



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

Vance Zimmerman
Industrial Relations Director

May 7, 2021

202-842-4273 (Office)
202-371-0992 (Fax)

Kathleen M. McGettigan, Acting Director
United States Office of Personnel Management
1900 E Street NW
Washington DC 20415

National Executive Board

Mark Dimondstein
President

Debby Szeredy
Executive Vice President

Elizabeth "Liz" Powell
Secretary-Treasurer

Vance Zimmerman
Director, Industrial Relations

Lamont Brooks
Director, Clerk Division

Idowu Balogun
Director, Maintenance Division

Michael O. Foster
Director, MVS Division

Stephen R. Brooks
Director, Support Services Division

Sharyn M. Stone
Coordinator, Central Region

AJ Jones
Coordinator, Eastern Region

Tiffany Foster
Coordinator, Northeast Region

Kennith L. Beasley
Coordinator, Southern Region

Omar M. Gonzalez
Coordinator, Western Region

Sent Via: Priority Mail Signature Confirmation: 9410 8036 9930 0136 6161 84

RE: Emergency Federal Employee Leave (EFEL) Guidance

Dear Acting Director McGettigan,

The American Postal Workers Union, AFL-CIO, represents over 170,000 postal employees at the who are covered by the American Rescue Plan Act and the provisions on Emergency Federal Employee Leave. The Industrial Relations Department is responsible for addressing issues and questions regarding your recently-issued guidance on EFEL on April 29, 2021, which was re-circulated to employees by the Postal Service shortly thereafter. Based on that guidance and our discussions with the Postal Service, the APWU is requesting clarification from OPM on two issues.

First, the guidance makes reference to agencies granting employees administrative leave to allow employees to receive and recover from COVID-19 vaccinations. With regard to the Postal Service, please advise whether the administrative leave directive is a mandate from OPM that the Postal Service is obligated to follow or whether OPM is permitting the Postal Service the discretion to decide whether to grant postal employees administrative leave to be vaccinated? The APWU has been a leader in encouraging postal employees to get vaccinated, and providing employees with administrative leave would be a great step in supporting the effort to vaccinate as many postal employees as possible.

Second, unlike many agencies, the Postal Service operates 24-hours a day, 365-days year. Because of the Postal Service's operational needs, thousands of employees work outside of traditional "day shift" hours. We refer to these non-daytime schedules as Tour 1 (graveyard shift) and Tour 3 (swing shift), and typically employees who work nights live a reverse schedule and sleep during the day. In your guidance, specifically page 7 of *Attachment 2 Guidance on COVID-19 Emergency Paid Leave*, regarding use of EFEL to care for a child, Section D.7.e states "This circumstance applies only when an employee needs

Kathleen M. McGettigan, Acting Director
Re: EFEL Guidance
May 7, 2021
Page 2

to, and actually is, caring for the employee's son or daughter and if the employee is unable to work (including telework) as a result of providing care." Please clarify whether this circumstance includes an employee who takes leave from his or her night shift in order to align his or her schedule with childcare and school needs during the day when the employee would normally be unavailable. In other words, can a postal employee use EFEL to cover his or her normal night shift hours so they may sleep at night and care for their child during the day?

Written clarification on these two issues would be greatly appreciated. If you wish to contact me, I may be reached at [REDACTED].

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Vance Zimmerman".

Vance Zimmerman
Industrial Relations Director

cc: Charlie Cash, Executive Assistant to Director

VZ/CC:jm
OPEIU#2