

USDA GUIDANCE
FREQUENTLY ASKED QUESTIONS
EMERGENCY PAID LEAVE

How to Apply

1. How do I apply for emergency paid leave?

- (1) **Step 1: Employee Notification and Leave Request Form.** You must request the leave in advance, verbally or in writing, and your supervisor may require a reasonable advance notice before approving the leave. Certain information is required to be collected when requesting emergency paid leave. You are encouraged to use the Employee Notification and Leave Request Form to ensure all required documentation is provided.
- (2) **Step 2: Employee Agreement Form.** You must sign the Employee Agreement form and provide it to your supervisor before you may be granted emergency paid leave. You must agree that if any emergency paid leave is not available due to exhaustion of the Fund, you will use other paid leave or leave without pay (LWOP) and reimburse the agency to cover the resulting overpayment.
- (3) **Step 3: Track Hours and Payments.** Ensure you do not exceed the biweekly payment limitations (\$2,800 or equivalent) or aggregate limit of hours (600 hours or equivalent) that may be claimed.

Coding the Timesheet

2. How do I code my timesheet?

You must use the appropriate Transaction Descriptor (TD) with the appropriate Transaction Code (TC) when claiming emergency paid leave. Federal Wage System (FWS) employees must also use the appropriate Shift Suffix Code (SSC).

Coding will be made available for employee use no later than May 23, 2021.

TD	TC	SSC	Description
87	01		Code TD-87/TC-01 when using emergency paid leave for all qualifying reasons.
87	11		Code TD-87/TC-11 if you are regularly scheduled to work during the night period and use 8 hours or less of leave during the pay period.
87	01	1	Code SSC-01/TC-01 if you are a FWS employee and the majority of regularly scheduled non-overtime hours of work fall between the hours of 7:00 a.m. and 3:00 p.m.
87	01	2	Code SSC-02/TC-87 if you are a FWS employee and the majority of regularly scheduled non-overtime hours of work fall between the hours of 3:00 p.m. and 12:00 a.m.
87	01	3	Code SSC-03/TC-87 if you are a FWS employee and the majority of regularly scheduled non-overtime hours of work fall between the hours of 11:00 p.m. and 8:00 a.m.

Payment Limitations

3. Is there a limit to how much money I can receive in emergency paid leave payments each pay period?

Yes. Emergency paid leave payments are limited to \$2,800 per pay period.

$$\$2,800 / 80 \text{ hours} = \$35 \text{ per hour}$$

- If your hourly adjusted rate of basic pay* is \$35 or less, then you may claim up to 80 hours of emergency paid leave in a pay period.
- If your hourly adjusted rate of basic pay is more than \$35, then you are limited to the number of emergency paid leave hours you may claim in a pay period and will need to make up the remaining hours in your basic biweekly work requirement by working or taking other earned leave or time off.

* *Hourly Adjusted Rate of Basic Pay.* To determine your hourly adjusted rate of basic pay, include the same payments you receive when you charge annual leave (e.g., night pay, Administratively Uncontrollable Overtime (AUO), Law Enforcement Availability Pay (LEAP), and standby duty pay).

4. How do I determine the maximum number of emergency paid leave hours I can claim in a pay period?

(1) **Step 1:** Click on the link below to find the locality pay table that applies to your position to determine your hourly rate of pay:

- [General Schedule](#)
- [Law Enforcement Officers](#)
- [Special Rate Tables](#)

(2) **Step 2:** Use the “Hourly Rate” table.

(3) **Step 3:** Divide \$2,800 by your adjusted hourly rate of pay.

See examples below using the Rest of U.S. locality pay table, Washington, DC locality pay table, Law Enforcement Officer who receives AUO, and a part-time employee:

2021 Rest of U.S. Locality Pay Table, Rates per Hour

Grade	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
03	13.45	13.90	14.35	14.80	15.25	15.70	16.14	16.59	17.04	17.49
04	15.10	15.61	16.11	16.61	17.12	17.62	18.12	18.63	19.13	19.63
05	16.90	17.46	18.02	18.59	19.15	19.71	20.28	20.84	21.40	21.97
06	18.84	19.46	20.09	20.72	21.35	21.98	22.60	23.23	23.86	24.49
07	20.93	21.63	22.33	23.02	23.72	24.42	25.12	25.82	26.51	27.21
08	23.18	23.95	24.73	25.50	26.27	27.04	27.82	28.59	29.36	30.14

09	25.60	26.46	27.31	28.16	29.02	29.87	30.72	31.58	32.43	33.28
10	28.19	29.13	30.07	31.01	31.95	32.90	33.84	34.77	35.71	36.66
11	30.98	32.01	33.04	34.08	35.11	36.14	37.17	38.21	39.24	40.27
12	37.13	38.37	39.60	40.84	42.08	43.32	44.56	45.79	47.03	48.27
13	44.15	45.62	47.09	48.57	50.04	51.51	52.98	54.45	55.92	57.40
14	52.17	53.91	55.65	57.39	59.13	60.87	62.61	64.35	66.08	67.82
15	61.37	63.42	65.46	67.51	69.55	71.60	73.64	75.69	77.74	79.78

- For example, a GS-07 step 5 adjusted hourly rate of basic pay is \$23.72. The employee may claim up to 80 hours of emergency paid leave because it is below the \$2,800 biweekly threshold:
 - $\$23.72 \times 80 \text{ hours} = \$1,897.60$
- For example, a GS-13 step 2 adjusted hourly rate of basic pay is \$45.62. The employee may claim up to 61.25 hours of emergency paid leave and will need to make up the remaining hours in their basic biweekly work requirement by working or taking other leave:
 - $\$2,800 / \$45.62 = 61.38$ (round down to the nearest 15-min increment)
 - 61.25 hours is the maximum number of emergency paid leave hours that may be used per pay period
 - The employee uses 18.75 hours of annual leave to fulfill their 80-hour basic biweekly work requirement ($61.25 + 18.75 = 80$ hours)
- For example, a Law Enforcement Officer, GL-07 step 3 earns \$28.68 per hour (LA) and receives 25% AUO payments. The employee may claim up to 78 hours of emergency paid leave and will need to make up the remaining 2 hours in their 80-hour basic biweekly work requirement by working or taking other leave:
 - $\$28.68 + (\$28.68 \times 25\%) = \$35.85$ adjusted hourly rate of basic pay
 - The employee may not claim more than 78 hours of emergency paid leave in a pay period ($\$2,800 / \$35.85 = 78.10$)

2021 Washington, DC, Locality Pay Table, Rates per Hour

Grade	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
03	15.14	15.64	16.15	16.65	17.16	17.66	18.17	18.67	19.18	19.68
04	17.00	17.56	18.13	18.69	1.26	19.83	20.39	20.96	21.53	22.09
05	19.01	19.65	20.28	20.92	21.55	22.18	22.82	23.45	24.09	24.72
06	21.20	21.90	22.61	23.32	24.02	24.73	25.44	26.14	26.85	27.55
07	23.55	24.34	25.12	25.91	26.69	27.48	28.27	29.05	29.84	30.62
08	26.09	26.95	27.82	28.69	29.56	30.43	31.30	32.17	33.04	33.91
09	28.81	29.77	30.73	31.69	32.65	33.61	34.57	35.53	36.49	37.45
10	31.73	32.79	33.84	34.90	35.96	37.02	38.07	39.13	40.19	41.25
11	34.86	36.02	37.18	38.35	39.51	40.67	41.83	42.99	44.16	45.32
12	41.78	43.17	44.57	45.96	47.35	48.75	50.14	51.53	52.93	54.32

Grade	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
13	49.68	51.34	53.00	54.65	56.31	57.96	59.62	61.28	62.93	64.59
14	58.71	60.67	62.62	64.58	66.54	68.50	70.45	72.41	74.37	76.32
15	69.06	71.36	73.66	75.97	78.27	80.57	82.65	82.65	82.65	82.65

- For example, a GS-09 step 9 adjusted hourly rate of basic pay is \$36.49. The employee may not claim more than 76.5 hours of emergency paid leave per pay period:
 - $\$2,800 / \$36.49 = 76.73$ (round down to the nearest 15-min increment)
 - 76.5 hours is the maximum number of emergency paid leave hours that may be used per pay period.
 - The employee works 3.5 hours to fulfill their 80-hour basic biweekly work requirement ($76.5 + 3.5 = 80$ hours)
- For example, a GS-14 step 3 adjusted hourly rate of basic pay is \$62.62. The employee is part-time and scheduled to work 32 hours per pay period. The employee may not claim more than 17.5 hours of emergency paid leave per pay period:
 - $32 / 80 \times \$2,800 = \$1,120$ adjusted biweekly threshold
 - $\$1,120 / \$62.62 = 17.89$ (round down to the nearest 15-min increment)
 - 17.5 hours is the maximum number of emergency paid leave hours that may be used per pay period

Effect on Retirement Annuity

5. If I use emergency paid leave, will it have an effect on my retirement annuity?

Yes. If you use any emergency paid leave, it will reduce the total creditable service used to calculate your retirement annuity.

- For example, a FERS employee has 30 years of service and retires at age 57.
 - High-3 salary is \$75,000
 - Monthly annuity is \$1,875
 - If they used 600 hours of emergency paid leave, it would reduce their monthly annuity by \$21 to \$1,854.

Retroactive Use

6. Can I claim emergency paid leave retroactively?

Yes. You may use emergency paid leave retroactively to March 11, 2021. Emergency paid leave may not be used before March 11, 2021 or after September 30, 2021 (or sooner if the Fund has been exhausted).

Vaccinations

7. Can I still be granted administrative leave to receive my COVID-19 vaccine?

Yes. Agencies are to continue to grant administrative leave instead of emergency paid leave for vaccinations to preserve the Fund. You may receive up to 4 hours of administrative leave for each COVID-19 vaccine, including travel time. Up to 2 workdays may be granted if you have an adverse reaction to a vaccination. If additional time is needed you may request emergency paid leave.

Emergency Paid Leave Fund Exhausted

8. Will I be billed for an overpayment if the fund is exhausted, if I exceed the \$2,800 per pay period limit, or if I exceed the maximum number of hours that can be claimed?

If the Fund is exhausted, you must submit a corrected timesheet replacing emergency paid leave hours with annual leave, credit hours, compensatory time, sick leave (if applicable), restored annual leave, advanced annual/sick leave, time-off award, or LWOP.

You and your supervisor must monitor the number of emergency paid leave hours claimed and the biweekly payment to ensure you do not exceed the limitations. Agencies are responsible for identifying and notifying any employee who has exceeded the limits and ensure corrected timesheets are submitted.

- For example, an employee coded 80 hours of emergency paid leave but the Fund was depleted, and the agency was not reimbursed for the claim. The employee submitted a corrected timesheet, replacing the 80 hours of emergency paid leave with annual leave. The employee corrected the overpayment and would not receive a bill.
- For example, a GS-12 step 1, adjusted hourly rate of pay is \$41.78. The employee coded 80 hours of emergency paid leave and exceeded the \$2,800 biweekly limit ($\$41.78 \times 80 = \$3,342$). The employee submitted a corrected timesheet, charging 67 hours of emergency paid leave and 13 hours of LWOP. The employee would receive a bill for the emergency paid leave hours replaced by LWOP hours.
- For example, an employee coded 620 hours of emergency paid leave and exceeded the 600-hour limit. The employee submitted a corrected timesheet and replaced 20 hours of emergency paid leave with 20 hours of annual leave. The employee corrected the overpayment and would not receive a bill.

9. If the Fund is exhausted, or if I've used all my emergency paid leave, can I be granted weather and safety leave to care for my child?

No. You may not be granted weather and safety leave or administrative leave to care for your child. You may use earned time off, e.g., annual leave, advanced annual leave, restored annual leave, credit hours, compensatory time off, time-off award, or LWOP. If your child becomes ill, you may use sick leave or advanced sick leave.

10. I'm not able to telework and have been granted weather and safety leave. Do I need to charge emergency paid leave now?

If you have been granted weather and safety leave because you are unable to telework and unable to return to your regular worksite because of COVID, then you may continue to be granted weather and safety leave to preserve the Fund.

If you become ill or if you are caring for a family member who has become ill, then you may no longer be granted weather and safety leave or administrative leave but may request sick leave, annual leave, credit hours, compensatory time, Family and Medical Leave Act (FMLA) leave (if applicable), advanced annual/sick leave, or LWOP.

Intermittent Use

11. Can I use emergency paid leave intermittently?

Yes. You may use emergency paid leave for a few hours a day and work or take other leave in the same workday.

Part-Time and Seasonal Employees

12. How many hours of emergency paid leave can a part-time employee receive?

Part-time employees, employees on an uncommon tour of duty, or employee with a seasonal work schedule, receive a prorated amount.

- For example, a part-time employee is scheduled to work 32 hours per pay period. The employee is eligible for 240 hours of emergency paid leave:

$$(32/80) \times 600 = 240 \text{ hours}$$

13. I'm a seasonal employee. Can I use emergency paid leave during my "off season"?

No. You must have scheduled hours of work to use emergency paid leave. If you are a seasonal employee, then you are not scheduled to work during the off-season. Therefore, you may not use emergency paid leave during off-season periods.

Transfer

14. If an employee transfers to another agency, will they receive an additional 600 hours of emergency paid leave?

No. A full-time Federal employee is limited to 600 hours total, even if they change jobs, have a different employer, or has multiple qualifying circumstances.

Night Pay

15. Will I receive night pay when I claim emergency paid leave?

- If you are regularly scheduled to work at night and claim less than 8 hours of paid leave in the pay period, then yes, you will receive night pay with emergency paid leave hours.
- If you are not regularly scheduled to work at night or if you claim 8 hours or more of leave in the pay period, then you will not receive night pay.

Relationship to Other Leave

16. Is emergency paid leave deducted from my sick leave balance?

No. Emergency paid leave is an entirely different leave entitlement and does not have any effect on your current sick leave or annual leave balances. You will continue to accrue sick leave and annual leave, and if you use emergency paid leave, it will have no effect on your current accrued sick leave or annual leave balances.

Family Medical Leave Act (FMLA)

17. Does emergency paid leave impact my use of FMLA leave?

If you have invoked FMLA because you have COVID-19 or are caring for your spouse, child, or parent who has COVID-19, then you may replace any portion of the unpaid FMLA with emergency paid leave. If you have invoked FMLA for any other reason (not COVID-19), then you may not use emergency paid leave during the LWOP period.

Paycheck Deductions

18. Will normal paycheck deductions, such as TSP or health benefits, be deducted when I use emergency paid leave?

Yes. Emergency paid leave is treated like any other leave for deduction purposes. Your TSP, retirement, health benefits, etc., will continue to deduct as normal from your total wages.

Forfeited Annual Leave

19. Can I have my annual leave restored if I use emergency paid leave?

No. If you have forfeited annual leave at the end of the leave year because you used emergency paid leave instead of annual leave, that does not qualify as a reason to have your leave restored.