



# Defense Logistics Agency

## Interim Guidance on the American Rescue Plan Act of 2021 Emergency Paid Leave April 2, 2021

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**SUBJECT:** American Rescue Plan Act of 2021 Emergency Paid Leave

**REFERENCES:**

- a. Defense Civilian Personnel Advisory Service Memo "Emergency Paid Leave Fund," dated March 31, 2021.
- b. The American Rescue Plan Act of 2021, Section 4001, <https://www.congress.gov/bill/117th-congress/house-bill/1319/text#toc-H210C2D88196E4247824F11E6DF3886A8>.

**BACKGROUND:**

Section 4001 of the American Rescue Plan (ARP) Act of 2021 established a new category of emergency paid leave for certain groups of federal employees based on specific COVID-19-related qualifying circumstances. This new emergency paid leave is funded by a \$570 million Emergency Federal Employee Leave Fund administered by the Office of Personnel Management (OPM). This emergency paid leave is not an extension of the Families First Coronavirus Response Act (FFCRA) passed in April 2020; rather, it is a new form of paid leave with different qualifying circumstances and a specific, dedicated fund.

**PROCEDURES:**

The ARP allows full-time federal employees to receive up to 600 hours (15 weeks) of emergency paid leave. Part-time employees, employees on an uncommon tour of duty, or employees with a seasonal work schedule are authorized to receive an amount that does not exceed the proportional equivalent of 600 hours. Federal employees are eligible to use the emergency paid leave if they are unable to work and are:

1. Subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. Advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. Caring for an individual who is subject to such an order or has been so advised;
4. Experiencing symptoms of COVID-19 and seeking a medical diagnosis;
5. Caring for a son or daughter if the school or place of care has been closed, if the school 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 childcare provider is unavailable, due to COVID-19 precautions;
6. Experiencing any other substantially similar condition;

7. 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; or
8. Obtaining immunization related to COVID-19 or recovering from any injury, disability, illness, or condition related to such immunization.

The emergency paid leave is in addition to other types of paid leave but may not be used concurrently with any other type of paid leave. The leave benefits are capped at \$2800 per pay period and may only be used during the qualifying period from March 11, 2021 through the end of the fiscal year, September 30, 2021.

In addition, the employee's federal retirement service computation date is amended by the amount of emergency paid leave used, i.e., time spent on emergency paid leave is not counted towards the employee's retirement benefits.

OPM implementing guidance on emergency paid leave is pending publication. Once published, DoD and DLA will issue supplemental procedural guidance for administering requests for emergency paid leave.

In the interim, employees should use the excused absence leave code "LV" in EAGLE to record qualifying circumstances identified in the American Rescue Plan Act 2021. Supervisors should likewise monitor, and track leave used for these qualifying circumstances to ensure retroactive leave substitution and reimbursement requests can be submitted and processed once OPM and DoD supplemental guidance is issued.