

CANCELLATION, RESTORATION, FORFEITED ANNUAL LEAVE
END OF YEAR GUIDANCE

IMPORTANT: The cancellation of annual leave is a separate step in the process for possible restoration of leave after pay period 1, 2005.

The following is guidance for timekeepers, employees and supervisors regarding the usage of leave for leave year 2004 which ends on January 8, 2005. NOTE: Action is required by COB November 27, 2004.

Restoration of Forfeited Annual Leave - In accordance with the law (C.F.R. 630.308), to be considered for restoration of annual leave, "use of the annual leave must have been scheduled in writing before the start of the third bi-weekly pay period (November 28, 2004) prior to the end of the leave year." When an employee chooses not to request or use annual leave to avoid forfeiture, he or she is not entitled to have the forfeited leave restored.

Use-or-Lose Annual Leave Report - The National Finance Center (NFC) annual leave status reports are forwarded to T&A Contact Points. Supervisors should review these reports and ask employees to schedule annual leave which will exceed their 240-hour ceiling (SES staff and certain other employees have higher leave ceilings). Scheduling of annual leave is a cooperative endeavor between the supervisor and the employee. Leave scheduling and considerations should reflect the needs of the mission and the wishes of the employee. While employees have an obligation to request annual leave in writing and in a timely manner, supervisors also have a responsibility of ensuring careful planning and scheduling of leave in order to avoid forfeiture of the leave.

STEP 1 - CANCELLATION PROCEDURES

To request the approval of the CANCELLATION of annual leave, you may wish to use the [Canc-sample memo](#). This memo contains pertinent information needed for the prompt and efficient processing of the cancellation of leave.

NASS, CSREES and ERS:

The annual leave must be scheduled before COB November 27, 2004. If at a later date, the supervisor finds that the leave must be canceled, a memo must be sent in a timely manner for formal cancellation according to the procedures below. Employees must attempt to reschedule leave (with supervisory approval) within the remainder of the leave year. Failure to attempt to reschedule the leave could result in forfeiture.

For approval of the cancellation of annual leave, a supervisor must request, via a memorandum to their agency head, cancellation of the leave and provide justification for the decision. See section on Decision Information.

ARS:

The annual leave must be scheduled before COB November 27, 2004. If at a later date, the supervisor finds that the leave must be canceled, a memo must be sent in a timely manner for formal cancellation according to the procedures below. Employees must attempt

to reschedule leave (with supervisory approval) within the remainder of the leave year. Failure to attempt to reschedule the leave could result in forfeiture.

For approval of the annual leave cancellation, ARS supervisors must submit leave cancellation requests and justification for the decision, (See Section on Decision Information) directly to Keith Caldwell, Branch Chief, REE Policy Branch, ATTENTION: Judy Capozzi. Rather than use US Postal Service, you may Fax the signed cancellation request memo, along with copies of the signed leave slips to 301-504-1493 and keep the original copy with the T&A file in case it is needed.

These cancellation requests must be sent immediately when it is known that the employee cannot use the annual leave as scheduled. (Reminder this is a separate process to be done earlier than the request to restore leave.)

DECISION INFORMATION

Annual leave hours in excess of the 240-hour leave ceiling may be restored under conditions 1 through 3 below:

1. Public Exigency - Only an exigency of major importance will support the cancellation of employees' annual leave (e.g., critical work assignments that cannot be postponed or performed by other employees). Supervisors must document that there were no reasonable alternatives to canceling the leave.

2. Employee Sickness - Supervisors must document that the period of sickness interfered with scheduled use of annual leave and the illness occurred too late in the year to permit rescheduling.

3. Administrative Error - Supervisors must request restoration of annual leave which was forfeited because of administrative error. Failure on the supervisor's part to either schedule requested annual leave or present cases to the proper officials for determinations of public exigency constitutes an administrative error.

Military - Serving in the military is not considered a reason for restoration of leave. If an employee is serving in the military and use or lose annual leave is subject to forfeiture, it is recommended that the employee use their annual leave rather than their military leave. Military leave can be rolled over from one fiscal year to another, not to exceed 240 hours in any given fiscal year.

Compensatory Time: Employees should use compensatory time earned no later than the end of the leave year following the year in which it was earned. Except when they have annual leave to use or lose late in the leave year, employees must use compensatory time earned before they use annual leave. Supervisors should ensure that employees use all compensatory time earned within the time allowed.

Donating Annual or Restored Leave: Employees who are unable to use all of their "use or lose" annual leave may donate the annual leave to the Voluntary Leave Transfer Program. Restored annual leave that is subject to forfeiture may also be donated. Those planning to donate this leave must do so no later than December 3, 2004.

The Leave Recipients List is e-mailed to all REE employees. The form REE-4 (Revised 9/98), "Donor Application - Leave Transfer Program (LTP)," is attached to this message for your convenience.

Annual leave donors should complete the form and fax it to the Pay and

Leave Staff/REE Policy Branch/HRD on 301-504-1493. Please do not fax and then also mail the same donation form.

If you have any question regarding the Voluntary Leave Transfer Program, Monetta Harvey on 301-504-1466, or Judy Capozzi on 301-504-1468.

STEP - 2 RESTORATION OF ANNUAL LEAVE

SAMPLE MEMO: To request the approval of the RESTORATION of annual leave, you may wish to use the **REST-sample memo**. This memo contains pertinent information needed for the prompt and efficient processing of the restoration of annual leave.

NASS, CSREES, ERS and ARS

After pay period 01/2005, proceed with the following steps:

1. Send a memo requesting restoration of the hours to:
Keith Caldwell, Chief of the REE Policy Branch
ATTENTION: Judy Capozzi
2. Attach the T&A printout of PP26 and PP1
3. Send copies of all approved leave slips that were submitted prior to November 27, 2004
4. Attach the memo that approved the cancellation of the leave
5. Fax all information to: 301-504-1493 (Please keep original in the T&A folder.) Or,
6. Mail to:
REE Policy Branch Chief
ATTENTION: Pay and Leave Staff
REE Policy Branch, HRD, AFM, Stop 5103
5601 Sunnyside Avenue
Beltsville, Maryland, 20705-5103

After review, you will receive an e-mail memo stating whether or not the restoration was approved.

If we can be of assistance for any concerns regarding leave cancellation or restoration, please contact Judy Capozzi on 301-504-1468 jcapozzi@ars.usda.gov, Ted Nykiel on 301-504-4426 tnykiel@ars.usda.gov or Denise Corbitt on 301-504-1443 dcorbitt@ars.usda.gov.
