



LEAVE DUE TO COVID-19

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COVID-19 Leave



DCPAS Guidance for Leave for COVID-19

- **Leave for the Vaccination**
- **Leave for recovery period due to vaccination**
- **Emergency Paid Leave**

Vaccination Leave



- Leave for Vaccinations will be coded “LN” with the environmental/hazard/other code of “PF” for no more than 4 hours per vaccination (only applies to Tech/T5)
- Employees who experience an adverse reaction to a COVID-19 vaccination may receive no more than 2 days of administrative leave for a single dose.
- Overtime/Compensatory time will not be approved for the purpose of receiving the vaccination outside their scheduled tour of duty.

FAQ's



May a supervisor ask employees if they have been vaccinated for COVID-19?

For purposes of acting on a request for administrative leave for vaccination and recovery, supervisors may ask employees about the time and location of the vaccination event and whether there was a reaction to the vaccine requiring a period of recovery. **But as a general matter, supervisors may not ask employees if they have been vaccinated.** In particular, information about an employee's vaccination status is not necessary for supervisors to make decisions about how and when employees will report to a workplace instead of telework. Supervisors need to follow applicable Force Health Protection guidance and implement appropriate workplace measures to protect all employees, assuming that not everyone will be vaccinated. Only in very limited circumstances, such as determining how long an employee with a known or suspected exposure must temporarily remain out of the workplace or whether an employee may be exempted from certain force health protection requirements as authorized in applicable policy, would it be reasonably necessary to request an employee voluntarily provide information about the employee's vaccination status.

FAQ's



- **I used my personal leave to get vaccinated before my Component began granting administrative leave to receive the COVID-19 vaccination. May I substitute administrative leave retroactively?**
- Employees who were vaccinated prior to the date of the memorandum may be allowed to retroactively substitute administrative leave for personal leave taken for their vaccination event(s) and, if used, for associated recovery time on or after 20 Jan 2021. The retroactive substitution is subject to the same time limits as outlined in the memorandum.

FAQ's



- **The American Rescue Plan Act of 2021 (ARP) authorizes federal agencies to grant Emergency Paid Leave (EPL) and seek reimbursement from the Emergency Federal Employee Leave Fund for vaccine administration and recovery from illness related to vaccination. May DoD Components still grant administrative leave in these situations?**
- The Department's policy is to grant administrative leave for duty time spent obtaining COVID-19 vaccinations and, if needed, up to two work days of recovery time, even when EPL is available for this purpose. The EPL guidance will be issued under separate policy.

FAQ's



- **What if I experience an adverse reaction to a COVID-19 vaccination dose that requires more than two workdays of recovery?**
- If an employee requires more than two workdays to recover from a condition related to the vaccination, the employee may request to use EPL or other paid leave for which the employee is eligible

Emergency Paid Leave



- Emergency Paid Leave (EPL)

The \$570 million Fund is available to use between Mar 11- Sept 30, 2021. Each employee has up to 600 hours they could use depending on the funds - EPL ends when the funds are exhausted or 30 Sep 2021 which ever comes first. Utilize ATAAPS code “LV” for periods of EPL.

Funds Exhaustion



- EPL is granted on a conditional basis, subject to availability of monies in the EPL Fund. If funds are exhausted before the NENG receives reimbursement from the Fund, the EPL will be cancelled and the employee will be responsible for eliminating the resulting debt by taking one or both of the following actions;
 1. Requesting other paid leave or paid time off (annual leave, sick leave, compensatory time taken, or time off award)
 2. Voluntarily provide monetary reimbursement to the NENG to satisfy the overpayment debt when the employee should have been in a LWOP status.



- Dual Status and Title 5 Employees for whom annual and sick leave is provided are eligible for EPL for qualifying circumstances.
 - Intermittent employees are **NOT** eligible
 - Temporary employees appointed for less than 90 days are **NOT** eligible



Limitations on leave hours. The amount of emergency paid leave hours with which an employee may be credited is subject to limitations

- *Biweekly hours limit.* In any biweekly pay period, an employee may be credited with hours of EPL only to the extent that the total amount of the payment for such leave does not exceed \$2,800 (\$35 per hour) for each full-time employee.
- Limits apply to both regular full-time employees with an 80-hour biweekly tour of duty and employees with an uncommon tour of duty

Limitation Examples



- Example A: If the employee's hourly adjusted rate of basic pay is \$35 or less, the employee would be able to use up to 80 hours of emergency paid leave in a biweekly pay period.
- Example B: If the employee's hourly adjusted rate of basic pay is \$70, the employee would be limited to 40 hours of emergency paid leave in a biweekly pay period, since \$2,800 divided by \$70 equals 40 hours. This employee could request other available leave (e.g., annual leave or, if appropriate, sick leave) to cover remaining hours.

Qualifying Circumstances



- **General.** In order to use EPL, an employee must be unable to work because the employee—
 - (1) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
 - (2) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
 - (3) is caring for an individual who is subject to such an order or has been so advised;
 - (4) is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;

Qualifying Circumstances



(5) is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, if the school of such son or daughter requires or makes optional a virtual learning instruction model or requires or makes optional a hybrid of in-person and virtual learning instruction models, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions;

(6) is experiencing any other substantially similar condition (see paragraph D.8);

(7) is 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 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; or

(8) is obtaining immunization related to COVID-19 or is recovering from any injury, disability, illness, or condition related to such immunization.

Retroactive Use



- An employee may request, and an employing agency must grant, EPL for which the employee is eligible (subject to funds availability) to cover a past period of leave without pay occurring during a qualifying period.
- If an employee used other paid leave to cover a period of time for which EPL could have been used, the employee may retroactively substitute EPL for such other paid leave. The NENG will allow retroactive substitutions in these instances, if funds are available AND it is determined that the employee lacked information or was not allowed to use EPL at the time.
- EPL may NOT be used prior to **11 March 2021**.

Impact on Retirement



- Any EPL provided to an employee under sections 4001, 7103, 7104, and 8008 of the Act reduces the employee's total service used to calculate any Federal civilian retirement annuity benefit (e.g., a Civil Service Retirement System (CSRS) annuity benefit computed under 5 U.S.C. 8339 or a Federal Employees' Retirement System (FERS) annuity benefit computed under 5 U.S.C. 8415).
- When OPM calculates 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.

Examples



- *Example 1:* If an employee retires with 30 years of service and during 2021 received 600 hours of EPL, OPM would reduce the retirement annuity calculation by the 600 EPL hours. Based on the 2087-hour chart, 600 hours of EPL converts to 3 months and 14 days. The retirement annuity calculation would be based on 29 years and 8 months.
- *Example 2:* An employee covered by FERS retires at age 57 with 30 years of service and a high-3 average salary of \$75,000. $1\% \text{ of } \$75,000 \times 30 \text{ years of service} = \$22,500$. $\$22,500/12 = \$1,875$ monthly annuity

Example Cont



If the same employee received 600 EPL hours in 2021: 600 EPL hours converts to 3 months and 14 days. 30 years – 3 months 14 days = 29 years 8 months 16 days 1% of \$75,000 x 29 years and 8 whole months (29.666667) = \$22,250 \$22,250/12 = \$1,854 monthly annuity (rounded down to the next lower whole dollar amount)

In this example, the employee would lose \$21 a month in retirement benefits for receiving 600 EPL hours.

The fact that an employee was able to use EPL instead of annual leave, resulting in an excess balance of annual leave at the end of the leave year, is not a basis for the restoration of forfeited annual leave due to an exigency of the public business under 5 U.S.C. 6304(d)(1)(B).



Documentation and Record Keeping



- **Employees and Supervisors** – Must ensure the “COVID-19 Emergency Paid Leave (EPL) Employee Notification and Leave Request Form” is filled out and completed. It must be submitted to FM and HRO (POC: Deb Burling).
- **Employees** - must read and sign the “Employee Agreement in Connection with Emergency Paid Leave (EPL) Provided Under Section 4001 of the American Rescue Plan of 2021”
- **Employing agency** - is required to retain all documentation provided by the employee for 4 years, regardless of whether leave was granted or denied. If an employee provided oral statements to support his or her request, the agency is required to document and maintain such information in its records for 4 years.

Summary



- **Leave for vaccinations**
- **Leave for recovery from Vaccinations**
- **Emergency Paid Leave**
- **Impact on Retirement**
- **Supporting documentation and Recordkeeping**
- **Information will be located at**

<https://ne.ng.mil/Pages/COVID-19.aspx>

Questions

