



Memo

To: All Branch 2184 Stewards

From: Joe Golonka, Branch 2184 Contract Administration Unit

Date: 05/04/2021

Re: OPM Guidelines, Emergency Paid Leave (EPL)

On April 29, 2021, the U.S. Office of Personnel Management (OPM) issued its long-awaited guidelines for agency administration of the Emergency Paid Leave (EPL), also known as EFEL (Emergency Federal Employee Leave) under the American Rescue Act legislation passed by Congress and signed by President Joe Biden. NALC representatives have been and will likely continue to receive many questions about these guidelines, which mandate the completion of non-postal forms by employees requesting this leave, along with accompanying signature requirements. Additionally, there continues to be concern and confusion about the "loss of service credit" language in the EPL provisions.

First regarding the forms: Although USPS letter carriers are not normally required to sign or initial anything except for forms 3971 and 3189 as well as for the specific signature accountable items listed in the M-41 Handbook, section 261, **the EPL guidelines are from OPM, not the USPS.** As a participating federal agency, the USPS is mandated to comply with them. **Thus, employee signatures can and will be required on both the EPL Employee Notification and Request Form as well as the EPL Employee Agreement Form as a condition of receiving this leave.**

Our members should be so advised and should be encouraged to provide the completed and signed forms as well as necessary supporting documentation. It is expected that postal management will in some instances continue to improperly respond to letter carrier EPL requests. **Such instances should thoroughly documented and responded to with timely grievances.**

Regarding the "loss of service credit" provisions, OPM has further explained and clarified this in their guidelines, which note that "except as provided in paragraph 2, (see below) a period during which emergency leave is used is creditable service for the same purposes as other paid leave. For example, periods of time covered by emergency paid leave are creditable service for determining an employee's leave accrual rate." Thus, using the EPL leave will not impact an employee's sick or annual leave earnings or their annual leave earnings category – 4, 6, or 8 hours each pay period.

However, in accordance with paragraph 2 of these guidelines, any paid EPL leave does reduce an employee's total service used to calculate their Federal civilian retirement benefit (FERS or CSRS). At the time of retirement, OPM will calculate their total creditable service, and this service will be reduced by the amount of emergency leave paid.

Thus, for example, a retiring letter carrier with 35 years and 4 months of creditable service (including service credit for unused sick leave) and that used 2 months of the EPL leave, would have their annuity calculated based on 35 years and 2 months of service. The maximum amount of EPL leave that can be used (600 hours) equals 3 months and 14 days of service.
