



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
Eastern Region

David E. Wilkin
Vice President
Northeastern Region

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 *PVH*
Michael Hora, National Secretary-Treasurer *MJH*
Teresa Harmon, Manager, CAD *TH*

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



April 30, 2021

Mr. Paul V. Hogrogian
National President
National Postal Mail Handlers Union
815 16th Street, NW, Suite 5100
Washington, DC 20006-4101

Emailed

Dear Mr. Hogrogian:

As a matter of general interest, the Office of Personnel Management (OPM) has released its implementing guidance concerning Emergency Federal Employee Leave (EFEL) under the American Rescue Plan Act.

We have enclosed a memo from Doug Tulino, Chief Human Resources Officer and Executive Vice President, concerning required documentation for EFEL requests and a copy of the "COVID-19 Emergency Federal Employee Leave (EFEL) Employee Notification and Leave Request Form" and the "Employee Agreement in Connection with Emergency Federal Leave (EFEL) Provided Under Section 4001 of the American Rescue Plan Act of 2021" cited therein.

Please contact Noah Meyers if you have questions concerning this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "David E. Mills", with a long horizontal flourish extending to the right.

David E. Mills
Manager
Labor Relations Policies and Programs

Enclosures

DOUG A. TULINO
CHIEF HUMAN RESOURCES OFFICER
AND EXECUTIVE VICE PRESIDENT



April 30, 2021

OFFICERS

SUBJECT: Required Office of Personnel Management Documentation for Emergency Federal Employee Leave

The Office of Personnel Management (OPM) has issued guidance to implement use of Emergency Federal Employee Leave (EFEL) under the American Rescue Plan Act (ARPA).

Effective immediately, employees requesting EFEL must provide the following information:

1. A completed PS Form 3971, Request for or Notification of Absence;
2. COVID-19 Emergency Federal Employee Leave (EFEL) Employee Notification and Leave Request Form (Employee Notification and Leave Request Form) and all documentation required by the specific qualifying circumstance (as indicated on the Request Form); and 5
3. A signed Employee Agreement in Connection with Emergency Federal Employee Leave (EFEL) Provided Under Section 4001 of the American Rescue Plan Act of 2021 (Employee Agreement). The Employee Agreement is required for only the first use of EFEL.

The Employee Notification and Leave Request Form requires employees identify the following information; qualifying circumstance(s) that render the employee unable to work, date(s) of EFEL usage, and the additional documentation requirements for each qualifying circumstance. There are also four (4) Employee Certifications that the employee must initial. In addition to signing and dating the Employee Notification and Leave Request Form, the employee must attach a copy of the Employee Notification and Leave Request Form to the Employee Agreement and provide all required forms and information to his or her supervisor.

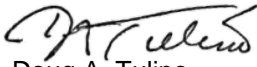
The Employee Agreement indicates that approval of EFEL is conditional and subject to the availability of EFEL funds.

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 retroactively for the EFEL that was previously approved. This information must be submitted to their respective supervisor within ten (10) 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.

Management is responsible for distributing the forms to all employees who have utilized EFEL.

The completed Employee Notification and Leave Request Form, completed Employee Agreement and supporting documentation must be maintained on file by the local timekeepers for a period of at least four (4) years. If an Employee Notification and Leave Request Form contains medical information, retain it and the Employee Agreement in the employee's medical folder (EMF).

Next week we will be providing a standup talk and other communications on EFEL to management and employees. This material will also be available on the COVID-19 website on blue and liteblue. Copies of the Employee Notification and Leave Request Form and Employee Agreement are attached for reference. Questions regarding this matter should be directed to district Human Resource offices.



Doug A. Tulino

Attachments

**Employee Agreement in Connection with Emergency Federal Employee Leave (EFEL)
Provided Under Section 4001 of the American Rescue Plan Act of 2021**

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

I, _____, understand that my agency is granting EFEL on a conditional basis, subject to the availability of monies in the EFEL Fund. I understand that, if the EFEL Fund is exhausted before my agency receives reimbursement from the Fund for any use of EFEL by me, the affected conditional EFEL 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 EFEL.

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 (LWOP) status.

If I do not eliminate the leave debt by substituting other paid leave, I agree to make the required monetary reimbursement to the agency that granted conditional EFEL 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 EFEL request(s). If the EFEL request(s) contains medical information, put the request form(s) and this agreement in the Employee Medical Folder (EMF).

COVID-19 Emergency Federal Employee Leave (EFEL) Employee Notification and Leave Request Form

Note: Employee must also submit completed PS 3971 and Employee Agreement.

Privacy Act Statement: Your information will be used to administer leave. Collection is authorized by 39 USC 401, 404, 1001, 1003, and 1005; and 29 USC 2601 et seq. Supplying the information is voluntary, but if not provided, we may not be able to process your leave request. We do not disclose your information to third parties without your consent, except to act on your behalf or request, or as legally required. This includes the following limited circumstances: to a congressional office on your behalf; to agents or contactors when necessary to fulfill a business function; to a U.S. Postal Service auditor; for law enforcement purposes, to labor organizations as required by applicable law; incident to legal proceedings involving the Postal Service; to government agencies in connection with decisions as necessary; to the Equal Employment Opportunity Commission when requested in connection with the investigation of a formal complaint; and to the Merit Systems Protection Board or Office of Special Counsel for the purpose of litigation. For more information regarding our privacy policies visit www.usps.com/privacypolicy.

Identifying Information

Employee name

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

EFEL 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 (*as that term is defined in OPM guidance).
- (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 EFEL begins		
Date use of EFEL concludes		

Employee Certifications (initial each box)

- I attest that I will be using EFEL to be excused from duty only during hours when I am unable to work (including telework) because an EFEL qualifying circumstance applies to me.
- I understand that any EFEL 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 EFEL Employee Agreement and understand that the granting of EFEL is conditional upon the availability of monies in the EFEL Fund and that I will be obligated to take action as described in the EFEL Employee Agreement to resolve any overpayment debt if conditional EFEL 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 certification may be grounds for disciplinary action, up to and including removal.

Employee's signature	Date
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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 individual (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>	
<p>NOTE: In addition to the above generally required documentation requirements, an agency is authorized to request supplemental information, explanations, or certifications from an employee if the agency has reason to believe that EFEL is not being used appropriately. Once an employee has met the generally required documentation requirements described above, the agency may grant conditional approval of EFEL. However, an agency may deny EFEL 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 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 to the agency before EFEL is denied. An agency may conditionally approve use of EFEL 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 agency's final decision is to deny the leave.</p>			

Additional Information

If the EFEL request contains medical information, put this request form and the Employee Agreement in the Employee Medical Folder (EMF).

For additional information on the rules governing EFEL (including conditions and limitations), go to <https://www.chcoc.gov/content/covid-19-emergency-paid-leave>.