to COVID-19 governmental quarantine or isolation order/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 (i.e., taking immediate steps to obtain) a medical diagnosis
- (5) 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) 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 (* as those terms are defined in OPM guidance)
- (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)

Dates	Anticipated	Actual
Date use of EPL begins		
Date use of EPL concludes		

Employee Certifications (initial each box)

- I attest that I will be using EPL to be excused from duty only during hours when I am unable to work (including telework) because an EPL qualifying circumstance applies to me.
- I understand that any EPL provided to me will reduce my total creditable service used to calculate any Federal civilian retirement annuity benefit I may receive.
- I attest that I have signed the EPL Employee Agreement and understand that the granting of EPL is conditional upon the availability of monies in the EPL Fund and that I will be obligated to take action as described in the EPL Employee Agreement to resolve any overpayment debt if conditional EPL is cancelled due to Fund exhaustion.
- I hereby certify that all statements made in this application are true and correct to the best of my knowledge and belief. I understand that a false or misleading certification may be grounds for disciplinary action, up to and including removal.

Employee’s signature

Date

Additional Documentation Requirements

An employee must submit the following additional documentation in connection with each identified qualifying circumstance, as applicable:

Qualifying circumstance	Insert ✓ if completed	Nature of Documentation	Instructions
(1)		the governmental quarantine or isolation order applicable to the employee	Attach the order or provide web address here:
(2)		the name of the health care provider who advised the employee to self-quarantine due to COVID-19	Provide name here:
(3)		the governmental quarantine or isolation order applicable to the employee (if applicable)	Attach the order or provide web address here:
		the name of the health care provider who advised the individual to self-quarantine due to concerns related to COVID-19 (if applicable)	Provide name here:
(4)		<i>No generally required additional documentation.</i>	
(5)		the name of the son or daughter being cared for	Provide name here:
		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)	Provide information here:
		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 during the requested hours of leave	Provide explanation here:
(6)		<i>any documentation the Director of OPM requires</i>	Follow agency instructions based on OPM guidance.
(7)		the name of the family member with a mental or physical disability (if applicable)	Provide name here:
		the name and age of the family member that is 55 years or older (if applicable)	Provide name and age here:
		the name of the place of care that is closed or the direct care provider that is unavailable due to COVID-19	Provide name here:
		a written explanation regarding why the employee's care responsibilities make the employee unable to work during the requested hours of leave	Provide explanation here:
(8)		<i>No generally required additional documentation.</i>	

NOTE: In addition to the above generally required documentation requirements, DLA is authorized to request supplemental information, explanations, or certifications from an employee if there is reason to believe that EPL is not being used appropriately. Once an employee has met the generally required documentation requirements described above, DLA may grant conditional approval of EPL. However, DLA 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. If DLA questions the validity or adequacy of the employee's justification, the employee must have an opportunity to provide documentation or further supplement his/her response to the agency before EPL is denied. DLA may conditionally approve use of EPL pending receipt of supplemental documentation and other information as required under the first sentence of this note; however, it must ensure that the employee understands his/her obligations to resolve the overpayment of leave if the final decision is to deny the leave.

Appendix 2

OPM Employee Agreement in Connection with Emergency Paid Leave (EPL) Provided Under Section 4001 of the American Rescue Plan of 2021

[to be signed before approval of an employee's first use of EPL]

I, *[insert employee's name]*, understand that my agency is granting EPL on a conditional basis, subject to the availability of monies in the EPL Fund. I understand that, if the EPL Fund is exhausted before my agency receives reimbursement from the Fund for any use of EPL by me, the affected conditional EPL will be cancelled, and I will be responsible for eliminating the resulting leave debt by taking one or both of the following actions:

- Requesting other paid leave or paid time off (as available to me and as appropriate for the given circumstance under normal leave rules) to substitute for the cancelled EPL— for example: annual leave (including advanced annual leave), sick leave (including advanced sick leave), compensatory time off for overtime work, compensatory time off for travel, credit hours under a flexible work schedule, and any limited amount of administrative leave that my agency may grant me.

and/or

- Voluntarily providing monetary reimbursement to the agency to satisfy the overpayment debt resulting from receiving payments for a period of time when I should have been in leave without pay status.

If I do not eliminate the leave debt by substituting other paid leave or paid time off, I agree to make the required monetary reimbursement to the agency that granted conditional EPL and to permit offset of Federal payments (including salary payments) to recover the amount owed. (Note: Any offset of salary payments will be limited to 15 percent of an employee's disposable pay, except in the case of a final check at the time of separation from employment.) However, I reserve the right to challenge the agency decision through any applicable administrative grievance procedure, negotiated grievance procedure, or judicial process and to seek return of any amounts erroneously collected from me.

Employee's Signature _____ Date: _____

Note: This employee agreement must be filed with an employee's EPL request(s).