

American Rescue Plan Act (ARPA) Frequently Asked Questions (FAQs)

COVID-19 Emergency Paid Leave for Federal Employees - These questions and answers should be read in conjunction with Office of Personal Management (OPM) Guidance on COVID-19 Emergency Paid Leave <https://www.chcoc.gov/content/covid-19-emergency-paid-leave>.

Overview

1. What is EPL?

EPL stands for “Emergency Paid Leave.” This is a new, temporary paid leave program established in the American Rescue Plan Act (ARPA) intended to help Federal employees who are impacted by COVID-19.

2. What makes EPL different from other leave programs?

Unlike other leave programs, EPL is set up as a fund. Employees will be able to request leave from their employing agencies. If the employee is eligible, the employing agency can conditionally grant this leave and submit a request for reimbursement to the agency that administers the fund.

3. Why did the ARPA create EPL?

EPL advances several important public policy goals. First, it helps provide a way for Federal employees experiencing COVID-19 symptoms or subject to quarantine or isolation orders to stay home to avoid putting others at risk.

Second, it recognizes the challenges that Federal employees have faced during the COVID-19 pandemic with caring for children, elderly family members, and family members with disabilities—when their normal school, childcare, and caregiving options are not available because of COVID-19.

Third, to the extent that agencies do not provide administrative leave for COVID-19 vaccination purposes, EPL is available to cover periods of time when an employee is getting vaccinated, thereby facilitating employees in obtaining COVID-19 vaccines.

4. What does it mean for EPL to be a “temporary” leave program?

EPL is available until September 30, 2021, unless the applicable fund is exhausted before then.

5. Are all federal employees covered by the same fund?

No. The ARPA created four distinct funds. OPM administers a \$570 million fund that covers most of the Federal government. There are separate funds for Transportation Security Administration (TSA), Federal Aviation Administration (FAA) and Veterans Administration (VA) employees, who are covered by other leave systems not administered by OPM. Employees of these agencies should direct questions about how to access their funds to their agency.

For Employees Covered by the OPM Administered Fund - Below are FAQs to help employees understand how to access EPL.

6. When did EPL become available?

Federal employees became eligible for EPL when the ARPA was signed into law on March 11, 2021. EPL may not be used for periods of time before March 11, 2021.

7. Under what circumstances may an employee use EPL?

If an employee is covered by the EPL fund, the employee may use EPL if unable to work, including telework, because the employee is:

- (1) Subject to COVID-19 governmental quarantine or isolation order/advisory.
- (2) Self-quarantining due to COVID-19 concerns on the advice of a health care provider.
- (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; and/or.
- (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).

8. What is the maximum amount of leave can Federal employees receive under EPL?

Full-time employees experiencing qualifying circumstances can receive a maximum of 600 hours (15 weeks) of EPL. For part-time employees, the total hours are prorated based on the employee's tour of duty, e.g., a half-time employee can get up to 300 hours.

9. How much are Federal employees paid under EPL?

Federal employees will receive the same pay for EPL hours they would receive if they were on annual leave.

10. Is there a limit on how many hours of EPL an employee can use in a biweekly pay period?

Yes, there is a biweekly limit. An employee may be granted EPL hours only to the extent that the value of those EPL hours in a biweekly pay period does not exceed \$2,800 for a full-time employee or an equivalent limit for a part-time employee (e.g., \$1,400 for a half-time employee).

11. An employee previously submitted a leave request and now wants to change it to EPL. What should they do?

Employees can ask their agency to retroactively convert other categories of leave they may have taken to EPL if they meet the eligibility requirements. This can be accomplished via a corrected Time and Attendance (T&A) card.

12. How do employees put a claim in for EPL?

Each agency will provide employees with a form (modeled after an OPM template) to request EPL. Employees should check with their Agency human resources office on the procedures for claiming EPL.

13. What does it mean that EPL is approved "conditionally"?

EPL is available until September 30, 2021, unless the \$570 million fund is exhausted before then. If the fund becomes exhausted, any EPL that was conditionally approved and cannot be paid for out of the fund will have to be canceled, and other leave substituted for it.

14. Should employees take EPL or administrative leave to get their vaccine?

OPM has encouraged agencies to offer up to four hours of administrative leave per dose to cover time spent getting a vaccine dose, plus additional time if reasonably necessary, instead of having employees use EPL. This will maximize the availability of EPL for other circumstances that might affect an employee.

15. What is the impact of EPL on an employee's retirement?

The law provides that an employee's total service used in computing their retirement annuity must be reduced by the amount of EPL used. EPL is treated like other paid leave for all other retirement purposes.

For example, EPL time is creditable service for establishing annuity entitlement, computing the high-3 average salary, and applying retirement deductions and agency contributions.

16. What documentation will an employee need to provide to their employing agency?

Documentation requirements vary depending on the qualifying circumstance. The leave request form will describe generally required documentation. Employees will need to make certain certifications and may need to provide explanations in certain circumstances. An agency may request supplemental information, explanations, or certifications if it believes it is necessary.

Agency Guidance - Below are FAQs that agencies covered by the OPM leave fund can use to understand how to grant leave and access reimbursement.

17. How do agencies submit a claim for EPL reimbursement to OPM?

Agencies should follow the instructions contained in OPM's Benefits Administration Letter (BAL) 21-303. (<https://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/> .)

18. How long will it take agencies to get reimbursed by OPM from the fund?

OPM will make every attempt to process agency reimbursement requests promptly, but we cannot provide a guarantee on the timing of payments.

19. How should agencies handle employees' retroactive claims for EPL?

The agency should ask employees to submit any retroactive claims for EPL (via a corrected T&A) as soon as possible then submit them to OPM right away so that we can accurately track expenditures against the fund.

20. How will agencies know when the fund is exhausted?

OPM will be monitoring the fund on a regular basis and will notify agencies as it gets close to exhaustion. Agencies can also monitor a dashboard that will be set up at <https://www.opm.gov/policy-dataoversight/pay-leave/ARPA> to track overall fund usage. This dashboard will reflect data reported to OPM by agencies through the reimbursement process.

21. How will OPM prioritize agency reimbursement requests if the fund is exhausted?

OPM will be processing agency reimbursement requests on a first-come/first-served basis based on the date/time of receipt by OPM. (See OPM guidance for details.) An agency reimbursement request (or set of agency requests with the same receipt date/time) that exhausts the Fund will result in a partial reimbursement to the agency (or agencies) under rules established by OPM. When an agency receives a partial reimbursement, it will need to determine how to allocate available funds to cover (i.e., give final approval of) affected individual employee EPL claims that were conditionally granted.