



Representing the bargaining unit employees of Passport Services, a division of the Department of State's Bureau of Consular Affairs

Lee T. Wentz
President
NFFE 1998
Phone # (215) 931-4569

Date: March 24, 2021

To: Steven J. Polson, Chief Labor Management Negotiator

Subject: Implementation of H.R. 1319 aka the “American Rescue Plan Act of 2021” – Sec. 4001. Emergency Federal Employee Leave Fund

REQUEST

NFFE 1998 is seeking clarification and has suggestion(s) on the new leave policy because the Department has not provided guidance on the new leave policy.

Questions:

- 1) How and when will the Department of State going to administer this Emergency Federal Employee Leave to the BUEs of 1998?
- 2) Will the Department of State ask for Documentation for Sec. 4001 (b) 1-8 of H.R. 1319?

Suggestion(s):

- 1) If a BUE makes more than the aggregate amount of \$2800, they are still eligible for the Emergency Federal Leave but chooses to receive a reduction in pay to match the cap set forth in H.R. 1319.

BACKGROUND

On March 11, 2021 President Biden signed H.R. 1319 aka the “American Rescue Plan Act of 2021.” In Section 4001 of this bill, federal employees are entitled to 600 hours of leave.

Sec. 4001 (b). PURPOSE – Amounts in the Fund shall be available for reimbursement to an agency for the use of paid leave under this section by any employee of the agency who is 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 seeking a medical diagnosis;*
- (5) *is caring for a son or daughter of such employee if the school of place of care of the sone 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 make 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;*
- (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 employees 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.*

And

Sec. 4001 (c) LIMITATIONS

(2) TOTAL HOURS; AMOUNT. – Paid leave under this section –

(A) shall be provided to an employee in an amount not to exceed 600 hours of paid leave for each full-time employee, and in the case of a part-time employee with a seasonal work schedule, in an amount not to exceed the proportional equivalent of 600 hours to the extent amounts in the Fund remain available for reimbursement;

(B) shall be paid at the same hourly rate as other leave payments; and

(C) may not be provide to an employee if the leave would result in payments greater than \$2,800 in aggregate for any biweekly pay period for a full-time employee, or a proportionally equivalent biweekly limit for a part-time employee.

IN CLOSING

We ask that consideration of these questions and suggestions be addressed since the Emergency Federal Leave Fund was established on Thursday, March 11th 2021.