



Headquarters Air Force
Civilian Force Policy Division
AF/A1CM
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AMERICAN RESCUE PLAN ACT OF 2021: EMERGENCY PAID LEAVE

FACT SHEET

The **American Rescue Plan Act of 2021 (ARPA)** authorizes employees emergency paid leave for any of eight specified reasons related to COVID-19. The authorization applies from March 11, 2021 through September 30, 2021. This fact sheet provides information for civilian employees, supervisors, and managers of the Department of the Air Force (including US Space Force).

REFERENCES:

- a. Public Law 117-2, American Rescue Plan Act of 2021, Section 4001, March 11, 2021;
- b. 5 USC Chapter 63;
- c. 5 CFR Part 630;
- d. US Office of Personnel Management (OPM), Memorandum (and attachments 1 through 5), Subject: COVID-19 Emergency Paid Leave, dated April 29, 2021¹;
- e. Department of Defense, Defense Civilian Personnel Advisory Service, Reference Guide, *COVID-19 Emergency Paid Leave Section 4001 of the American Rescue Plan Act of 2021*, dated May 2021;
- f. Air Force Instruction DoDI1400.25V630_AFI36-815, *Leave*;
- g. AFAFO-Finance, Civilian Pay Policy Division, SAF/FMSI, *American Rescue Plan Act of 2021: Emergency Paid Leave, FM Guidance*, dated May 2021.

DEFINITIONS²

- **Any other substantially similar condition (under qualifying reason (6))** – Only applies to circumstances approved by the OPM Director.
- **Child Care Provider** – A provider who would normally be available to provide care for an employee's child, regardless of whether the care is compensated. Examples include,

¹ This Fact Sheet is meant to be a supplement to, not a replacement for, Reference d. As a result, supervisors and employees should read and apply Reference d in conjunction with the information provided in this Fact Sheet.

² See Reference d, Attachment 2 (Guidance on COVID-19 Emergency Paid Leave (Section 4001 of the American Rescue Plan Act of 2021)) for the complete list of EPL related definitions.

center-based child care providers, group home child care providers, a family child care provider, a family member, friend or neighbor.

- **Emergency Paid Leave (EPL)** – Paid leave available to covered Federal employees under Section 4001 of ARPA.
- **Family member** – an individual with any of the following relationships to the employee:
 - Spouse, and parents thereof;
 - Sons and daughters, and spouses thereof;
 - Parents, and spouses thereof;
 - Brothers and sisters, and spouses thereof;
 - Grandparents and grandchildren, and spouses thereof;
 - Domestic partner and parents thereof, including domestic partners of any son/daughter, parent, or brother/sister; and
 - Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- **Full-time employee** – An employee who is regularly scheduled to work the number of hours and days required for an entire administrative work week (e.g., 40 hours each workweek).
- **Health care provider** -- Any health care provider recognized by the Federal Employees Health Benefits Program; is licensed or certified under Federal or State law to provide the services in question; or who otherwise meets the definition of a “health care provider” as described in 5 CFR 630.1202.
- **Individual (under qualifying reason (3))** – an employee’s family member (see definition of “family member” above). Also includes a person who regularly resides in the employee’s home, or a similar person with whom the employee has a personal relationship that creates an expectation that the employee would care for the person if he or she were quarantined/self-quarantined. It does not include people with whom the employee does not have a personal relationship.
- **Intermittent employee** – An employee working an irregular number of hours or days for which there is no prearranged, scheduled tour of duty.
- **Mental or physical disability (under qualifying reason (7))** – a physical or mental impairment that substantially limits one or more major life activities of an individual, based on 29 CFR 1630.2(h), (i) and (j).
- **Part-time employee** – An employee with a prearranged, scheduled tour of duty who is regularly scheduled to work fewer hours than similarly situated full-time employees each administrative workweek.
- **Place of care (under qualifying reasons (5) and (7))** -- A physical location where care is provided for an employee’s son or daughter; or a family member with a mental or physical disability, or who is 55 years of age or older and incapable of self-care while the employee works. For example, child or adult day care facilities; preschools; before and after school care programs; schools; homes; summer camps; summer enrichment programs; and respite care programs.

- **School (under qualifying reason (5))** – an elementary school or secondary school. Does not include any education beyond 12th grade.
- **Son or Daughter** – A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age; or 18 years of age or older who is incapable of self-care because of mental or physical disability.
- **Subject to Quarantine or Isolation Order** – A broad range of governmental orders, including orders for quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by any Federal, State, or local government authority that cause the employee to be unable to work (including telework) even though there is work for the employee to perform, but for the order. This also includes when a Federal, State, or local government authority has advised categories of citizens (e.g., of certain age ranges or of certain medical conditions) to shelter in place, stay at home, isolate or quarantine, causing those categories of employees to be unable to work/telework even though there is work for the employee to perform.

COVERED EMPLOYEES

- Except for as described below, Department of the Air Force (to include US Space Force) appropriated fund civilian employees who earn and use annual and sick leave under 5 USC Chapter 63 (including part-time employees who have an established, regular tour of duty; employees on uncommon tours of duty; and seasonal employees) are covered.
- The following categories of employees are not covered:
 - Non-appropriated fund civilian employees;
 - Part-time employees who do not have an established, regular tour of duty;
 - Employees with intermittent work schedules;
 - DoD teachers appointed under Title 10 and Title 20.

QUALIFYING REASONS

- EPL may be approved when a covered employee is unable to work (to include being unable to telework) because the employee is:
 - (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 order;
 - (4) Experiencing COVID-19 symptoms and is seeking a medical diagnosis;
 - (5) Caring for a son or daughter whose school or place of care has been closed or is offering virtual or hybrid learning, or the childcare provider is unavailable due to COVID-19 precautions;
 - (6) Experiencing any other substantially similar condition (as approved by the OPM Director);

- (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 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 is recovering from any injury, disability, illness or condition related to such immunization.
- Prior to approving any EPL leave request based upon qualifying reason (6), a supervisor must seek and obtain OPM approval. To do so, the supervisor must work through his or her command or organizational headquarters to submit a request for OPM approval through AF/A1CM. Specifically, command or organizational headquarters requests for OPM approval of qualifying reason (6) situations should be submitted to the AF/A1CM workflow inbox, within five (5) working days of receipt, at: AF.A1CM.Workflow@us.af.mil. The request must include all relevant documentation which the employee believes establishes that the circumstance is “substantially similar” to one of the other seven qualifying reasons, and include a command/organizational statement regarding management’s endorsement or non-concurrence with the request.

TIMING & LIMITATIONS

- EPL is available for qualifying reasons occurring 11 March 2021 through and including 30 September 2021. However, due to the way that EPL is funded, the leave will become unavailable prior to 30 September 2021 if the agency reimbursement fund administered by OPM runs out.
- EPL is in addition to any other paid leave entitlements. As a result, an employee may be approved to take other forms of paid leave during the same pay period in which he or she is conditionally approved to take EPL. However, EPL may not be used concurrently with any other paid leave or paid time off, i.e., an employee cannot take EPL and another form of paid leave for the same period of time in order to receive double compensation.
- EPL is paid at out at the same hourly rate as an employee’s annual leave, subject to the pay-period maximum set out below.
- The total, maximum amount of EPL that may be approved for an individual covered, full-time employee is 600 hours. The limit for covered part-time employees must be pro-rated based on the number of hours in their work schedules. The amount available to seasonal employees should be calculated based on the number of hours they are scheduled to work.
- EPL is subject to a statutory limitation on the aggregate cash value of the paid leave that may be approved during a single biweekly pay period. Specifically, full-time employees should not be approved to take more than the cash value equivalent of \$2800 in EPL during any biweekly pay period. For covered part-time employees, that limit must be prorated based on the number of hours in their work schedules. For seasonal workers,

that limit is a proportionally equivalent aggregate limit taking into account the portion of the qualifying period that includes the employee's work season and the employee's biweekly tour of duty (for example, if the employee's work season includes half of the March 11 through September 30 qualifying period and if the employee has a 40-hour biweekly tour of duty, then $\frac{1}{2} \times 40/80 \times 600$ hours = 150 hours).

- Time spent in EPL reduces the employee's total service used to calculate any Federal civilian retirement annuity benefit (e.g., under the Civil Service Retirement System (CSRS) or Federal Employees' Retirement System (FERS)). However, it will not impact the hours of creditable service calculation used to determine an employee's total service credit for purpose of establishing eligibility for a retirement annuity benefit; or determining periods of time during which an employee has a rate of basic pay used to compute the employee's high-3 average rate of basic pay. Employees should contact the Air Force Personnel Center's Benefits and Entitlement Service Team (BEST) for additional questions concerning retirement impacts.

TIMEKEEPING

- **IMPORTANT!**

- **Specific EPL timekeeping guidance for Customer Service Representatives, timekeepers, certifying officials and employees has been issued by AFAFO-Finance, and is included with this Fact Sheet as an enclosure. See Reference g.**
- **The leave code and timekeeping guidance provided in Reference g is intended to identify EPL in timekeeping and attendance systems, but it will not identify or flag that an employee has reached his or her statutory limits for EPL. Use of the assigned codes will not prevent an employee from requesting and being approved to take EPL leave in excess of the statutory limits, nor enforce the statutory caps on biweekly or aggregate pay. Thus, any employee seeking to use EPL must be informed that any overpayment will be treated as a debt that will be collected at a later date. Debt waivers for overpayment will not be considered.**
- **All approvals for EPL are CONDITIONAL until DAF receives reimbursement for the leave from OPM. This means that it is possible that the leave may ultimately be denied/cancelled (for example, if it is determined that the employee does not have a qualifying reason for the leave; or if funding for the leave runs out after the conditional approval).**
 - **If a conditionally approved request for EPL is ultimately denied/cancelled, the cancellation will create a debt that the employee will owe to the Federal government. At that point, the impacted employee's options will be: (1) to request and be approved to retroactively apply other forms of accrued paid leave or paid time off; or (2) to request and be approved for leave**

without pay, and voluntarily repay the dollar value of the paid leave that was conditionally approved and taken.

- **All employee requests for EPL must be submitted with the appropriate documentation, and the employee's signed agreement certifying that he or she understands the leave is granted on a conditional basis, may be cancelled if the EPL fund runs out before DAF is reimbursed, will reduce his or her total service used to calculate any Federal civilian retirement annuity benefit, and what the impact of cancellation of the leave will mean in terms of creation of a debt that will need to be repaid. A sample notification and leave request form, and sample employee agreement are both included with this Fact Sheet, and should be used as guides concerning the specific employee information, documentation, and employee agreement language that must be included with an employee's EPL request.**
- **DAF cannot seek reimbursement and final OPM approval of EPL until after the leave has been conditionally approved and taken. Therefore, EPL must be requested and – if conditionally approved – certified to the timekeeping system on a biweekly basis.**

LEAVE ADMINISTRATION

- A supervisor may not require an employee to use other paid leave before or instead of using EPL.
- A supervisor may not deny EPL for solely mission based reasons.
- A supervisor may not require an employee to search for or find a replacement employee to cover hours during which the employee is using EPL.
- Employees may not take EPL if he or she is not scheduled to work, or when the employer does not have work (or telework) available for the employee to perform. Supervisors should consult with their servicing CPS for options in this case.
 - For example, seasonal employees are not eligible for EPL during any period of time for which they were not scheduled to work.
- If an employee requests more EPL than may be available to them based on the biweekly limit, he or she may request when the hours are used; and supervisors should seek to accommodate the employee's request while also taking into account mission considerations. To the extent that the employee still needs to be absent from work due to an emergency, he or she may request to use other types of leave, subject to supervisory approval.
- A holiday is a non-workday; thus EPL may not be used on a holiday. It also may not be used on any other non-workday established by Federal statute, Executive order, or administrative order.
- When taking EPL under qualifying reason (4) above, the leave taken is limited to time the employee is unable to work due to taking affirmative steps to obtain a medical

diagnosis, such as making, waiting for, or attending an appointment for a test for COVID-19, or while awaiting the results.

- For qualifying reason (8) (i.e., receiving COVID-19 vaccination), employees must first utilize any available administrative leave that has been authorized by DAF for this purpose. See related DAF policy guidance on administrative leave for COVID-19 vaccination for additional information. EPL shall only be approved for any additional hours of leave needed beyond the 2 workdays per vaccination dose that is authorized for COVID-19 vaccination and/or recovery.
- The 600-hour limit of EPL for regular full-time employees, or equivalent pro-rated limits for employees with part-time, seasonal, or uncommon tours of duty is per person, not per job. Should an employee change positions during the effective period, they are not entitled to a new period of EPL.
- The 600-hour limit of EPL for regular full-time employees, or equivalent pro-rated limits for employees with part-time, seasonal, or uncommon tours of duty is per person, not per qualifying reason. Once an employee's total applicable level of EPL has been exhausted, no additional EPL is authorized, regardless of whether additional qualifying reasons exist.

OTHER GENERAL INFORMATION

- An employee's entitlement to, or use of, EPL is not grounds for diminishment, reduction, or elimination of any other right or benefit to which the employee is entitled under any other law, collective bargaining agreement, or Air Force or DoD policy that existed prior to 11 March 2021.
- EPL is in addition to, and not a substitute for, other sources of leave which the employee had already accrued, was already entitled to, or had already used, before the effective period. Therefore, neither eligibility for, nor use of, EPL may count against an employee's balance or accrual of any other source or type of leave.
- No supervisor shall require, coerce, or unduly influence an employee to use another source of paid or unpaid leave prior to or in lieu of taking EPL.
- Unused EPL is not "carried over" or "paid out" upon an employee's separation from federal employment nor upon expiration of the effective period.

DOCUMENTATION

- Employees must request EPL in accordance with established leave requesting procedures. For all qualifying reasons except (5) and (7), requests must be submitted as soon as practicable after the first workday (or portion thereof) for which an employee takes EPL. For qualifying reasons (5) and (7), an employee must submit an EPL request as soon as practicable, which will generally be prior to the first workday leave is used if the need for leave is foreseeable. "As soon as practicable" is determined by the facts and circumstances of each particular case. If an employee fails to properly request the leave, the supervisor should give him/her notice of the failure and an opportunity to provide the documentation and cure the failure prior to denying the leave request.

- The leave request must contain sufficient information for the leave approving official to determine whether the requested leave is covered under these provisions. Information provided by the employee must include the following:
 - Employee's name;
 - Date(s) for which EPL is requested;
 - Description of qualifying reason (from EPL reasons 1-8 above);
 - Written statement (self-certification) that the employee is unable to work (including telework) because of the qualified reason for leave and that the employee will meet the conditions of the qualified reason while using the EPL; and
 - Written statement (self-certification) that the employee understands approval of EPL is conditional upon availability of money in the EPL fund; and further understands what obligations her or she will have if the leave is cancelled due to exhaustion of the EPL fund. A sample of this statement is included with this Fact Sheet.
 - A supervisor MUST receive a signed version of this agreement from the employee before conditionally approving the leave.
 - Employees who submit multiple requests for EPL only need to sign and provide this agreement with their first instance of requesting EPL; the terms of the signed agreement will continue to apply to all subsequent requests for EPL.
- Additional requirements based on the qualified reason include the following –
 - For EPL reason 1, the employee must provide the governmental quarantine or isolation order;
 - For EPL reason 2, the employee must provide the name of the health care provider who advised the employee to self-quarantine;
 - For EPL reason 3, the employee must provide either the governmental quarantine or isolation order; or the name of the health care provider who advised the cared-for individual to self-quarantine, as applicable;
 - For EPL reason 4, the employee must provide a written self-certification that he or she is experiencing COVID-19 symptoms and taking immediate steps to obtain a medical diagnosis;
 - For EPL reason 5, the employee must provide the name of the son or daughter being cared for; 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 child care provider); and a written explanation regarding why the employee's circumstances (e.g., ages of children, number of children, special needs, lack of other adults in the home) make the employee unable to work/telework during the hours of EPL being requested.
 - For EPL reason 6, the employee must provide any documentation required for the EPL reason that the employee believes is substantially similar to his or her situation. **REMINDER: Reason 6 requests must be routed through a command or organizational headquarters to AF/A1CM within five (5) working days of receipt to seek OPM approval, and may not be conditionally approved until such approval is obtained. See "Qualifying Reasons" section above.**
 - For EPL reason 7, the employee must provide the name of the family member, and a written certification that the identified person has a physical or mental disability, or the name and age of the family member that is 55 years or older; a

- written certification by the employee that the identified family member is incapable of self-care; 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 a written explanation of the employee's care responsibilities make him or her unable to work/telework during the hours of leave being requested.
- For EPL reason 8, the employee must provide a written self-certification that the leave will be or was used to receive or recover from COVID-19 vaccination.
 - A supervisor may request additional information or certifications related to any of the eight reasons if he or she has reason to believe that EPL is not being used for the qualifying reason(s) identified by the employee. Prior to seeking any additional information or certifications, supervisors should work with their servicing Civilian Personnel Office and labor attorneys for assistance.
 - A supervisor may also deny EPL if he or she determines that an employee's justification for the leave is not supported by the documents provided, or any other available facts. However, prior to denying the request, the supervisor must advise the employee of the reasons for the potential denial and provide him or her with a reasonable opportunity to address and cure the concerns and/or supplement with additional documentation.
 - Supervisors must retain all documentation provided by the employee for four years, regardless of whether the leave was granted or denied. In doing so, the supervisor should work closely with his or her servicing CPO and labor attorneys to ensure that any medical information, medical certifications, or medical histories provided by an employee are retained in compliance with any applicable legal requirements for medical records (i.e., kept in a file separate from the employee's personnel file).
 - To ensure continuity of leave reporting, if an employee using EPL transfers to another agency, Standard Form 1150, Record of Leave Data must be used to record the aggregate amount of EPL used by the employee as of the time of transfer, in the Remarks section (block 24).

QUESTIONS AND ANSWERS

Q1. Under the ARPA, if I use my 600 hours of EPL for one qualifying reason, such as due to my own symptoms of COVID-19, do I get another 600 hours of EPL for a second different qualifying reason, such as caring for my child whose school or place of care is closed for reasons related to COVID-19?

A1. No. The ARPA only provides a full-time employee a one-time benefit of 600 hours of EPL to be used for any of the 8 listed qualifying reasons. Once that benefit of 600 hours has been exhausted, no additional EPL is authorized. In addition, the total amount of EPL that may be available to an individual employee depends on the type of work schedule he or she works. The 600 hours of paid leave that is described in ARPA must be pro-rated for covered employees who are regularly scheduled to work less than a full-time tour of duty.

Q2. If I use EPL, will I get my full rate of pay?

A2. Yes, but ONLY up to the biweekly pay cap amount. EPL shall be paid out at the same hourly rate as annual leave. However, EPL is subject to a statutory limitation which prohibits payment of more than \$2800 worth of the leave during a single biweekly pay period for full-time employees, and a prorated limit for employees who are regularly

scheduled to work less than a full-time tour of duty. Essentially this means that a full-time employee who makes \$35 an hour or less may be able to be on EPL for an entire pay period and not exceed the pay cap. See Reference d, Attachment 2 (OPM's Guidance on COVID-19 Emergency Paid Leave (Section 4001 of the American Rescue Plan Act of 2021)) for additional details and examples.

Q3. If I previously took sick leave or other chargeable or non-chargeable leave for an EPL covered situation, can I retroactively request EPL?

A3. Yes, but only back to the effective date of the law. EPL became effective 11 March 2021, so an employee may request that it be retroactively applied to any leave taken for an EPL qualifying reason on or after that date.

Q4. I have a qualifying reason to use EPL, as I need it to care for my child whose school or child care facility is closed due to COVID-19. However, the amount of time I need to take off exceeds the \$2800 biweekly pay period limit. Can I use my accrued sick leave instead?

A4. No, normal sick leave is not appropriate to care for a healthy child. However, an employee may request to use other forms of earned leave like accrued annual leave, time off awards, compensatory time off, credit hours, or leave without pay for this reason, subject to normal leave requesting/approval policies and procedures.

Q5. Who is responsible for keeping track of the amount of EPL used?

A5. It is an employee's responsibility to be aware of their leave balances and ensure that they are not requesting or utilizing EPL beyond that to which they are entitled. Supervisors should also work to ensure that they are only conditionally approving and then certifying time cards that accurately reflect the amount of EPL a qualifying employee is entitled to receive based on the limits prescribed by the ARPA. To assist employees and supervisors with staying within the statutory limits, the Defense Finance and Accounting Service (DFAS) has created EPL calculators, and an EPL tracking log that are available on their website at: <https://www.dfas.mil/CivilianEmployees/COVID-19-Emergency-Paid-Leave/> . These DFAS tools have also been included as enclosures to this Fact Sheet.

****SUPERVISORS MUST ADVISE THEIR EMPLOYEES OF THE FOLLOWING:**

- (1) That leave codes and timekeeping systems are not programmed to account for EPL's statutory limits; so there is no system safeguard that will prevent an employee from taking leave beyond the aggregate number of hours of EPL, or biweekly pay limits that may apply to him or her. Bottom-line is that our DAF timekeeping systems are not set up to "police" EPL usage. Therefore, employees (with supervisory support) are responsible for being aware of the limits that apply to them, and keeping track of their EPL usage. To that end, employees and supervisors should use the calculators and logs provided on DFAS' EPL website to help them calculate their entitlement and monitor their usage.

- (2) If overpayment occurs, a debt will be incurred and payment will be collected at a later date; employees will not receive debt waivers for these debts.
- (3) Approval of EPL is conditional until DAF receives reimbursement of the leave from OPM. If the EPL fund runs out before the employee's request can be reimbursed, the employee's EPL will be cancelled, and he or she will be financially responsible to repay any EPL that was previously paid out to them by seeking retroactive approval to "swap in" any available accrued paid leave or paid time off; or voluntarily repaying the amount owed.
- (3) Time spent in EPL is not creditable time for purposes of calculating an employee's retirement benefits.

It is also recommended that supervisors have awareness of their employees' paid leave balances and EPL entitlements to help their employees ensure they do not exceed the statutory limits of their EPL benefit. Supervisors should use the tools provided by DFAS at <https://www.dfas.mil/CivilianEmployees/COVID-19-Emergency-Paid-Leave/> and included as enclosures to this Fact Sheet for this purpose.

Q6. For those situations where the pay cap will apply, won't the timekeeping system prevent me from being approved to take more EPL than I am eligible to take? If not, and I inadvertently incur a debt, how long will I have to repay it?

A6. The leave codes associated with EPL are not programmed into timekeeping systems to account for or "police" the statutory limit on the amount of EPL that may be used per pay period, or the aggregate amount of EPL that may be approved for an individual employee. Therefore, the codes being used do not automatically prevent an employee from taking more leave than is available to them under the law, or enforce the biweekly pay cap that will apply to the employee based on their rate of pay. Any debt incurred based on overpayment will be collected at a later date in accordance with DFAS' standard debt collection policies and procedures. Employees will not receive waivers for these debts and should plan accordingly with respect to any excess pay they may inadvertently receive in connection with their EPL usage.

Q7. How do I know if I am covered by the EPL benefit?

A7. All appropriated fund Department of the Air Force (to include US Space Force) civilian employees who earn and use annual and sick leave under 5 USC Chapter 63, and work a regularly, scheduled tour of duty are covered, regardless of length of service. However, EPL is not available to non-appropriated fund civilian employees, part-time employees who do not work a regularly scheduled tour of duty, intermittent employees, or DoD teachers appointed under Title 10 or Title 20.

Q8. May I take EPL intermittently while my child's school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons?

A8. Yes.

Q9. If I don't use any of the EPL entitlement prior to 30 September 2021, can I "carry it over" or have it "paid out" to me?

A9. No. There is no provision for financial or other reimbursement to an employee for unused EPL, either at expiration of the effective period or upon separation from Federal employment.

Q10. I am a full-time employee. I just transferred from another Federal agency and previously used 5 days of EPL while at that Agency. Do I get another 600 hours of entitlement with my new agency?

A10. No. The EPL entitlement is per person, not per job or qualifying reason. The EPL entitlement is capped at 600 hours. In this situation, you would only have 560 hours/70 work days of your EPL entitlement remaining to use.

Q11. For employees on uncommon tour of duties, the leave balances are calculated based on tour of duty. How is the biweekly pay cap calculated?

A11. For employees on an uncommon tour of duty, see the "Uncommon Tour-FF" tab of DFAS' EPL Bi-weekly Tool for assistance in completing this calculation.

Q12. Can an employee who is eligible to telework for all or part of their tour of duty choose not to telework, and take EPL instead? For example, if an asymptomatic employee (not ill) is told to self-quarantine by a public health official or their personal physician and they are telework ready, can they elect not to telework?

A12. No. EPL is only available to employees who are unable to work – to include being unable to telework – due to one of the 8 qualifying reasons described in the law. If an employee is able to telework/telework-ready during a period of self-quarantine, then EPL is not available to him or her.

Q13. Since Weather and Safety Leave (WSL) can be and has been authorized and taken by an employee for qualifying reasons 1 and 2, should the employee now be required to use EPL instead of being granted WSL?

A13. WSL is not an employee entitlement. If an employee is requesting time off due to qualifying reasons 1 and 2, EPL would be appropriate. However, if management is restricting access to the workplace due to concerns for the safety of the employee seeking leave, or the employees that share the workplace with him or her, then WSL may be authorized. A supervisor cannot require that an employee take EPL.

Q14. My employee has requested EPL for a qualifying reason, provided the appropriate documentation in support of that reason, and signed the required self-certification statement. Although I know that he/she qualifies to take EPL, the timing of when he/she wants to take the leave conflicts with an important project that my work unit has to deliver on in order to achieve our mission. Can I deny the leave, and require my employee to reschedule it for a different day?

A14. No. Once an employee has established that he/she meets the basic requirements to take EPL, provided the appropriate documentation in support of a qualifying reason, and signed the required self-certification statements, he or she is entitled to be conditionally approved to take the leave on the dates requested. The exception would be when an employee has more hours of qualifying need than EPL hours available to them, due to the statutory limits on the amount of leave that is available to him or her. For example, if an employee needs to take 50 hours of EPL during the pay period, but based on their adjusted rate of pay, they are only eligible to receive 40 hours of it during a pay period. In this situation, the employee may request when the EPL hours are used during the biweekly pay period, and the supervisor should seek to accommodate the employee's request but may also take into account mission considerations.

Q15. I want to approve my employee to take EPL to cover time spent in self-quarantine. She has verbally told me that she understands that the leave can be cancelled if the EPL funds run out. Can I go ahead and approve her request and certify her time off for EPL in the timekeeping system?

A15. No. Before conditionally approving any EPL, and posting the leave to a timekeeping system, the employee needing the leave must submit a written request for the leave and any required supporting documentation to support the request; a written statement (self-certification) that her or she is unable to work (including telework) because of a qualifying reason and will meet the conditions of the qualified reason while using the EPL; and a written statement (self-certification) that the he or she understands approval of EPL is conditional upon availability of money in the EPL fund; and further understands what obligations her or she will have if the leave is cancelled due to exhaustion of the EPL fund. Verbal provision of any of these requirements is not sufficient to support approval of the leave.

SAMPLE EMPLOYEE AGREEMENT

(AMERICAN RESCUE PLAN ACT OF 2021: EMERGENCY PAID LEAVE)

I, **[INSERT NAME]**, understand that the Department of the Air Force (DAF) is granting me Emergency Paid Leave (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 DAF receives reimbursement from the Fund for any use of EPL by me; or I use more EPL than I am eligible to receive based on the EPL statutory limitations, the affected conditional EPL will be cancelled; and I will be responsible for eliminating the resulting leave debt by taking one of the following actions:

- Requesting other paid leave or 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 DAF 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 DAF, 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 decision through any applicable administrative grievance procedure, negotiated grievance procedure, or judicial process that is available to me, and to seek return of any amounts erroneously collected from me.

Employee's Signature _____

Date: _____

SAMPLE EPL REQUEST

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, an agency is authorized to request supplemental information, explanations, or certifications from an employee if the agency has reason to believe that EPL is not being used appropriately. Once an employee has met the generally required documentation requirements described above, 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. 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 EPL is denied. An agency 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 agency's final decision is to deny the leave.

Additional Information

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

Note to agencies: Any agency form based on this template must include an appropriate Privacy Act Statement as required by 5 U.S.C. 552a(e)(3).