



**United States
Department of
Agriculture**

**Office of the
Assistant Secretary
for Administration**

Office of
Human Resources
Management

1400 Independence
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Washington, DC
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TO: Employees Serviced by the
Human Resources Services Division

FROM: Nathaniel Deutsch /s/
Director
Human Resources Services Division

SUBJECT: Restoration of Forfeited Annual Leave

This is the time to start thinking about whether you may have a need for the restoration of your annual leave. If you have more than the maximum amount of annual leave carryover balance ("use-or-lose" leave) and you meet certain criteria, you may need to take some necessary steps to avoid the forfeiture of your leave.

Currently, the annual leave maximum balance is set at 240 hours for most USDA employees, with the exceptions being 720 hours for Senior Executive Service members and 360 hours for employees stationed overseas. In order to check your leave balances, go to the *Employee Personal Page* at www.nfc.usda.gov. The *Employee Personal Page* allows you to view how much leave you have accumulated.

In order to have forfeited use-or-lose leave reinstated, you must meet one of the following criteria: 1) your work is critical to an exigency of public business; 2) you are sick and cannot use the leave; or 3) an administrative error has occurred.

The following are some common questions about leave restoration:

1) What is an exigency of public business?

Your Agency Head or Staff Director determines that an "exigency of public business" exists when there is an emergency or urgent work need so important that there is no alternative but to cancel your scheduled leave. This determination must be made before the scheduled leave is cancelled.

2) What if I am sick and cannot use my use-or-lose leave?

Inform your supervisor of the amount of use-or-lose leave to be restored and the date you will return to work, and follow the Employee steps below.

3) What if my leave is forfeited because of an administrative error?

Inform your supervisor and timekeeper of the amount of leave that should be restored and the date and pay period of the error.

4) What must I do?

Employees:

- Submit to your supervisor complete Form(s) SF-71, Application for Leave, and all use-or-lose leave by **December 1, 2005**.
- Reschedule canceled or disapproved use-or-lose leave no later than **January 7, 2006**.
- Schedule and use any previously restored use-or-lose leave within the past two leave years.

Supervisors:

- Balance work demands and leave requests to avoid employee's forfeiture of leave.
- Obtain the Agency Head's determination of public exigency prior to canceling an employee's scheduled use-or-lose leave.
- Provide written approval or denial of use-or-lose leave requests by **December 1, 2005**.
- Require the employee to reschedule use of annual leave by **January 7, 2006**.
- Forward the following documents to the Human Resources Services Division (HRSD), Employee/Labor Relations & Benefits Branch, Room 27-W, Jamie L. Whitten Building, by **February 6, 2006**.

1. Copy of the Agency Head's determination of public exigency.
2. The originals of approved Form SF-71, Application for Leave, denoting scheduled and rescheduled Use-or-Lose leave.
3. Copy of the employee's Time and Attendance Report for **Pay Period 26**.

Agency Heads:

- Determine (in writing) that an exigency of public business exists, the reasons for it, and when it is expected to end.

Employee/Labor Relations & Benefits Branch:

- Review requests for restoration of forfeited annual leave for its serviced employees to ensure compliance with the Office of Personnel Management's requirements.
- Complete Form AD-582, Authorization for Restored Annual Leave, for signature of the Director, HRSD.
- Process the Form AD-582 into the National Finance Center System and send copies of the form to the employee and timekeeper no later than **April 1, 2006**.

Timekeepers:

- Upon receipt of the signed Form AD-582 from HRSD, record restored annual leave on the T&A report under Restored Annual Leave in the Leave Account. Use Transaction Code 63 on the T&A to report the use of the restored leave.
- Indicate in the T&A report's remarks block that a signed Form AD-582 is on file for the employee.

Additional information on the restoration of annual leave can be obtained on the Office of Personnel Management's website at www.opm.gov by typing in "restored leave" or "leave restoration" in the search box in the upper right-hand corner of the webpage. If you need further assistance, please contact Sharon Black, Room 27-W, Whitten Building, at (202) 720-5576.