

# *Leave Guide*



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# ~ Chapter 1 ~

## Introduction

All federal government employees, except employees on intermittent work schedules, are eligible for leave benefits including: annual leave, sick leave, leave without pay, and other paid/unpaid benefits. When Labor Agreements exist between management and local unions, other rules may apply. Where there is a difference in procedure, the requirements of the Labor Agreement prevail.

## Leave Year Beginning and Ending Dates

A leave year begins on the first day of the first full biweekly pay period in a calendar year and leave year ends on the day immediately before the first day of the first full biweekly pay period in the following calendar year.

Employees may carry over a maximum amount of accrued annual leave (240 hours for most employees). "Use or lose" annual leave is the amount of accrued annual leave that is in excess of the employee's maximum annual leave limitation for carry over into the next leave year. Employees must "use" their excess annual leave by the end of a leave year or they will "lose" (forfeit) it. An agency may consider restoring annual leave that was forfeited due to an exigency of the public business or sickness of the employee **only** if the annual leave was scheduled in writing before the start of the third biweekly pay period prior to the end of the leave year.

The beginning and ending dates of leave years 2007 through 2011 shown below apply to BLM employees.

<i>Leave Year</i>	<i>Leave Year Beginning Date</i>	<i>Leave Year Ending Date</i>	<i>Date for Scheduling "Use or Lose" Annual Leave</i>
<b>2007</b>	January 07, 2007	January 05, 2008	November 24, 2007
<b>2008</b>	January 06, 2008	January 03, 2009	November 22, 2008
<b>2009</b>	January 04, 2009	January 02, 2010	November 21, 2009
<b>2010</b>	January 03, 2010	January 01, 2011	November 20, 2010
<b>2011</b>	January 02, 2011	December 31, 2011	November 19, 2011

## ~ Chapter 2 ~

### Annual Leave

Annual leave is provided for each BLM employee who has an established tour of duty or work schedule and whose appointment is for 90 days or longer. Full-time employees earn annual leave each pay period in increments of 4, 6, or 8 hours, depending upon the total years of federal service. Both creditable civilian and military service are used in determining time increments for leave purposes. The rates of annual leave accrual are as follows:

#### *Accrual Rates*

<i>Employee Type</i>	<i>Less than 3 years of service</i>	<i>3 years but less than 15 years of service</i>	<i>15 or more years of service</i>
<i>Full-time employees</i>	½ day (4 hours) for each pay period	¾ day (6 hours) for each pay period, except 1¼ day (10 hours) in last pay period	1 day (8 hours) for each pay period
<i>Part-time employees</i>	1 hour of annual leave for each 20 hours in a pay status	1 hour of annual leave for each 13 hours in a pay status	1 hour of annual leave for each 10 hours in a pay status
<i>Uncommon tours of duty</i>	(4 hours) <b>times</b> (average # of hours per biweekly pay period) <b>divided by</b> 80 = biweekly accrual rate.	(6 hours) <b>times</b> (average # of hours per biweekly pay period) <b>divided by</b> 80 = biweekly accrual rate.	(8 hours) <b>times</b> (average # of hours per biweekly pay period) <b>divided by</b> 80 = biweekly accrual rate

Normally you may not carry over more than 30 days (240 hours) of annual leave. Earned annual leave exceeding 240 hours must be used by the end of the leave year or it will be lost.

Annual leave may be granted when requested with consideration to the effect of your absence on the assigned workload. In cases where an emergency requires you to remain away from work without prior approval, you must notify your supervisor as soon as

possible on the first day of your absence. Check with your supervisor about specific reporting requirements for your office.

The minimum charge for use of annual leave is 15 minutes. Should you leave federal service, you will be paid a lump sum for any unused annual leave, at your current hourly rate of pay.

Part-time employees earn leave based on the number of hours worked. Part-time employees with less than 3 years of service earn 1 hour of annual leave for each 20 hours in pay status. Those with 3 but less than 15 years of service earn 1 hour of annual leave for each 13 hours in pay status. Part-time employees with 15 or more years of service earn 1 hour of annual leave for each 10 hours in pay status.

*Hours code      Annual leave – used      020*

### **Requesting and Approving Annual Leave**

#### ***Requesting Annual Leave***

Except in emergencies, employees must request and obtain approval from their supervisor before using annual leave. If an employee has an emergency, the supervisor must be contacted as soon as possible on the first day of absence.

Although it is not required to submit a Request for Leave or Approved Absence, OPM-71 form, for all annual leave requests, it is a good practice to request annual leave in writing. This will serve as documentation, a better method to track and control leave within the office, and to assist with approving time sheets. Supervisors should make sure that the method used is applied consistently to all employees.

Supervisors should make sure that all employees are aware of the procedures that are to be followed when requesting leave. Employees should ask their supervisor if at any time there are questions on the procedures in requesting annual leave.

#### ***Approving Annual Leave***

Although employees automatically earn annual leave and are entitled to use it, supervisors have the right to schedule and control its use. In other words, although employees have the right to use leave, supervisors have the right to determine when it will be taken. There is no automatic right to use annual leave at a particular time of an employee's choosing, and therefore, employees must first obtain permission to use it.

Supervisors must make sure that leave schedules are sufficiently balanced and spread out to avoid serious interference with the operation of the work unit. This may mean that a leave request may have to be disapproved if too many people want leave at the same time, if there is a shortage of staff to cover the office, or if workload is too high to allow anyone to be absent during a particular period. Leave approved earlier can also be

canceled at a later time if there is a serious workload or staffing problem. The disapproval of leave, the reason for disapproval, and the rescheduling of the leave must be documented on an OPM Form-71.

Although verbal approval of annual leave of less than 5 continuous workdays is a supervisory option, it is recommended that all approvals of annual leave by the supervisor is annotated on an OPM Form-71. Annual leave for more than 5 continuous days requires the approval of the supervisor on the OPM Form-71. Supervisors need to make sure that all employees are aware of the procedures being used to approve annual leave.

***Annual Leave Ceilings***

<b><i>Maximum Annual Leave That May Be Carried Over into the New Leave Year</i></b>	
Federal Employees Stationed within the United States	30 days
Federal Employees Stationed Overseas	45 days
Members of the Senior Executive Service	90 days

Any accrued annual leave in excess of the maximum allowed by law will be forfeited. Forfeited annual leave may be restored under 5 U.S.C. 6304(d). (See Restoration of Annual Leave.)

***Advance Annual Leave***

Supervisors may advance annual leave consistent with agency policy. The amount of annual leave that may be advanced is limited to the amount of annual leave an employee would accrue in the remainder of the leave year. Employees do not have an entitlement to advance annual leave. In most cases, when an employee who is indebted for advance annual leave separates from Federal service, he or she is required to refund the amount of advance leave for which he or she is indebted.

***Hours Code      Annual Leave Advanced – Used      023***

***Annual Leave to Establish Retirement Eligibility***

An employee may use annual leave to establish initial eligibility for retirement in reduction-in-force and other restructuring situations. An employee who has received a specific notice of termination in a RIF situation may use annual leave past the date the employee would otherwise have been separated in order to establish initial eligibility for immediate retirement, including discontinued service or voluntary early retirement.



**References:** 5 U.S.C. chapter 63, subchapter I  
5 CFR 351.606  
5 CFR part 630, subparts B and C  
Comptroller General Opinions:  
16 Comp. Gen. 481 (1936), 39 Comp. Gen. 611 (1960) --absolute right  
B-189085 (04/03/78), 57 Comp. Gen. 325 (1978),  
58 Comp Gen. 684 (1979)--forfeiture  
B-213380 (08/20/84), B-256975 (10/11/94)—restoration  
B-188993 (12/12/77), 56 Comp. Gen. 470 (1977), 60 Comp. Gen. 598  
(1981), B-221265 (06/02/86)--general information.

### **Restoration of Annual Leave**

Agencies may restore annual leave that was forfeited because it was in excess of the maximum leave ceilings (i.e., 30, 45, or 90 days) if the leave was forfeited because of an administrative error, exigency of the public business, or sickness of the employee. An agency must restore the annual leave in a separate leave account.

#### ***Administrative Error***

The employing agency determines what constitutes an administrative error.

#### ***Exigency of the Public Business***

The employing agency determines that an exigency—i.e., an urgent need for the employee to be at work—is of major importance and that excess annual leave cannot be used. An employee's use of earned compensatory time off or credit hours does not constitute an exigency of the public business. If the use of earned compensatory time off or credit hours that are about to expire results in the forfeiture of excess annual leave, the forfeited leave cannot be restored.

#### ***Sickness***

The employing agency determines that the annual leave was forfeited because of a period of absence due to an employee's sickness or injury that occurred late in the leave year or was of such duration that the excess annual leave could not be rescheduled for use before the end of the leave year.

An agency may consider for restoration annual leave that was forfeited due to an exigency of the public business or sickness of the employee ***only*** if the annual leave was scheduled and approved in writing before the start of the ***third biweekly pay period, prior to the end of the leave year.*** see leave year chart on page 1

### *Time Limit for Using Restored Annual Leave*

An employee must schedule and use restored annual leave not later than the end of the leave year ending 2 years after the date of restoration of the annual leave forfeited because of administrative error; the date fixed by the head of the agency or designee as the date of termination of the exigency of the public business; or the date the employee is determined to be recovered from illness or injury and able to return to duty.

Restored annual leave that is not used within the established time limits is forfeited with no further right to restoration. Administrative error may not serve as the basis to extend the time limit within which to use restored annual leave. This is so even if the agency fails to establish a separate leave account, fix the date for the expiration of the time limit, or properly advise the employee regarding the rules for using restored annual leave.

*Hours Code      Restored Annual – Used      081*

### *Leave Transfer Program (Leave Share)*

The Leave Transfer Program helps employees who have a medical or family emergency and who have exhausted all of their leave. Employees may voluntarily donate annual leave to other employees so they can continue to be paid.

An employee may donate annual leave *directly* to another Federal employee who has a personal or family medical emergency and who has exhausted his or her available paid leave. Each agency must administer a voluntary leave transfer program for its employees. There is no limit on the amount of donated annual leave a leave recipient may receive from the leave donor(s). However, any unused donated leave must be returned to the leave donor(s) when the medical emergency ends.

#### *Leave Recipient*

A potential leave recipient's employing agency must determine that a full-time employee's absence from duty without available paid leave because of a medical emergency is (or is expected to be) at least 24 hours. For part-time employees or employees on uncommon tours of duty, the period of absence without paid leave is prorated. An employee may receive donated annual leave when he or she becomes an approved leave recipient.

#### *Limitations on Leave Donations*

In any leave year, an employee may donate not more than one-half of the amount of annual leave he or she would accrue during a leave year. For employees with "use or lose" annual leave, the employee may donate the lesser of one-half of the annual leave he or she would accrue in a leave year or the number of hours remaining in the leave year for which the employee is scheduled to work and receive pay.



### ***Calculating a Lump-Sum Payment***

An agency calculates a lump-sum payment by multiplying the number of hours of accumulated and accrued annual leave by the employee's applicable hourly rate of pay, plus other types of pay the employee would have received while on annual leave, excluding any allowances that are paid for the sole purpose of retaining a Federal employee in Government service (e.g., retention allowances and physicians comparability allowances).

### ***Types of Pay Included in a Lump-Sum Payment***

- Rate of basic pay
- Locality pay or other similar geographic adjustment
- Within-grade increase (if waiting period met on date of separation)
- Across-the-board annual adjustments
- Administratively uncontrollable overtime pay, availability pay, and standby duty pay
- Night differential (for FWS employees only)
- Regularly scheduled overtime pay under the Fair Labor Standards Act for employees on uncommon tours of duty
- Supervisory differentials
- Non-foreign area cost-of-living allowances and post differentials
- Foreign area post allowances

### ***Return to Federal Service***

In calculating a lump-sum payment, an agency projects forward an employee's annual leave for all the workdays the employee would have worked if he or she had remained in Federal service. By law, holidays are counted as workdays in projecting the lump-sum leave period. If an employee is reemployed in the Federal service prior to the expiration of the period of annual leave (i.e., the lump-sum leave period), he or she must refund the portion of the lump-sum payment that represents the period between the date of reemployment and the expiration of the lump-sum period. An agency re-credits to the employee's leave account the amount of annual leave equal to the days or hours of work remaining between the date of reemployment and the expiration of the lump-sum leave period.

### ***References:***

U.S.C. 5551 and 6306  
[5 CFR part 550, subpart L](#)

## ~ Chapter 3 ~

### Holidays

The following holidays are observed in the federal service:

New Years Day	January 1
Martin Luther King Jr.'s Birthday	Third Monday in January
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

When your regular tour of duty falls on a holiday, you will be paid at your regular pay rate if you are in a pay status either the day before or the day after the holiday.

On a holiday, employees under a *flexible work schedule* are credited with ONLY 8 hours towards their 80-hour basic work requirement for the pay period, even if they would otherwise work more hours on that day.

On a holiday, employees under *compressed work schedules* are generally excused from all of the non-overtime hours they would otherwise work on that day. For example, if a holiday falls on a 9- or 10-hour basic workday, the employee's holiday is 9 or 10 hours, respectively.

**Hours code      Holiday – Not Worked      050**

**Hours code      Holiday – Worked      051**

## *~ Chapter 4 ~*

### *Compensatory Time*

Compensatory time is time off from duty in lieu of paid overtime work performed. Compensatory time is granted on the basis of 1 hour off for 1 hour of overtime worked. Employees who are non-exempt from the Fair Labor Standards Act (FLSA) will receive payment for authorized overtime, unless they request compensatory time off in lieu of payment for overtime worked. Employee must use compensatory time earned within 13 pay periods from the time it was earned. If not used within 13 pay periods, exempt employees will lose the time and non exempt will get the time paid as overtime.

*Hours code      Compensatory Time – Earned      040*

*Hours code      Compensatory Time – Used      041*

### *Compensatory Time for Travel*

Compensatory time off for travel is earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. Compensatory time off for travel is forfeited if: not used by the end of the 26th pay period after the pay period during which it was earned; upon voluntary transfer to another agency; upon movement to a non covered position; or upon separation from the Federal Government. Under no circumstances may an employee receive payment for unused compensatory time off for travel.

*Hours code      Compensatory Time for Travel – Earned      046*

*Hours code      Compensatory Time for Travel – Used      047*

### *Credit Hours*

Credit hours are defined as hours of work within the tour of duty which are in excess of an employee's basic work requirement. Credit hours can be earned when work is available and the circumstances support continuing work (i.e. meeting deadlines, reducing backlogs, increasing productivity and efficiency). Supervisors may prioritize work to determine if the workload justifies credit hours to be earned. The following requirements apply: Employees must be on a flexible work schedule to earn credit hours (Employees on a fixed work schedule are not eligible.); credit hours must be earned

Monday through Saturday, between the flexible time bands of 6 a.m. to 6 p.m. and can not be earned on holidays. Credit Hours earned on Saturday applies to BLM Fire and Aviation only. Credit hours must be earned and used in no less than 15-minute increments. Credit hours may only be used with supervisor's approval. Employees can accumulate up to 24 credit hours. Credit hours must be used before leaving the agency in which they were earned; otherwise, they will be paid out at the employee's regular rate of pay.

*Hours code      Credit Hours – Earned      230*

*Hours code      Credit Hours – Used      231*

## *~ Chapter 5 ~*

### *Sick Leave*

Full-time employees earn 13 days of sick leave each year, at the rate of 4 hours per pay period (every 2 weeks). Employees who work on a part-time basis with an established tour of duty earn sick leave at the rate of 1 hour for each 20 hours of duty. Credit may not exceed 4 hours of sick leave for 80 hours of duty in any pay period. There is no limit on the amount of sick leave you may accumulate. Use of sick leave is charged in increments of 15 minutes.

Sick leave may be used when you are unable to work because of sickness or injury, or when you have a medical, dental, or optical appointment. Under the Family Friendly Leave policies, you may also use sick leave to care for sick family members, to take them for medical, dental or optical appointments, and for death of a family member (see chapter 9 for further information).

These simple rules must be followed when using sick leave:

- Use sick leave for the proper reasons. Sick leave cannot be used to supplement annual leave.
- If you are too sick to work, notify your supervisor within 2 hours after the time you are scheduled to report for duty.
- Ask your supervisor in advance when you want to use sick leave for medical, dental, or optical examinations or treatment.
- Submit a medical certificate signed by your doctor for periods of sick leave that last for more than 3 days, or if requested by your supervisor for any other sick leave.

Failure to follow established procedures could result in time being charged to AWOL (absence without leave) rather than sick leave.

*Hours code      Sick Leave – Used      030*

### *Requesting and Approving Sick Leave*

#### *Requesting Sick Leave*

Employees are not free to take sick leave whenever they feel it appropriate to do so. Like annual leave, sick leave must be requested and approved. That means that an employee who is ill or injured must contact his/her supervisor either before or shortly after the beginning of a scheduled workday to inform the supervisor of the problem and request leave. If an employee is absent for more than one day, he/she must call in daily unless prior arrangements are made with the supervisor.



Sick leave must be requested in advance when scheduled ahead of time, such as for routine medical examination, elective surgery, etc. Although it is not required to submit an OPM-71 form for all sick leave requests, it is a good practice to request sick leave in writing for any anticipated medical appointments. This will serve as documentation, a better method to track and control leave within the office, and to assist with approving time sheets. Supervisors should make sure that the method used is applied consistently to all employees.

A medical certificate or other administratively acceptable evidence must be obtained if more than 3 consecutive working days of sick leave are used. However, it is the supervisor's right to ask for an OPM Form-71 and a medical certificate, or other administratively acceptable evidence whenever he/she feels necessary to do so.

Administratively acceptable evidence is documentation that is acceptable by the supervisor, and may vary depending on the circumstances of the request, and the employee's record.

Supervisors should make sure that all employees are aware of the procedures that are to be followed when requesting leave. Employees should ask their supervisor if there are questions on the procedures for requesting sick leave.

### ***Approving Sick Leave***

Although employees earn sick leave as a benefit established by law and are entitled to use it for specified purposes, its use is subject to approval by supervisors. In short, supervisors are responsible for making certain that sick leave is being used correctly, and may disapprove sick leave requests that do not meet the specific entitlements as outlined under law and regulations.

Although an OPM Form-71 is not required for approving sick leave for 3 or less consecutive workdays, it is recommended that the approval of sick leave by the supervisor for a routine medical examination, elective surgery, etc. is annotated on the OPM Form-71. Supervisors need to make sure that all employees are aware of the procedures being used to approve sick leave.

### ***Advance Sick Leave***

In case of serious disability or ailment, you may have to use all of your earned sick leave. Should this happen, you may request advanced sick leave. Advanced leave is at the discretion of management and is not an entitlement. A maximum of 30 days of sick leave may be advanced to an employee with a medical emergency for purposes related to the adoption of a child, for family care or bereavement purposes or to care for a family member with a serious health condition. A request for advanced sick leave may need to be accompanied by a doctor's certificate. You also have the option to apply to be a recipient under the Leave Transfer Program.

***Sick Leave for Family Care or Bereavement Purposes***

See Chapter 9 Friendly Family Leave Act

***Sick Leave to Care for a Family Member with a Serious Health Condition***

***Entitlement***

Most Federal employees may use a total of up to 12 administrative workweeks of sick leave each leave year to care for a family member with a serious health condition. If an employee previously has used any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the 12-week entitlement. If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days in the same leave year for general family care purposes. An employee is entitled to a total of 12 weeks of sick leave each year for *all* family care purposes.

***Serious Health Condition***

The term "serious health condition" has the same meaning as used in OPM's regulations for administering the Family and Medical Leave Act of 1993 (FMLA). That definition includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth. The term "serious health condition" is not intended to cover short-term conditions for which treatment and recovery are very brief. The common cold, the flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., are not serious health conditions unless complications arise. The agency may require medical certification of a serious health condition.

***Administration***

The same limitations apply to the use of sick leave to care for a family member with a serious health condition as apply to the use of sick leave for general family care or bereavement purposes. (<http://www.opm.gov/oca/leave/html/12week.asp>)

***References:***

5 CFR 630.401 and 630.1202

### *Sick Leave for Adoption*

An employee may use sick leave for purposes related to the adoption of a child. The agency may also advance up to 30 days of sick leave for adoption-related purposes.

Examples may include but are not limited to:

- Appointments with adoption agencies, social workers, and attorneys
- Court proceedings;
- Required travel;
- Any periods of time the adoptive parents are ordered or required by the adoption agency or by the court to take time off from work to care for the adopted child; and
- Any other activities necessary to allow the adoption to proceed.

Adoptive parents who **voluntarily** choose to be absent from work to bond with or care for an adopted child may not use sick leave for this purpose. Parents may use annual leave or leave without pay for these purposes. An agency may request administratively acceptable evidence for absences related to adoption.

*Hours code      Sick Leave in Lieu of Adoption – Used      038*

## ~ Chapter 6 ~

### Leave Without Pay

Leave without pay (LWOP) is a temporary non-pay status and absence from duty that, in most cases, is granted at the employee's request. In most instances, granting LWOP is a matter of supervisory discretion and may be limited by agency internal policy. Employees, however, have an entitlement to LWOP in the following situations:

- The Family and Medical Leave Act of 1993 (FMLA) (Public Law 103-3, February 5, 1993) provides covered employees with an entitlement to a total of up to 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs. (See 5 CFR part 630, subpart L.)
- The Uniformed Services Employment and Reemployment Rights Act of 1994 (Pub.L. 103-353) provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service. (See 5 CFR 353.106.)
- Executive Order 5396, July 17, 1930, provides that disabled veterans are entitled to LWOP for necessary medical treatment.
- Employees may not be in a pay status while receiving workers' compensation payments from the Department of Labor.

Employees should be aware that LWOP affects their entitlement to or eligibility for certain Federal benefits. See chart below.

<b>Effect of Extended Leave Without Pay (LWOP) (or Other Non-pay Status) on Federal Benefits and Programs</b>	
<b>Type of Benefit/Program</b>	The amount of LWOP (or other non-pay status) that is considered creditable service for purposes of determining an employee's entitlement to, or eligibility, for the following Federal benefits and programs:
<b>Career tenure</b>	The first 30 calendar days of each non-pay period is creditable service.
<b>Completion of probation</b>	A total of 22 workdays in a non-pay status is creditable service.
<b>Time-in-grade (requirements for promotion)</b>	Any non-pay status is creditable service.
<b>Retirement benefits</b>	A total of 6 months in a non-pay status in any calendar

	<p>year is creditable service. Coverage continues at no cost to the employee while in a non-pay status. When employees are in a non-pay status for only a portion of a pay period, their contributions are adjusted in proportion to their basic pay (5 U.S.C. 8332 and 8411).</p>
<b>Health benefits</b>	<p>Enrollment continues for no more than 365 days in a non-pay status. The non-pay status may be continuous or broken by periods of less than 4 consecutive months in a pay status (5 CFR 890.303(e)). The Government contribution continues while employees are in a non-pay status. The Government also is responsible for advancing from salary the employee share as well. The employee may choose between paying the agency directly on a current basis or having the premiums accumulate and withheld from his or her pay upon returning to duty.</p>
<b>Life insurance</b>	<p>Coverage continues for 12 consecutive months in a non-pay status without cost to the employee (5 CFR 870.401(c)) or to the agency (5 CFR 870.401(d)). The non-pay status may be continuous, or it may be broken by a return to duty for periods of less than 4 consecutive months.</p>
<b>Within-grade increases</b>	<p>A total of 2 workweeks in a non-pay status in a waiting period is creditable service for advancement to steps 2, 3, and 4 of the General Schedule; 4 workweeks for advancement to steps 5, 6, and 7; and 6 workweeks for advancement to steps 8, 9, and 10 (5 CFR 531.406(b)). For prevailing rate employees (WG, WL, and WS schedules), a total of 1 workweek in a non-pay status is creditable service for advancement to step 2, 3 workweeks for advancement to step 3, and 4 workweeks for advancement to steps 4 and 5 (5 CFR 532.417(b)).</p>
<b>Accrual of annual and sick leave</b>	<p>When a full-time employee accumulates 80 hours of LWOP during a pay period, the employee does not earn annual leave or sick leave during that pay period. The employee earns leave in the next succeeding pay periods until he or she again accumulates 80 hours of LWOP during a pay period (5 CFR 630.208). When a part-time employee is in a non-pay status, he or she will accrue less annual leave and sick leave, since part-time employees earn leave on a pro-rata basis-i.e., based on hours in a pay status (5 CFR 630.303 and 630.406). For purposes of computing accrual rates for annual leave (i.e., 4, 6, 8 hours each pay period), 6 months of non-pay status in a</p>

	calendar year is creditable service (5 U.S.C. 6303(a) and 8332(f)).
<b>Reduction in force (determining years of service)</b>	A total of 6 months of non-pay status in a calendar year is creditable service.
<b>Severance pay</b>	Non-pay status time is fully creditable for the 12-month continuous employment period to qualify for severance pay (5 U.S.C. 5595(b) (1) and 5 CFR 550.705). However, for purposes of computing an employee's actual severance payment, any time in a non-pay status that is not creditable for leave accrual must be excluded from his or her creditable service. (5 U.S.C. 5595(c) (1) and 5 CFR 550.707-708.)
<b>Thrift Savings Plan (TSP)</b>	Agencies should refer to the Thrift Savings Plan Bulletin for Agency TSP Representatives, No. 01-22, dated May 3, 2001. Employees should refer to the TSP Fact Sheet - Effect of Non-pay Status on TSP Participation. Both issuances are available from the TSP internet web site at <a href="http://www.tsp.gov">www.tsp.gov</a> .
<b>Military duty or workers' compensation</b>	Non-pay status for employees who are performing military duty or being paid workers' compensation counts as a continuation of Federal employment for all purposes upon the employee's return to duty.

*Hours code      Leave without Pay – Used    101*

## *~ Chapter 7 ~*

### *Administrative Leave*

Administrative Leave is an administrative determination whereby your absence from work will not cause you to lose pay or to be charged approved leave. Administrative leave may include time involved in taking civil service examinations or physical examinations for entering military service, participating in civil defense training, or experiencing adverse environmental conditions or emergency conditions such as bad weather.

*Hours code    Administrative Leave – Regular – Used    060*

*Hours code    Administrative Leave – Weather – Used    061*

### *Donate Blood*

Heads of executive departments and agencies have authority to excuse employees from work without charge to leave or loss of pay to donate blood. Agencies may grant up to 4 hours of excused absence to employees who wish to donate blood.

*Hours code    Administrative Leave – Blood Donation – Used    068*

### *Granting Excused Absence for Voting*

Generally, where the polls are not open at least 3 hours either before or after an employee's regular work hours, an agency may grant a limited amount of excused absence that will permit the employee to report for work 3 hours after the polls open or leave from work 3 hours before the polls close, whichever requires the lesser amount of time off. An employee's "regular work hours" should be determined by reference to the time of day the employee normally arrives at and departs from work.

For example, if an employee is scheduled to work from 8:00 a.m. to 4:30 p.m. and the employee's polling place is open from 7:00 a.m. to 8:00 p.m., the employee should not be granted excused absence for voting, since the employee would still have at least 3 hours after the end of his or her work schedule to vote. However, if an employee is scheduled to work from 8:00 a.m. to 4:30 p.m. and the employee's polling place is open from 7:00 a.m.

to 7:00 p.m., the employee may be granted ½ hour of excused absence from 4:00 p.m. to 4:30 p.m., if requested.

***Extended Commuting Distance***

If an employee's voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, the employing agency may grant excused absence (not to exceed 1 day) to allow the employee to make the trip to the voting place to cast a ballot. If more than 1 day is needed, the employee may request annual leave or leave without pay for the additional period of absence.



## *~ Chapter 8 ~*

### *Absence Without Leave*

The absence of an employee who does not secure approval of annual leave, sick leave, or leave without pay is recorded as absent without leave (AWOL). The employee receives no pay for the period of unauthorized absence. AWOL may also result in disciplinary action.

*Hours code Absence without Leave 102*

## *~ Chapter 9 ~*

### **Family and Medical Leave Act (FMLA)**

Under the Family and Medical Leave Act of 1993 (FMLA), most Federal employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period for the following purposes:

- the birth of a son or daughter of the employee and the care of such son or daughter;
- the placement of a son or daughter with the employee for adoption or foster care;
- the care of spouse, son, daughter, or parent of the employee who has a serious health condition; or
- a serious health condition of the employee that makes the employee unable to perform the essential functions of his or her positions.

Both parents may use up to 12 weeks of sick leave each year to care for a child with a serious health condition. Both parents may use up to 13 days of that 12-week period to care for a child with a minor illness or to accompany a child to a medical, dental, or optical appointment. An agency may request administratively acceptable evidence of a child's illness or treatment. Parents may not use sick leave to be absent from work to bond with or care for a healthy child.

Under certain conditions, an employee may use the 12 weeks of FMLA leave intermittently. An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM's regulations for using annual and sick leave, for any unpaid leave under the FMLA. (The amount of sick leave that may be used to care for a family member is limited. See "[Sick Leave to Care for a Family Member with a Serious Health Condition](http://www.opm.gov/oca/compmemo/2000/2000-8.htm)" or [www.opm.gov/oca/compmemo/2000/2000-8.htm](http://www.opm.gov/oca/compmemo/2000/2000-8.htm)) FMLA leave is in addition to other paid time off available to an employee.

### ***Job Benefits and Protection***

- Upon return from FMLA leave, an employee must be returned to the same position or to an "equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment."
- An employee who takes FMLA leave is entitled to maintain health benefits coverage. An employee on unpaid FMLA leave may pay the employee share of the premiums on a current basis or pay upon return to work.

### ***Advance Notice and Medical Certification***



- parents;
- brothers and sisters, and spouses thereof; and
- any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

*Hours code      Family Friendly – Funeral – Used      FFF*

*Hours code      Family Friendly – Illness – Used      FFI*

## ~ Chapter 10 ~

### *Leave and Work scheduling Flexibilities Available for Childbirth*

The Federal Government offers numerous leave and work scheduling flexibilities to assist employees in meeting their work and family obligations. The administration of these flexibilities typically is addressed in agency internal policies and/or collective bargaining agreements.

#### *Sick Leave*

A birth mother is entitled to use accrued sick leave for medical appointments, hospitalization, and her period of incapacitation following childbirth. (Most doctors certify that the recovery period is about 6 weeks.) An agency may request administratively acceptable evidence of the mother's period of incapacitation for the use of sick leave.

*Hours code Sick Leave in Lieu of Family – Birth – Used SFB*

#### *Annual Leave*

A mother may use accrued annual leave for pregnancy and childbirth, a father may use accrued annual leave to care for the mother during pregnancy and childbirth, and both parents may use accrued annual leave to be absent from work to bond with or care for a healthy newborn. The use of annual leave is subject to the right of the supervisor to approve a time at which annual leave may be taken.

#### *Advance Annual and/or Sick Leave*

An agency may advance employees annual and/or sick leave for purposes related to childbirth. An agency may advance the amount of annual leave an employee would accrue during the remainder of the leave year. An agency may advance a maximum of 30 days of sick leave to a mother during her period of incapacitation for pregnancy and childbirth. An agency may advance a father up to five days of sick leave to care for the mother during her period of incapacitation. Each parent may be advanced up to five days to care for a child who is ill.

*Hours code Annual in Lieu of Family – Birth – Used AFB*

### ***Family and Medical Leave***

Each parent is entitled to use a total of up to 12 weeks of leave without pay under the Family and Medical Leave Act (FMLA) for the birth of a child and care of the newborn. Subject to the supervisor's approval, FMLA leave may be used on an intermittent basis for absences in connection with childbirth and care of the newborn. An employee may elect to substitute annual leave and/or sick leave for any or all of the leave without pay used under the FMLA, consistent with the laws and regulations for using annual and sick leave. (See SICK LEAVE, above, for the limitations on the use of sick leave for family care.) An employee's entitlement to FMLA leave expires 12 months following the date of the birth of a child.

***Hours code LWOP in Lieu of Family – Birth – Used 10B***

### ***Donated Leave under the Voluntary Leave Transfer and Leave Bank Programs***

If either the mother or father exhausts her or his sick and/or annual leave, she or he may receive donated annual leave under the employing agency's voluntary leave transfer and/or leave bank programs. These programs allow Federal employees to donate **annual leave** to assist another Federal employee who has a personal or family medical emergency (including pregnancy and childbirth) and who has exhausted her or his own available paid leave. Donated annual leave may be used only for a medical emergency--e.g., the mother's period of incapacitation or the illness of a child--and may not be used to care for a healthy child.

***Hours code Leave Share in Lieu of Family – Birth – Used LS3***

### ***Leave Without Pay***

Subject to supervisory approval, both parents may use leave without pay for pregnancy and childbirth or to be absent from work to bond with or care for a healthy newborn. Supervisors should refer to agency internal policy and negotiated bargaining union agreements prior to approval. (FMLA)

***Hours code Leave without Pay 101***

### ***Flexible Work Schedules***

If the work requirements and agency needs permit, an employee may consider working a flexible work schedule. Flexible work schedules enable employees to select and alter

their work schedules to better fit their personal needs and help balance work, personal, and family responsibilities.

### ***Teleworking***

Under an agency's telework policy, new parents may be permitted to work at home or from a remote tele-work site. Tele-working can provide employees with valuable additional time to spend with their family members by reducing commuting time. However, teleworkers should not be caring for family members while they are working from their home or alternative worksite.

For more information on the Federal Governments leave and work scheduling flexibilities, please visit the Office of Personnel Managements Web site at [www.opm.gov/oca](http://www.opm.gov/oca).

**References:** 5 U.S.C. chapters 61 and 63  
5 CFR parts 610 and 630

### ***Leave and Work Scheduling Flexibilities Available for Adoption***

The Federal Government offers numerous leave and work scheduling flexibilities to assist employees in meeting their work and family obligations. The administration of these flexibilities is governed by existing agency policies and/or collective bargaining agreements.

#### ***Sick Leave***

An employee may use sick leave for purposes related to the adoption of a child. Examples include but are not limited to:

- Appointments with adoption agencies, social workers, and attorneys,
- Court proceedings,
- Required travel,
- Any periods of time during which adoptive parents are ordered or required by an adoption agency or by a court to take time off from work to care for the adopted child, and
- Any other activities necessary to allow the adoption to proceed.

An agency may request administratively acceptable evidence for the use of sick leave for absences related to adoption proceedings.

Both adoptive parents may use up to 12 weeks of sick leave each year to care for a child with a serious health condition. Both parents may use up to 13 days of that 12-week period to care for a child with a minor illness or to accompany a child to a medical,

dental, or optical appointment. An agency may request administratively acceptable evidence of a child's illness or treatment. Parents may not use sick leave to be absent from work to bond with or care for a healthy child.

***Hours code Sick Leave in Lieu of Family – Adopt – Used SFA***

### ***Annual Leave***

Adoptive parents may use annual leave for purposes related to the adoption of a child. In addition, adoptive parents may use annual leave to be absent from work to bond with or care for a healthy child. The use of annual leave is subject to the right of the supervisor to approve a time at which annual leave may be taken.

***Hours code Annual in Lieu of Family – Adopt – Used AFA***

### ***Advance Annual and Sick Leave***

An agency may advance annual and/or sick leave for adoption-related purposes. An agency may advance the amount of annual leave an employee would accrue during the remainder of the leave year. An agency may advance a maximum of 30 days of sick leave to each parent for adoption-related purposes. An agency may advance each parent up to five days of sick leave to care for a child who is ill.

***Hours code Annual in Lieu of Family – Adopt – Used AFA***

### ***Family and Medical Leave***

Each parent is entitled to use a total of up to 12 weeks of leave without pay under the Family and Medical Leave Act (FMLA) for adoption and care of a newly adopted child. Subject to the supervisor's approval, FMLA leave may be used on an intermittent basis for absences in connection with adoption. An employee may elect to substitute annual leave and/or sick leave for any or all of the leave without pay used under the FMLA consistent with the laws and regulations for using annual and sick leave. (See SICK LEAVE, above, for the limitations on the use of sick leave for adoption and family care.) An employee's entitlement to FMLA leave expires 12 months following the date of placement of a child for adoption.

***Hours code LWOP in Lieu of Family – Adopt – Used 10A***



### ***Donated Leave Under the Voluntary Leave Transfer and Leave Bank Programs***

If either the mother or father exhausts her or his sick and/or annual leave, she or he may receive donated annual leave under the employing agency's voluntary leave transfer and/or leave bank programs. The Federal leave sharing program allows Federal employees to donate **annual leave** to assist another Federal employee who has a personal or family medical emergency and who has exhausted her or his own available paid leave. Donated annual leave may be used only for a medical emergency-e.g., to care for a child with a serious health condition-and may not be used to care for or bond with a healthy child.

***Hours code    Annual    020***

### ***Leave Without Pay***

Subject to supervisory approval, both parents may use leave without pay for adoption proceedings or to be absent from work to bond with or care for a newly adopted child. Supervisors should refer to agency internal policy and negotiated bargaining union agreements prior to approval.

***Hours code    Leave without Pay (LWOP)    101***

### ***Flexible Work Schedules***

If the work requirements and agency needs permit, an employee may consider working a flexible work schedule. Flexible work schedules enable employees to select and alter their work schedules to better fit their personal needs and help balance work, personal, and family responsibilities.

### ***Teleworking***

Under an agency's telework policy, new parents may be permitted to work at home or from a remote telework site. Teleworking can provide employees with valuable additional time to spend with their family members by reducing commuting time. However, teleworkers should not be caring for family members while they are working from their home or alternative worksite.

For more information on the Federal Governments leave and work scheduling flexibilities, please visit the Office of Personnel Managements Web site at [www.opm.gov/oca](http://www.opm.gov/oca).

***References:***    5 U.S.C. chapters 61 and 63  
                      5 CFR parts 610 and 630

## *~ Chapter 11 ~*

### *Funeral Leave*

Attendance at funerals is generally a private matter, and your absence from work would be charged to annual leave. However, two exceptions exist: 1) Sick leave under the Friendly Family Leave Act (Chapter 9); 2) and Military Leave-(a) An employee may have administrative leave up to 3 days of funeral leave for the funeral or memorial service of an immediate relative whose death results from military service in a combat zone; (b) A military veteran may be excused from duty for up to 4 hours to serve as a pall bearer or guard of honor at the funeral of a member or veteran of the armed services. Federal law enforcement officers or firefighters can be excused from duty to attend the funeral of a fellow law enforcement officer or firefighter.

*Hours code Annual Leave 020*

*Hours code Family Friendly Leave-Funeral-Used FFF*

*Hours code Administrative Leave –Other-Used 060*

## *~ Chapter 12 ~*

### ***Bone Marrow or Organ Donor Leave***

An employee may use up to 7 days of paid leave each calendar year to serve as a bone-marrow donor. An employee also may use up to 30 days of paid leave each calendar year to serve as an organ donor. Leave for bone marrow and organ donation is a separate category of leave that is in addition to annual and sick leave.

*Hours code*    *Bone Marrow/ Organ Donation – Used – BOU*

*References:*    **5 U.S.C. 6327**

## ~ Chapter 13 ~

### *Court Leave/ Jury Duty*

An employee is entitled to paid time off without charge to leave for service as a juror or witness. Employees are eligible for court leave when called to serve on a jury or as a witness in a judicial proceeding in which the federal, state, or local government is a party. If you are a witness on behalf of a private party you must request annual leave or leave without pay. Immediately inform your supervisor if you are summoned for jury duty or as a witness in a judicial proceeding. An employee is responsible for informing his or her supervisor if he or she is excused from jury or witness service for 1 day or more or for a substantial part of a day. To avoid undue hardship, an agency may adjust the schedule of an employee who works nights or weekends and is called to jury duty. (If there is no jury/witness service, there is no court leave. The employee would be charged annual leave, sick leave, or leave without pay, as appropriate.)

### *Witnesses*

An employee who is summoned as a witness in a judicial proceeding in which the Federal, State, or local government is a party is entitled to court leave.

### *Official Duty*

An employee who is summoned as a witness in an official capacity on behalf of the Federal Government is on official duty, not court leave.

### *Fees/Expenses*

Employees must reimburse to their agency fees paid for service as a juror or witness. However, monies paid to jurors or witnesses which are in the nature of "expenses" (e.g., transportation) do **not** have to be reimbursed to the agency.

*Hours code*    *Administrative Leave – Court – Used*    **069**

*References:*    5 U.S.C. 6322, 5537, and 5515  
                          Comptroller General Opinions:  
                                  26 Comp. Gen. 413 (1946)--return to work site  
                                  38 Comp. Gen. 142 (1958)--official duty status  
                                  52 Comp. Gen. 325 (1972)--private party suit  
                                  B-214863 (07/23/84)-- fees

## *~ Chapter 14 ~*

### **Military Leave**

Full-time employees under career-conditional or other type of permanent or indefinite appointment may be granted military leave with pay and without charge to annual leave for active duty or training. Military leave of 15 days is accrued at the start of each fiscal year.

No more than 15 days may be carried over from one year to the next. A copy of your official orders must be given to your supervisor.

Also see: [Frequently Asked Questions on Military Leave](http://www.opm.gov/oca/leave/HTML/MILQA.asp) or  
[www.opm.gov/oca/leave/HTML/MILQA.asp](http://www.opm.gov/oca/leave/HTML/MILQA.asp)

An employee is entitled to time off at full pay for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces.

***Hours code Regular Military Leave – Used – 070***

### ***Coverage***

Any full-time Federal civilian employee whose appointment is not limited to 1 year is entitled to military leave. Military leave under 5 U.S.C. 6323(a) is prorated for part-time career employees and employees on an uncommon tour of duty.

### ***Types of Military Leave***

5 U.S.C. 6323 (a) provides 15 days per fiscal year for active duty, active duty training, and inactive duty training. An employee can carry over a maximum of 15 days into the next fiscal year.

Inactive Duty Training is authorized training performed by members of a Reserve component not on active duty and performed in connection with the prescribed activities of the Reserve component. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training. For further information, see Department of Defense Instruction Number 1215.6, March 14, 1997

5 U.S.C. 6323 (b) provides 22 workdays per calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor. This leave is provided for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to

active duty in support of a contingency operation\* as defined in section 101(a)(13) of title 10, United States Code.

5 U.S.C. 6323(c) provides unlimited military leave to members of the National Guard of the District of Columbia for certain types of duty ordered or authorized under title 39 of the District of Columbia Code.

5 U.S.C. 6323(d) provides that **Reserve and National Guard Technicians** *only* are entitled to 44 workdays of military leave for duties overseas under certain conditions.

\* The term "contingency operation" means a military operation that -

(a) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(b) results in the call or order to, or retention on, active duty of members of the uniformed services under sections 688, 12301(a), 12302, 12304, 12305, or 12406 of title 10, United States Code, chapter 15 of title 10, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.

### *Days of Leave*

Military leave should be credited to a full-time employee on the basis of an 8-hour workday. The minimum charge to leave is 1 hour. **An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay.**

Employees who request military leave for inactive duty training (which generally is 2, 4, or 6 hours in length) will now be charged only the amount of military leave necessary to cover the period of training and necessary travel. Members of the Reserves and/or National Guard will no longer be charged military leave for weekends and holidays that occur within the period of military service.

A full-time employee working a 40-hour workweek will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year or the equivalent of three 40-hour workweeks. Military leave under 6323(a) will be prorated for part-time employees and for employees on uncommon tours of duty based proportionally on the number of hours in the employee's regularly scheduled biweekly pay period.

Examples

<b>Hours in the regularly scheduled biweekly pay period</b>	<b>Ratio of hours in the regularly scheduled pay period to an 80-hour pay period (the number of hours in the pay period 80)</b>	<b>Hours of military leave accrued each fiscal year</b>	<b>Pay Periods of military leave accrued each fiscal year.</b>
40	.5 (40 80)	.5 x 120 = 60 hours	1.5 40-hour pay periods
106	1.325 (106 80)	1.325 x 120 = 159 hours	1.5 106-hour pay periods
120	1.5 (120 80)	1.5 x 120 = 180 hours	1.5 120-hour pay periods
144	1.8 (144 80)	1.8 x 120 = 216 hours	1.5 144-hour pay periods

***Effect on Civilian Pay***

An employee's civilian pay remains the same for periods of military leave under 5 U.S.C. 6323(a), including any premium pay (except Sunday premium pay) an employee would have received if not on military leave. For military leave under 5 U.S.C. 6323(b) and (c), employee's civilian pay is reduced by the amount of military pay for the days of military leave. However, an employee may choose not to take military leave and instead take annual leave in order to retain both civilian and military pay.

***References:*** 5 U.S.C. 5519 and 5 U.S.C. 6323  
 Public Law 106-554, December 21, 2000  
 Public Law 108-136, November 24, 2003  
 Comptroller General Opinions:

- B-227222 (11/05/78)--entitlement
- B-211249 (09/20/83)--incompatible with civilian service
- B-241272 (02/15/91)--duty into new leave year

## *~ Chapter 15 ~*

### ***Guidance on Scheduling Work and Granting Time Off to Permit Federal Employees to Participate in Volunteer Activities***

Employees seeking to participate in volunteer activities during basic working hours may be granted annual leave, leave without pay, compensatory time off, or in very limited circumstances, excused absence. Employees who work an AWS schedule may also use flexibility in their schedules to accommodate pursuit of volunteer activities (employees may also be permitted to use accumulated credit hours under flexible work schedules.) Managers and supervisors are encouraged to make appropriate use of these flexibilities while giving due consideration to the effect of the employee's absence or change in duty schedule on work operations and productivity.



## *Appendices*

### *A - Request for Leave or Approved Absence*

#### *Request for Leave or Approved Absence*

##### **OPM Form 71**

Download at [www.opm.gov/forms/html/opm.asp](http://www.opm.gov/forms/html/opm.asp)

### *B - Application to Become a Leave Recipient under the Voluntary Leave Transfer Program*

##### **OPM Form 630**

Download at [www.opm.gov/forms/html/opm.asp](http://www.opm.gov/forms/html/opm.asp)

#### *Certification of Health Care Provider*

##### **Form WH-380**

Download at [www.dol.gov/esa/regs/compliance/whd/fmla/wh380.pdf](http://www.dol.gov/esa/regs/compliance/whd/fmla/wh380.pdf)

#### *Request to Donate Annual Leave to Leave recipient under the Voluntary Leave Transfer Program within Agency*

##### **OPM Form 630-A**

Download at [www.opm.gov/forms/html/opm.asp](http://www.opm.gov/forms/html/opm.asp)

#### *Request to Donate Annual Leave to Leave Recipient under the Voluntary Leave Transfer Program Outside Agency*

##### **OPM Form 630-B**

Download at [www.opm.gov/forms/html/opm.asp](http://www.opm.gov/forms/html/opm.asp)