

Emergency Paid Leave FAQs

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

1. I want to Use EPL just like I used EADC. Can I Use it like EADC and What Should I be Aware of?

It is different than EADC and there are several things to consider.

- Generally, in a given bi-week you may take more hours of EPL than EADC if you have a need for more time, only limited by the pay limitation (see FAQs 5-6) and available funding (see FAQ 13).
- There is an overall limit on amount of EPL hours (see FAQ 7)
- It generally requires more documentation, explanation and information in your request for EPL (see FAQs 8-9)
- It will impact your retirement annuity (see FAQ 10).

2. For What Time Period can Emergency Paid Leave (EPL) be taken?

This leave is available retroactive to March 11, 2021 and through September 30, 2021, unless funds are exhausted beforehand.

3. Can I retroactively use EPL back to March 11, 2021?

Yes, you may request to retroactively substitute previously taken leave for EPL. You must provide the required documentation for all leave requested under EPL. EPL may not be substituted for previously claimed regular work hours.

4. Am I required to first use my personal annual or sick leave before requesting EPL?

No, you are not required to use other available paid leave before using emergency paid leave. Employees may be approved other types of paid leave or leave without pay (as authorized) in the same biweekly pay period as EPL if they require more time off in excess of the EPL limitations.

Your eligibility for EPL will not be prorated based on other leave taken, which differs from EADC. It is only limited by your need and the biweekly pay limit.

5. Is there a biweekly pay limit when using EPL?

Yes, an employee may only be granted EPL hours to the extent that the value of the leave does not exceed \$2,800 per pay period for a full time employ, or the proportionally equivalent for a part-time employee (e.g., a part-time employee on a 40 hr/biweek schedule would only be granted up to \$1,400 per pay period).

6. How do I know how much leave I can take without exceeding the biweekly pay limit?

Full time employees can locate their pay table [here](#) and view the grade/step to determine the maximum number of hours of leave they can be approved per pay period without exceeding the pay limit. The formula to determine the biweekly pay limit for a full time employee is: \$2,800/hourly rate.

7. How much EPL can an employee be approved for?

Full time employees may be approved for up to 15 weeks, or 600 hours of EPL. This amount is prorated for part time employees (e.g., a part-time employee on a 40 hr/biweek schedule could be approved for up to 7.5 weeks, or 300 hours of EPL).

8. Do I need to submit the Request to Use Emergency Paid Leave form or can I submit a request via WebTA?

Employees must submit the Request to Use Emergency Paid Leave and Emergency Paid Leave Employee Agreement form, and provide required documentation to their supervisor. Once EPL is approved by your supervisor, you may then record the leave in WebTA. Instructions for WebTA are as follows:

EPL will need to be recorded in WebTA. The unique coding will be available in WebTA starting in the second week of pay period 12 (available between June 13-19, 2021). If you plan to use the EPL the first week of pay period 12 (June 6-12, 2021), please keep record of your leave hours outside of the system. The time can be added onto the timecard once the code is available. If you plan to use EPL retroactively from March 11-June 5, 2021, please wait to initiate corrected timecards until the official coding is available. Corrections may be initiated by your timekeeper with the approval of your supervisor.

Emergency paid leave will be recorded under the Regular Time section of the timecard. Employees must use the appropriate PPA code and transaction code in order to use the leave.

PPA Code: ANTIME-0000-A00384

Transaction Code: ARPA Emergency Paid Leave

Contact your timekeeper to add the PPA code.

The Office will maintain all documentation for 4 years, including the Request to Use Emergency Paid Leave, Emergency Paid Leave Employee Agreement form, and all required documentation you provide.

9. Does management have to approve the request to use EPL?

Supervisor approval is needed before employees can use EPL. Your supervisor will require the explanation/documentation set forth in the [EPL Request form](#) depending on the basis/bases of your request (this documentation requirement was part of the law enabling EPL). You may use EPL if unable to work because you are:

- (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).

Section D. of the [OPM Guidance Document](#) (pages 4-8) provides more explanation as to each of the 8 circumstances above. Please make sure to review Section D. of the document before submitting EPL Requests.

10. How does using this leave impact my retirement?

EPL use will impact an employee's annuity. Total creditable service used to calculate the annuity will be reduced by the amount of EPL the employee used. EPL is treated like other paid leave for all other retirement purposes. See [Emergency Paid Leave Impact on Federal Retirement Annuity Calculations](#) for examples of how EPL will affect the annuity.

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

[The OPM Benefits Administration Letter](#) to Agencies also provides a good explanation of how EPL will impact retirement.

11. Does using this leave impact my ability to claim overtime, compensatory time, credit hours, holiday worked, or other forms of premium pay?

In order to claim EPL, you are certifying that you are unable to work. Therefore, you may not claim overtime, compensatory time, credit hours, holiday worked, or other forms of premium pay in the same bi-week that you use EPL. You may still claim credit hours and non-EPL paid leave (i.e., paid annual and sick leave that you accrue).

12. Can I use this leave in the same pay period as Excused Absence for Dependent Care (EADC)?

Excused Absence for Dependent Care will no longer be available with the rollout of EPL. Employees may no longer request or record EADC after June 5, 2021.

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

EPL is available until September 30, unless the \$570 million fund is exhausted before then. If the fund becomes exhausted, any EPL that was conditionally approved and cannot be paid out of the fund will have to be canceled and other personal leave substituted for it. If an employee does not have any available leave, they may substitute leave without pay, and they will need to repay the money that USPTO paid them for the EPL.

OPM will be monitoring the fund on a regular basis and will notify agencies as it gets close to exhaustion. Moreover, NTEU National will also be monitoring the fund and will be in contact with the Union, which will pass this information along to you as soon as it received.

Agencies and employees 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.

14. Should I take EPL or Administrative Leave to get my COVID-19 vaccines?

The USPTO has granted up to 4 hours of administrative leave per vaccine dose for travel and time spent getting the vaccine. Employees should first utilize the administrative leave prior to requesting EPL. If an employee requires additional time off to receive the vaccine or as a result of illness or injury from the vaccine, they can submit a request for EPL for the additional absence. In the alternative or in addition to the EPL, you may take your accrued sick and/or annual leave if you require additional time to recover from illness or injury from the vaccine.

15. Who is considered an “individual” or a “family member”?

“Family member” means an individual with any of the following relationships to the employee:

- (1) Spouse, and parents thereof;
- (2) Sons and daughters, and spouses thereof;
- (3) Parents, and spouses thereof;
- (4) Brothers and sisters, and spouses thereof;
- (5) Grandparents and grandchildren, and spouses thereof;
- (6) Domestic partner and parents thereof, including domestic partners of any individual in paragraphs (2) through (5) of this definition; and
- (7) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

The person does not have to live in the employee’s home if they meet the other definitions of an individual i.e. family member or relationship that creates expectations of care. However, for the purpose of requesting EPL, “individual” does not include persons with whom the employee has no personal relationship.

16. My dependent(s) is attending virtual learning instruction, but in-person instruction is available and/or has been available since March 11, 2021, may I still request EPL under this circumstance (See FAQ 9, bullet (5))?

EPL is available if your dependent(s) is/are attending virtual learning instruction due to COVID-19 Precautions , and you may claim EPL if your ability to work is impacted by the needs of your dependent(s) due to virtual learning instruction. See Section D.7. of [OPM Guidance](#).