

OFFICE OF MANAGEMENT

Granting Excused Absence

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PURPOSE

- This MAPP outlines the policies and procedures on granting excused absence to civilian employees in the Center for Drug Evaluation and Research (CDER). For policies and procedures on leave and excused absence related to hazardous weather and other emergency situations, refer to CDER MAPP 4657.7, *Leave and Absence for Hazardous Weather and Other Emergency and Administrative Situations*.
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REFERENCES

- FDA Staff Manual Guide 1431.4, *Authority to Grant Leave and Excused Absences*, November 12, 2004
 - HHS Timekeepers Manual, *Administrative Leave*, FDA Intranet click: Payroll/Timekeeper Information/Guide for Timekeeping/Related Links-Guide for Timekeeping/Chapter 4
 - HHS Timekeepers Manual, *Continuation of Pay (COP)*, FDA Intranet click: Payroll/Timekeeper Information/Guide for Timekeeping/Related Links-Guide for Timekeeping/Chapter 6
 - CDER MAPP 4657.7, *Leave and Absence for Hazardous Weather and Other Emergency and Administrative Situations*, April 16, 1997 (<http://www.fda.gov/cder/mapp/4657-7.pdf>)
 - CDER MAPP 4657.12, *Voluntary Leave Transfer Program*, November 7, 1997 (<http://www.fda.gov/cder/mapp/4657-12.pdf>)
 - Collective Bargaining Agreement between the Food and Drug Administration and the National Treasury Employees Union, Article 20, October 1, 1999
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- U.S. Office of Personnel Management, *Guidance on Scheduling Work and Granting Time Off to Permit Federal Employees to Participate in Volunteer Activities* (<http://www.opm.gov/oca/COMPMEMO/1998/CPM98-V2.HTM>)
 - U.S. Office of Personnel Management, *Preventive Health Services and Screenings (Absence and Leave Issues)* (<http://www.opm.gov/ehs/presmem.htm>)
 - U.S. Office of Personnel Management, *Organ Donor Leave Act* (<http://www.opm.gov/oca/COMPMEMO/1999/organ.htm>)
 - Title 5, Code of Federal Regulations, part 630.1201, subpart L, *Family and Medical Leave Act (FMLA) of 1993*
 - Title 5, Section 6326, *Absence in Connection with Funerals and Immediate Relatives in the Armed Forces* (<http://www4.law.cornell.edu/uscode/5/6326.html>)
 - Title 5, Section 6321, *Absence of Veterans to Attend Funeral Services* (<http://www4.law.cornell.edu/uscode/5/6321.text.html>)
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DEFINITIONS

- **Excused Absence:** Absence from duty without loss of pay or charge to leave (also referred to as *administrative leave*).
 - **Immediate Relative:** Any individual related by blood or affinity (i.e., spouse and spouse's parents; children, including adopted children and their spouses; parents; brothers and sisters and their spouses).
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POLICY

- With the exception of the policy noted under **Holiday Closures**, immediate supervisors with delegated authority may approve an excused absence of up to 1 hour at their discretion, or another amount as indicated for the situations listed below. Good judgment should be used in approving excused absence. The approving official should evaluate the needs of the office and can consult with the Program Management Services Branch, Division of Management Services, Office of Management, CDER, for advice and information on the requirements, policies, and practices within the organization. The approving official may request acceptable evidence to support the absence.
 - **Court Leave.** An employee with a regular scheduled tour of duty is entitled to court leave in accordance with law and regulations. Court leave is appropriate for jury duty with a Federal, District of Columbia, state or local court; witness duty on behalf of a state or local government; and witness duty on behalf of a private party when the Federal or District of Columbia government or a state or local government is a party to the judicial proceeding. An
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employee who is called for court service will present the court order, subpoena, or summons to the supervisor. Any documentation provided by the court confirming the employee's presence will also be provided to the supervisor. 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. Intermittent employees and employees on leave without pay may not be granted court leave. Court leave is granted only for the days, or portions of days, of an employee's scheduled tour of duty on which the employee performs court service. Fees for jury duty or witness services received by an employee granted court leave must be submitted to the appropriate HHS finance office. However, monies paid to jurors or witnesses that are in the nature of "expenses" (e.g., transportation, parking) do not have to be reimbursed to the Agency. Court leave will be charged in one-quarter hour increments.

- **Voting and Registration.** When voting polls are not open at least 3 hours before or after the employee's regular work hours or core time for an employee on flexitime, or when the employee's alternative work schedule (AWS) is such that the employee is unable to vote before or after the workday, the supervisor will normally approve an employee's **written request** for enough time off without charge to leave to permit the employee to report to work 3 hours after the polls open or leave work 3 hours before the polls close, whichever requires less time off. Employees on flexitime or AWS will appropriately arrange their schedules to work the maximum number of hours. Under exceptional circumstances where the above does not permit sufficient time off, employee will normally be granted additional time to vote, not to exceed 1 full day. If an employee's polling place is beyond normal commuting distances and voting by absentee ballot is not permitted, the employee will normally be granted sufficient time (not to exceed 1 day) to make the trip to the voting place to cast a ballot. When more than 1 day is required to make the trip to the voting place, the supervisor will observe a liberal leave policy to permit the employee to take annual leave or leave without pay for additional time.
- **Tardiness.** Employees have the responsibility to arrive at work on time. However, the supervisor will excuse infrequent tardiness of less than 1 hour if:
 - The employee is not on a leave restriction letter, and
 - The employee's lateness is due to an understandable cause that is outside an employee's normal ability to control.
- **On the Job Injuries.** For an employee who suffers a disabling traumatic injury on the job, the employee's absence on the day of the injury will be excused. Continuation of Pay (COP) may be authorized for subsequent absences, examinations, or treatments related to a traumatic injury, provided the employee has submitted acceptable medical documentation. If dealing with a COP situation, consult your program specialist. Refer to the HHS Timekeeping Manual (FDA website listed in the reference section above) for policies and procedures.
- **Volunteer Activities.** Granting excused absence for volunteer activities should be limited to those situations in which the employee's absence, in the Department's or Agency's determination, is not specifically prohibited by law and satisfies one or more of the following criteria: (1) the absence is directly related to the Department or Agency mission; (2) the absence is officially sponsored or sanctioned by the head of the Department or Agency; (3) the absence will clearly enhance the professional development or skills of the employee in his

or her current position; or (4) the absence is brief and is determined to be in the interest of the Agency. In all cases, the employee must provide acceptable evidence that the time was used for volunteer activities.

- **Holiday Closures.** There may be occasions where all CDER employees may be granted 1 hour of administrative leave on a workday preceding a Federal Holiday. The granting of 1 hour of administrative leave on a workday preceding a Federal Holiday is restricted to the CDER Center Director or designee. No other CDER manager or supervisor is authorized to approve administrative leave in any amount on a workday preceding a Federal Holiday. On certain occasions, the 1 hour of administrative leave granted by the CDER Center Director or designee may be replaced entirely by administrative leave granted by a source outside CDER (e.g., OPM, the President of the United States, the FDA Commissioner). Any administrative leave granted by a source outside of CDER is not to be considered as supplemental to administrative leave granted by the CDER Center Director or designee. When the CDER Center Director or designee decides to grant 1 hour of administrative leave on a workday preceding a Federal Holiday, it will be announced by 12:00 noon. CDER employees already on 8 hours of approved annual leave, sick leave, compensatory time, credit time, or any combination will not receive credit for any administrative leave granted by the Center Director or designee on a workday preceding a Federal Holiday. CDER employees on less than 8 hours of approved annual leave, sick leave, compensatory time, or credit time will be required to work the balance of their workday less 1 hour.

If an official early dismissal announcement is made by an official outside of CDER or by the CDER Center Director or designee the workday before the Federal Holiday (e.g., Thanksgiving Day, Christmas Day), employees who work beyond the early dismissal time may not earn credit time, compensatory time, or overtime for time worked beyond the early dismissal time. This policy also applies to employees working on a Flexible Workplace Arrangements Program agreement on the day of an early dismissal.

- Other situations where excused absence may be granted include, **but are not limited to**, the following:
 1. **Job Interviews.** At the discretion of the supervisor, excused absence may be granted to an employee for job interviews within the Department.
 2. **Blood Donation.** Employees will normally be granted 4 hours of excused absence and a reasonable amount of time to travel on the day of donating blood during a Bloodmobile visit. Additional time may be excused, if appropriate, because of the location of the donation site, the type of donation process (e.g., donation of blood platelets), the effects of donation on the physical condition of the donor, or other factors as determined by the leave approving official. If an employee is requested by a hospital to provide blood as a special donor, the employee will be given excused absence at a time mutually agreed upon by the supervisor and employee. In unusual cases, such as electrophoresis, the employee will be granted excused absence up to 8 hours, if needed in the view of the appropriate health officials. The employee will notify the supervisor as soon as practicable when an appointment for any type of blood donation is scheduled. If the supervisor is unable to grant the excused absence, the supervisor must grant the excused absence as soon as practicable but no later than within the next 5 workdays.

3. **Bone Marrow and Organ Donation.** Seven days of excused absence may be granted each calendar year for an employee serving as a bone marrow donor. Employees serving as organ donors may be granted up to 30 days excused absence each calendar year. The excused absence covers time off for such activities as donor screening, transplantation, and recovery time. For medical procedures and recuperation requiring absences longer than 7 days for bone marrow donations and 30 days for organ donation, supervisors are encouraged to continue to accommodate employees by granting additional time off in the form of sick and/or annual leave, advanced sick and/or annual leave, donated annual leave from the Agency's leave transfer program, or leave without pay. If additional leave is needed, the Family and Medical Leave Act may be invoked if after the 30 days a serious health condition prevents the employee from performing the essential functions of the position.
4. **Preventive Health Screening.** Employees with fewer than 80 hours of sick leave to their credit (at the time of request) are eligible to use 4 hours of excused absence each leave year for preventive health screenings. An employee **may not** be granted excused absence to accompany a family member receiving preventative health screenings. The 4 hours of excused absence may be used all at once or a portion at a time over more than 1 day during the leave year. All employees are encouraged to make maximum use of FDA's existing work schedule and leave flexibilities (e.g., alternative work schedules, granting leave under the Federal Government's sick and annual leave programs, and granting excused absence to employees to participate in Agency-sponsored preventive health activities). The supervisor may request medical documentation for an excused absence for preventive health screenings. Examples of preventive health screenings include, but are not limited to, screening for prostate, cervical, colorectal, and breast cancer, sickle cell anemia, blood lead level, blood cholesterol level, immunity system disorders such as HIV, and blood sugar level testing for diabetes.
5. **Health and Fitness Activities.** Excused absence may be granted for short periods of participation in officially sponsored and administered physical fitness programs. The supervisor may grant additional excused absence at his or her discretion for Agency- or Department-sponsored health and fitness activities (e.g., annual Parklawn Classic).
6. **Health Unit Visits.** Excused absence of less than 1 hour may be granted for an employee to visit a Departmental health unit for medical purposes. If the visit lasts 1 hour or more, employees may use the excused absence granted by the supervisor and make up the difference with their own leave. The supervisor may grant additional excused absence at his or her discretion for Agency- or Department-sponsored health activities (e.g., physical examinations, cholesterol screenings, mammography screenings).
7. **Funeral Leave.** Excused absence may be granted to employees to make arrangements for, or attend the funeral or memorial service for an immediate relative (see Definitions section for definition of immediate relative) who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone. The maximum excused absence that may be granted for funeral leave in the above instance is 3 workdays per occurrence. Funeral Leave is not the same as Sick Leave for Family Care or Bereavement (previously known as Family Friendly Leave), where a limited amount of sick leave can be used for bereavement purposes.

- 8. Military Funerals.** Excused absence of up to 4 hours in a day may be granted to a veteran for participation in a military funeral as an active pallbearer, member of a firing squad, or honor guard in a funeral ceremony for a member of the armed services whose remains are returned from abroad (outside the continental United States) for final interment in the United States. The employee granted excused absence must be a veteran of a declared war, or must have served in a campaign or expedition for which a campaign badge has been authorized, or must be a member of the honor or ceremonial group of a organization of those veterans.
- Commissioned Corps Officers do not observe the same leave policies and procedures as civilian employees, and item 7 above does not apply to them. For information on leave for Commissioned Corps Officers, contact the CDER Commissioned Corps Liaison in the Office of the Center Director.
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PROCEDURES

- Excused absence must be requested in writing (e.g., Application for Leave (OPM-71), e-mail or other method agreed upon by the local organization).
 - For time and attendance procedures on recording excused absence (or administrative leave), timekeepers will record the amount of excused absence in EASE on the Hours Worked/Absence screen under "Administrative Leave." For voting purposes, enter the amount of hours in EASE on the Hours Worked/Absence screen under "Voting Leave Used." For court leave, enter the amount of hours in EASE on the Hours Worked/Absence screen under "Court Leave Used." For funeral leave, enter the amount of hours in EASE on the Hours Worked/Absence screen under "Funeral Leave Used."
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AUTHORITY

- Immediate supervisors with delegated authority may approve excused absence of up to 1 hour at their discretion, or another amount as indicated for the situations listed above.
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EFFECTIVE DATE

This MAPP is effective upon date of publication.