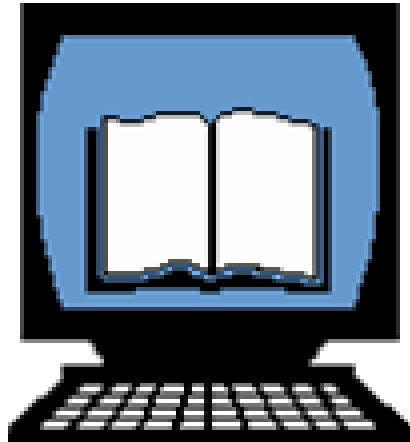




U.S. Department of Transportation
Maritime Administration

ABSENCE AND LEAVE GUIDE



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Absence and Leave Guide

Section A. General Provisions

•----Purpose of this Guide

This Guide is designed to provide information on all facets of leave: definitions; leave accrual and usage; appropriate reasons for granting and/or denying leave; when an employee has an absolute entitlement to leave; the ramifications of leave usage; and other leave-related issues. Each section of the Guide is a self-sufficient segment so that the reader will have specific information about a particular type of leave in one place. Employees and their supervisors are encouraged to become familiar with the contents of this Guide. Questions, comments, and suggestions are welcomed in an effort to enhance continuous improvement in this publication.

•----Related Regulations and References

This Guide supplements the regulations stated in 5 U.S.C. Chapter 61 and 63 and in accordance with Maritime Administrative Order No. 760-630.

For employees who are covered by collective bargaining agreements, the requirements of the agreements must be applied as well. To the extent that conflicts between an existing collective bargaining agreement and this order exist, the collective bargaining agreement will prevail. Bargaining unit employees will not be covered by these policies until appropriate negotiations with employee representatives as provided under 5 U.S.C. 7117 have occurred.

•----Leave Increments

MARAD employees may use leave in the following increments:

1 minute increments	15 minute increments	60 minute increments	1 day increments
Absence without Leave (AWOL) Holiday Leave Compensatory Time Excused Leave for Blood Donation Excused Leave-other (weather) Traumatic Injury	Annual Leave Restored Annual Leave Sick Leave Leave Without Pay (LWOP) Court Leave	Suspension Excused-COS (Change of Station)	Military- Regular Military Emergency Home Leave

- Requests for Leave**

Employees, who wish to take leave, are required to complete OPM Form 71, Request for Leave or Approved Absence. The form should include, the type of leave, the from and to dates and times requested, and the total number of hours requested. The employee is required to sign and date the form and then give it to his/her first level supervisor for approval.

- Attendance**

Employees are expected to report for work on time and be on duty at all times during his/her tour of duty except during lunch periods and excused absences.

- Unavoidable Absence or Tardiness**

If an employee is unavoidably or necessarily absent for less than one hour, or tardy, the supervisor, for adequate reason, may excuse the employee without charge to leave.

- Absence Without Leave (AWOL)**

AWOL is an absence from duty which is not authorized or approved (including leave which is not approved until required documentation is received) or for which a request for leave has been denied. The employee receives no pay for the period of the absence. AWOL is not in and of itself a disciplinary action, although AWOL may lead to disciplinary action up to and including removal.

Upon notification of a charge of AWOL, an employee may request that some other type of leave (Annual, Sick, LWOP, Credit Hours, Compensatory Time or Time Off Award) be substituted for the AWOL. If otherwise lawful and circumstances warrant, the supervisor may grant an employee's request to substitute other leave for charges to AWOL. The supervisor is prohibited from unilaterally substituting another type of leave for an unauthorized absence unless the employee requests such substitution.

When an employee is granted any kind of leave for any unauthorized absence or tardiness, the agency may not require the employee to perform work for any part of the leave period granted.

- Unexplained Absence**

In the event of an employee's unexplained absence from the work site on a day when he or she is scheduled to be present for duty, if the employee has not been heard from by

noon of the first day of the absence, the first level supervisor should initiate attempts to contact the employee at the residence telephone. If these attempts are unsuccessful, a known relative or friend should be contacted. For more detailed information, see MARAD Supervisors' Handbook Installment No. 94-1 dated January 21, 1994, Titled *Unexplained absence from the office*.

•----Leave Restriction

When the supervisor determines that the employee is developing a pattern of chronic, unscheduled absences or when the supervisor believes the employee is abusing leave, the employee may be placed on leave restriction after verbal counseling followed up in writing. The supervisor should contact the human resources representative prior to counseling the employee verbally or in writing to verify that leave restriction is an appropriate course of action. Leave restriction status requires the employee to request leave in the following manner:

Type of Leave	Notice/Documentation required when employee is under leave restriction
Annual	3 work days in advance or in accordance with local policy
Annual (emergency)	Supervisor may require documentation in support of an "emergency" to determine why the emergency was unforeseen.
Sick (appointments)	As soon as appointment is made. Employee is required to provide a medical certificate stating time, date, and location of appointment upon return to work.
Sick (emergency)	Employee must provide administratively acceptable medical documentation to support a request for emergency sick leave.
Leave Without Pay	Discretionary. Supervisor may grant LWOP provided documentation supports approving the leave.

•----Compensatory Time

Compensatory time is time off in an amount that is equal to the number or irregular or occasional overtime hours worked. Supervisors may grant the employee compensatory time off from the employee's scheduled tour of duty instead of payment for an equal amount of time spent in overtime work. Compensatory time, like overtime, must be (1) officially ordered and approved in writing only by an officer or employee to whom this authority has been specifically delegated; and (2) performed by an employee.

Compensatory time must be earned before it can be used. To use earned compensatory time, the employee must submit a request to the supervisor in the same manner as for annual leave.

•---Compensatory Time for Religious Observances

An employee whose religious beliefs require the abstention from work during certain periods of the workday or workweek may elect to engage in overtime work for time lost for meeting those religious requirements. To the extent that such modifications do not interfere with the efficient accomplishment of the agency's mission, the employee will be afforded the opportunity to work compensatory overtime and the agency shall in each instance grant compensatory time off to an employee requesting such time off for religious observances. The employee may work such compensatory overtime before or after the grant of compensatory time off. A grant of advanced compensatory time off must be repaid within 30 calendar days. Compensatory overtime shall be credited to an employee in one-minute increments. Documentation of time earned and used will be made in the timekeeping system of records. The premium pay provisions of the Fair Labor Standards Act does not apply for this purpose.

Section B. Responsibilities

•---Managers and Supervisors will:

- ❑ Advise employees of types of leave available and procedures for requesting and using various types of leave.
- ❑ Counsel employees, as needed, on the use of leave to protect their leave rights and to prevent leave abuse.
- ❑ Approve or disapprove leave requests.
- ❑ Schedule leave so as to maintain the necessary workforce during heavy workload periods and prevent loss of leave.
- ❑ Cancel scheduled annual leave only when an operational emergency/exigency prevents the effective accomplishment of public business, and there is no reasonable alternative. Leave will be rescheduled for a time when working conditions permit employees' absence.
- ❑ Request, at their discretion, medical certificates or documentation for absences of 3 days or more, or whenever deemed necessary, if less than 3 days.
- ❑ Assure that absences are appropriately recorded as approved leave or as AWOL.

- ❑ Contact the servicing human resources specialist for guidance when an employee fails to return from leave or if leave restriction is being considered.
- ❑ Review and sign Time and Attendance (T&A) reports to certify accuracy of leave used and guard against leave abuses.

•----**Employees will:**

- ❑ Learn and observe the policies for requesting and using leave and be aware of leave entitlements;
- ❑ Submit a work schedule for the supervisor's approval;
- ❑ Be aware of annual leave balance and properly schedule any in excess of annual leave ceiling to prevent forfeiture;
- ❑ Request non-emergency leave in advance by submitting applications for leave to his/her supervisor;
- ❑ Notify appropriate approving official and apply for proper type of leave at the beginning of business on the first day of any emergency or unplanned absence from duty;
- ❑ Provide medical documentation or any other administratively acceptable documentation when required to do so by the supervisor;
- ❑ Avoid scheduling excessive amounts of leave at the end of the leave year.
- ❑ Complete and sign the document, Employee's Personal Time and Attendance Record, certifying accuracy of leave usage for each pay period.

•----**Timekeepers will:**

- ❑ Accurately record leave on T&A reports;
- ❑ Maintain Employee's Personal Time and Attendance Record for a 2-year period.

•----**Director of Human Resources will:**

- ❑ Provide policy, training and consultative services to supervisors and employees regarding leave administration;

- ❑ Notify supervisors and employees of the need to have annual leave scheduled and approved to avoid forfeiture;
- ❑ Approve or disapprove leave on MA-837, Request for Authorization to Grant Leave, for:
 - Leave without pay in excess of 30 calendar days or an extension of LWOP beyond 30 days. The supervisor must prepare a SF-52 to request LWOP for 30 calendar days or more.
 - Advance sick leave.

Section C. Annual Leave

•----Uses of Annual Leave

Typical uses of annual leave are for vacations, extended rest and relaxation and to attend to personal affairs and emergencies. Except when requesting annual leave on an emergency basis, there is no requirement for an employee to disclose the purpose for which annual leave is being requested since the decision to grant or deny leave is based on mission necessity and the availability of accrued leave. Employees have a right to use annual leave; however, approving officials have the authority to fix the time when annual leave may be taken.

•----Annual Leave Eligibility

For full and part-time employees with appointments of more than 90 days.

Years of Creditable Service	Hours of Annual Leave Earned		
	Full-time employee: for each 80 hours in a pay status	Part -time employee:	
		Hours in a pay status	Annual leave hours earned
Less than 3 years	4	20	1
3 years but less than 15 years	6	13	1
15 years or more	8	10	1

A change in the rate of accrual of annual leave takes effect at the beginning of the pay period after the pay period in which the employee completes the prescribed period of service.

Employees on a temporary appointment not to exceed 90 days do not earn annual leave. After completing the 90-day period, the employee is entitled to be credited with the leave that would have accrued had the appointment exceeded 90 days. Employees must be employed during the entire pay period to earn leave.

•----**Accumulation of Leave**

Both full-time and part-time employees may accumulate not more than 30 days (240 hours) annual leave.

A Senior Executive Service (SES) employee may carry forward no more than 720 hours of unused annual leave into the following leave year. If an SES employee's personal annual leave balance exceeded 720 hours (90 days) as of October 15, 1994, that amount of leave becomes the SES employee's personal leave ceiling in lieu of the 720 hours. However, if the SES employee's annual leave balance drops below the personal leave ceiling, the reduced balance or 720 hours (whichever is greater) becomes the SES employee's new personal leave ceiling for the new leave year.

Example: At the beginning of the year leave 1997, a SES employee had a personal leave ceiling of 1020 hours. During leave year 1997, he earned 208 hours of annual leave and used 240 hours of annual leave. His new leaving ceiling for leave year 1998 would be 988 hours.

•----**Advance Annual Leave**

Annual Leave may be advanced up to the amount of leave the employee will earn by the end of the leave year or by the end of the appointment whichever is less. When an employee who is indebted for advanced leave is separated, the Agency shall (1) require the employee to refund the amount paid; or (2) deduct that amount from any pay due the employee, i.e., the last pay check.

The requirement to repay the Agency is waived if an indebted employee separates from the Agency because of:

1. Death
2. Disability Retirement
3. Entrance into military service with reemployment rights; or

4. Resignation or separation because of disability which prevents the employee's return to duty, or continuation in the service, and which is the basis of the separation as determined by administratively acceptable medical evidence.

An approving official may not approve advance annual leave when it is known or expected that the employee will not return to duty (e.g., the employee has applied for disability retirement, submitted a resignation, or received notice of furlough or separation).

•----**Separation of Employee**

The annual leave account of an employee who separates from the agency to another Federal agency will be transferred. A lump-sum payment for annual leave will be paid to an employee who separates from Federal service either by resignation, retirement (optional or disability), termination, removal, or death.

•----**Refund of Lump Sum Payment**

An employee must refund a lump sum payment to the gaining agency when he/she is:

- ❑ Re-employed to a leave-earning position. Only the unexpired period covered by the lump sum payment must be refunded. *Exception: Restored annual leave will not be re-credited.
- ❑ Restored after erroneous separation. The entire lump sum payment must be refunded.
- ❑ A retired Federal employee, who received a lump sum payment and is re-employed under a temporary appointment of less than 90 days before expiration of the lump sum leave period, may use the re-credited annual leave during the temporary appointment.

Collection of the lump sum may not be waived. The lump sum may be paid in installments or in total, but it must be paid within 1 year after the date of re-employment.

•----**Restored Annual Leave**

Annual leave which is lost because of administrative error, exigencies of the public business when the annual leave was scheduled in advance, or sickness of the employee when the annual leave was scheduled in advance shall be restored. Before annual leave may be restored, the Director of Human Resources must determine that an exigency is

of major importance and that therefore the employee is unable to use annual leave to avoid forfeiture.

To be eligible for restoration, use of the annual leave must be scheduled and approved in writing on an OPM Form 71, Request for Leave or Approved Absence, before the start of the third bi-weekly pay period prior to the end of the leave year.

Requests for restoration of forfeited annual leave shall be submitted after the end of the leave year in which the leave was forfeited but no later than February 1st of the following leave year. Requests received after February 1st will not be approved.

•----**Process for Restoration of Annual Leave**

Requests for restored annual leave shall be submitted on Form MA-941, Request for Restoration of Forfeited Annual Leave, through the appropriate officials. In the absence of a Field Personnel Representative, Region and Academy requests shall be routed through the Office of Human Resources. Region and Academy requests requiring approval of a Washington official shall be routed through the Office of Human Resources. After final approval, the Director of Human Resources shall forward the request to the payroll branch and provide information copies to both the employee and the employee's supervisor.

Approving Officials (includes employees acting in these capacities)

Associate Administrator for Administration	Region Directors Superintendent, USMMA	Maritime Administrator
Headquarters employees (except those under his/her direct supervision);	All employees under their supervision (except those who report directly to the Director or the Superintendent)	Region Directors; Superintendent, USMMA; Associate Administrators; and employees who report directly to approving officials

•----**Time Limit for Use of Restored Annual Leave**

Except as otherwise authorized by regulation, restored annual leave must be scheduled and used not later than the end of the leave year ending two years after:

1. The date of restoration of the annual leave forfeited because of administrative error;
2. The date fixed by the Agency head, or his/her designated official, as the termination date of the exigency of the public business which resulted in forfeiture of the annual leave; or

3. The date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness.

Section D. Sick Leave

•----Sick Leave Eligibility

Regardless of length of service or length of appointment, full-time employees earn sick leave at the rate of 4 hours per pay period. Part-time employees leave earning is prorated, i.e., for every 20 hours in a pay status, the employee earns one hour of sick leave. For an absence in excess of 3 workdays, or for a lesser period when determined necessary, a medical certificate, or other administratively acceptable evidence as to the reason for the absence is required. Sick leave must be requested in writing on the OPM Form 71. An employee shall request advance approval for sick leave for the purposes of receiving medical, dental, or optical examination or treatment.

•----Uses of Sick Leave

Sick leave shall be granted when the employee:

- ❑ Receives medical, dental, or optical examination or treatment;
- ❑ Is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth;
- ❑ Provides care for a family member as a result of physical or mental illness; injury; pregnancy; childbirth; or medical, dental, or optical examination or treatment;
- ❑ Makes arrangements necessitated by the death of a family member or attends the funeral of a family member;
- ❑ Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease; or
- ❑ Must be absent from duty for purposes related to the adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.

•----Amount of Sick Leave That May Be Granted

Reason for requesting sick leave:	Amount that may be granted:
Employee's own illness or disability	All available accrued sick leaves if supported by a medical certificate or other administratively acceptable documentation.

Adoption-related purposes	All available accrued sick leave, if the absence meets conditions for granting sick leave, including administratively acceptable documentation, as required.
Family care or bereavement purposes	<p>Full-time employees: Up to 40 hours each leave year, regardless of the amount of accrued sick leave to their credit. Up to 64 additional hours may be used per leave year if the employee will retain a balance of at least 80 hours after the additional sick leave is used.</p> <p>Part-time employees: An amount equal to the average number of hours scheduled to work each week. If an employee maintains a sick leave balance equal to at least twice the average number of hours scheduled to work each week, he/she may use an additional amount. The total amount used may not exceed the number of hours of sick leave accrued during the leave year. If the number of hours in the employee's tour of duty changes during the leave year, entitlement will be recalculated based on the new tour of duty.</p>
Caring for a family member with a <u>Serious Health Condition</u>	<p>Full-time employees: Up to 480 hours each leave year. Up to 40 of these hours may be used without regard to the sick leave balance. To use more than 40 hours of sick leave for this purpose, an employee must maintain a sick leave balance of at least 80 hours throughout the time frame that he/she is using sick leave to care for a seriously ill family member.</p> <p>Part-time employees: An amount of sick leave equal to 12 times the average number of hours in the employee's scheduled tour of duty each work week, without regard to the sick leave balance. To use additional sick leave, a part-time employee must maintain two times the average number of hours in his/her regularly scheduled workweek. This balance must be maintained throughout the timeframe that he/she is using sick leave to care for a seriously ill family member.</p>

During each leave year, any sick leave used for general family care or bereavement purposes **must** be subtracted from the amount allowed for serious health conditions.

Example: During the beginning of the leave year, a full-time employee uses 20 hours of sick leave to take his/her child to the dentist and 40 hours for bereavement purposes. Later in the leave year, the employee needs to use additional sick leave to care for his/her terminally ill sister. The employee must subtract the 60 hours of sick leave already used from the 480 hour entitlement. The employee may only use up to 420 hours of sick leave to care for the terminally ill sister. The employee may not invoke FMLA because the terminally ill sister would not meet the definition of "family member" under FMLA.

•----Requesting Sick Leave

Employees will request sick leave in advance, if possible, by submitting applications for leave to the appropriate approving official. If advance notice is not practical, employees

will apply for sick leave as soon as possible on the first day of absence. They also may be required to request leave each succeeding day, unless the supervisor says a daily call is not required because the condition clearly establishes that the employee will be absent for an indeterminate or specific period.

Documentation supporting an absence for sick leave must be filed within the pay period the employee returns to duty. The following table states forms of documentation required to support an absence for sick leave:

If the absence is:	Then the required documentation is:
3 days or less	Application for leave.
In excess of 3 consecutive workdays	Application for leave and a medical certificate or other acceptable documentation supporting the absence. If the employee did not consult a physician on behalf of himself/herself (or a family member), a personal certificate stating the nature of the illness and the reason(s) a physician was not seen may be accepted, at the discretion of the supervisor.
Due to exposure to communicable disease (for any length of time)	Application for leave and a certificate from a health authority or doctor that specifies the period of time the employee's condition (or that of a family member) was considered to be harmful or dangerous.

At his/her discretion, a supervisor who suspects abuse of sick leave may require a medical certificate for absences of less than 3 days. An employee must first be advised of this requirement by the supervisor. Supervisors should contact their servicing human resources specialist for guidance.

•----**Advance Sick Leave**

Subject to the approval of the Director of Human Resources, a supervisor may grant up to 240 hours of advanced sick leave. Recommendations for approval of Advance Sick Leave requests are at the discretion of the supervisor. An employee does not have a vested right to advanced leave regardless of the circumstances. Advance sick leave should not be granted when it is known or reasonably expected that the employee will not return to duty (e.g., when application has been made for disability retirement, has received notice of separation or furlough, or has submitted notice of resignation). Before granting advanced leave, the supervisor must receive administratively acceptable medical documentation of the employee's illness including the employee's expected return to work date. Advanced annual and sick leave shall not be recovered when an employee separates from the agency by death; disability retirement; or separation/resignation because of a disability which prevents the employee from continuing in the Federal service, and which is the basis for the separation as determined by the agency.

•----**Limitations on Advance Sick Leave**

When an employee is serving under a limited appointment or one that will be terminated on a specified date, the supervisor may recommend advance sick leave up to the total sick leave that the employee would otherwise earn during the term of the appointment. For the purposes of this section, an employee serving under a probationary or trial period is not serving under a limited appointment.

•----**Use of Sick Leave during Annual Leave or to Become Eligible for Donated Leave**

A supervisor may grant sick leave during a period of annual leave provided the employee or the employee's family member meets the criteria for sick leave approval. An employee's entitlement to use sick leave to care for a family member shall be considered as available paid leave for the purpose of determining an employee's eligibility to become a leave recipient under the voluntary leave transfer program if the medical emergency involves a family member of the employee. Any sick leave available to care for a family member shall be used, if a medical emergency involves a family member of the employee, before continuing to use transferred annual leave.

•----**Re-credit of Sick Leave after Reinstatement to the Government**

The three-year break in service limitation on the re-credit of sick leave for former federal employees has been removed. A former employee is entitled to a re-credit of sick leave (without regard to the date of his or her separation) if the employee is re-employed in the Federal Government on or after December 2, 1994 unless the sick leave had already been forfeited upon reemployment before December 2, 1994.

Section E. Excused Absence

An excused absence is an absence from duty authorized for administrative reasons without loss of pay or charge to annual, sick or other leave. The decision to grant an excused absence is a matter of supervisory discretion. Excused absence is commonly referred to as "administrative leave."

•----**Registration and Voting**

An employee may be granted excused absence to register or vote if there is not a sufficient amount of time available before the beginning or end of his/her workday. The absence will permit employees to report for work three hours after polls open or leave work 3 hours before the polls close, whichever is less.

Example: Employee works from 7 a.m. to 4 p.m. and the polls open at 7 a.m. and close at 6 p.m. The employee may be excused from work at 3 p.m. in order to provide sufficient time to reach the polling plan and vote.

In unusual circumstances, employees may be excused for a longer period to enable them to register to vote or vote, but the excused absence may not exceed a full day. For example, if employees must travel to reach a distant voting place because absentee voting is not permitted, up to 1 day of excused absence may be granted. Supervisors should be liberal in granted additional time. Any additional time over 1 day will be charged to annual leave, LWOP, accrued credit hours, and/or accrued compensatory time.

Excused absence may be granted to employees to register to vote only if registration must be accompanied in person and can only be accomplished on a workday.

•----Participation in Military Funerals

An employee who is a veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, may be excused from duty without loss of pay or deduction from annual leave, not to exceed 4 hours in any one day, to enable him or her to participate as an active pallbearer or as a member of a firing squad or a guard of honor in a funeral ceremony for a member of the armed forces whose remains are returned from abroad for final interment in the United States.

An employee is entitled to not more than 3 days of leave without loss of, or reduction in, pay, leave to which he or she is otherwise entitled, credit time for service, or performance or efficiency ratings, to make arrangements for, or attend the funeral of, or memorial service for, an 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 3 days need not be consecutive but if not, the employee shall furnish the supervisor satisfactory reasons justifying a grant of funeral leave for nonconsecutive days. The supervisor may grant funeral leave only from a prescribed tour of duty during a period which the employee would have worked.

•----Other Excused Absences

Excused Absence is granted to employees for the general purpose of:

- Tardiness and Brief Absences: Supervisors may grant up to 1 hour of excused absence for occasional tardiness and brief absences if adequate reasons are provided. This does not preclude allowing the employee to make up the absence with

additional work time, charging such absences to other appropriate paid or unpaid leave, or taking appropriate disciplinary action.

- Participate in Voluntary Activities: A supervisor may grant excused absence to an employee to participate in a volunteer activity if the activity is directly related to the mission of agency, (2) is officially sponsored or sanctioned by the agency, or (3) will clearly enhance the professional development or skills of the employee in his/her current position. Participating in activities that promote the general well being of the community, such as group dismissals.
- Delayed Arrivals/Early Dismissals: Employees may be excused from duty during hazardous weather or other emergencies that disrupt travel, unless they are designated as emergency employees. Appendix A provides guidance to follow when the government announces delayed arrivals or early dismissals for employees in non-critical positions.
- Participating in DOT/MARAD officially-sponsored and administered physical fitness programs; visits to health units; and/or participation in special events that DOT/MARAD is interested in recognizing or encouraging.
- Enhancing the safety and well-being of Federal employees when weather conditions make traveling to work inadvisable, such as during major snow storms.
- Blood Donations: An employee donating blood may be granted up to 4 hours of excused absence for rest and recuperation purposes. The 4 hours is in addition to the time required for the actual donation. Employee must apply for the excused absence in advance and may only apply the excused absence to the date of the donation.
- Work Related Injuries: An employee who is injured on the job and is unable to work should be granted excused absence for the balance of the work day. For example, an employee is injured at work at 11:30 a.m. and is sent to the hospital. If the employee's work day started at 8 a.m. and ended at 4:30 p.m., the employee would be credited with 3½ hours of work and 4½ hours of excused absence.
- Employee Assistance Counseling: An employee who receives counseling from a MARAD authorized Employee Assistance Counselor should be granted Excused Absence. In addition to the actual counseling time (generally no more than 1 hour and for no more than 6 visits), excused absence is also appropriate for travel time to and from the counselor if the counselor is not on-site.

- Grievance Preparation: An employee is not entitled by law or regulation to official time to prepare a grievance.
- Grievance Presentation: An employee and an employee's representative, if otherwise in an active duty status, are entitled to a reasonable amount of official time to present the grievance. The amount of time to be allowed must depend upon the facts and circumstances of each individual grievance, such as the nature of the grievance and the volume of pertinent supporting evidence. The amount of official time granted to the employee and the representative shall be determined by the person responsible for authorizing leave for the employees, after consultation with the official to whom the grievance is to be presented.
- Bone Marrow or Organ Donors: An employee is entitled to 7 days of paid leave each year to serve as a bone-marrow or organ donor. This leave is in addition to any other type of regular leave the employee may need to use (sick, annual, leave without pay, or a combination under the Family and Medical Leave Act (12 weeks)). Length of absence will depend upon the specific medical circumstances of each case.
- Meetings with EEO Counselors: Time spent meeting with EEO Counselors should be recorded as Excused Absence. Supervisors are encouraged to grant such time provided that workload considerations are met. If the supervisor cannot grant the request at the time specified, the supervisor must give the employee an alternate time.

Section F. Court Leave

•----Witness Service

An employee with a regularly scheduled tour of duty who would otherwise be in a pay or duty status may be granted excused absence when summoned as a witness on behalf of the Federal, D.C., State, or local government. These proceeds may include any action, suit, condemnation, preliminary, information or other proceeding of a judicial nature. The summons must be by a court or by an authority responsible for conducting such proceedings.

An employee may not be granted excused absence (court leave) for time spent as a plaintiff or defendant testifying on his/her own behalf. Annual leave, leave without pay, credit hours, time off award or compensatory time must be required for this purpose.

•----**Documentation Required**

When excused absence is requested for court-related purposes, a copy of the initial summons should be provided to the supervisor before the reporting date. Upon completion of the court-related service, the summons and the court certificate, identifying the court, the employee, dates of service, daily fee, reimbursement for expense and the total fee paid, must be filed with the office copy of the time and attendance report.

•----**Court Related Services Table**

Refer to the Appendix A to determine when an absence should be charged as excused absence, official duty, annual leave, or LWOP.

An employee eligible for an excused absence for court-related services who is on annual or sick leave when performing court-related service will have excused absence substituted for the period of court-related service performed. If an employee who is otherwise eligible for an excused absence is in nonpay status (furlough, LWOP, etc.) when he/she performs court-related service, the employee cannot be granted an excused absence.

•----**Retaining Fees for Court Services**

Generally, an employee who has been granted excused absence for court services (jury or witness) is not entitled to retain any fee for such service. However, there are a few exceptions to the rule, as described in the following below:

If:	Then the employee may retain :
The payment from the court is reimbursement for travel expenses and a fee for the service	The portion of the payment defined as travel expense.
State or local jurisdiction has determined that the entire fee is reimbursement for expenses	The entire fee.
An employee receives a fee for a period of court-related service for which he/she was not in an official duty status or was not granted excused absence	
An employee performs court related service beyond the end of his/her workday	Pro rata portion of fee. To determine the amount the employee may retain, divide total fee for that day by 8, and multiply by the number of hours of service performed before or after employee's normal workday.

•----**Disposal of Non-Retainable Fees**

When an employee is not entitled to retain fees for court-related services, he/she must return them to Office of Accounting. A check or money order (payable to the agency), and a copy of the court certificate should be sent to the Office of Accounting.

Section G. Military Leave

•----**Entitlement**

Employees who perform active military duty, (active duty or engaging in field or coast defense training under section 502-505 of title 32 as a Reserve of the armed forces or member of the National Guard) may request the use of paid military leave. An eligible full-time employee accrues 15 calendar days of military leave each fiscal year, and any unused military leave at the end of the fiscal year (up to 15 calendar days) is carried forward for use in addition to the 15 calendar days credited at the beginning of the new fiscal year. Part-time career employees accrue military leave on a pro-rated basis. Full-time employees may have up to 30 calendar days of military leave for use during a fiscal year. An employee who has more than 15 calendar days of unused military leave must use the excess amount of leave before the end of the fiscal year in order to avoid forfeiture. Employees who elect to use military leave will receive full compensation from their civilian position for each workday charged to military leave, in addition to their military pay for the same period.

Employees serving under appointments with a NTE (not to exceed) date are not entitled to these rights and benefits.

Requests for military leave must be accompanied by military orders.

•----**Funeral Honors Duty**

Effective December 28, 2001, employees may use their 15 days of military leave for funeral honors duty (as described in 10 U.S.C. 12503 and 32 U.S.C. 115 [P.L. 107-107 Section 563 amends 5 U.S.C. 6323(a)(a)])

•----**Reestablishment of Leave Account after Military Service**

- a. When an employee leaves his or her civilian position to enter the military service, the agency shall certify his or her leave account for credit or charge in accordance with 5 CFR §630.502(g).

- b. If the employee returns to a civilian position following military service, the agency to which the employee returns shall reestablish the certified leave account as a credit or charge (without regard to the date he or she left the civilian position) when the employee is--
1. restored in accordance with a right of restoration after separation from active military duty or hospitalization in accordance with appropriate regulations; or
 2. re-employed in a civilian position after December 2, 1994.

•----**Reservist Leave Bank Program**

Employees may contribute unused accrued annual leave to a leave bank established by the Office of Personnel Management for use by eligible returnees who have been members of the Armed Forces of the United States serving on active duty during the Persian Gulf War and who return to civilian employment with their agencies. For more information, contact your servicing human resources office.

Section H. Home Leave

Home leave means leave authorized and earned by service abroad for use in the United States, in the Commonwealth of Puerto Rico, or in the territories or possessions of the United States. Employees may accrue a maximum of 45 days of annual leave. An employee is entitled to home leave only when he or she has completed a basic service period of 24 months of continuous service abroad. A grant of home leave is at the discretion of the agency.

Section I. Shore Leave

An employee earns shore leave at the rate of 1 day of shore leave for each 15 calendar days of absence on one or more extended voyages. An employee is considered to be regularly assigned to duties aboard an ocean going vessel when his or her continuing duties are such that all or a significant part of them require that he or she serve aboard an oceangoing vessel. Temporary assignments of a shore-based employee, such as for limited work projects, or for training, do not constitute a regular assignment. An employee has an absolute right to use shore leave, subject to the right of the head of the agency to fix the time at which shore leave may be used.

Section J. Leave Without Pay (LWOP)

LWOP is an approved temporary absence from duty, without pay, which may be granted at the employee's request. The voluntary basis for LWOP distinguishes it from

nonpay status resulting from absence with leave (AWOL). Supervisors may not put an employee on LWOP without the employee's request. Authorization of leave without pay is a matter of management discretion based upon the reasons for the request and the workload conditions in the office.

Approval of application for LWOP is mandatory for:

1. Military training or active duty for members of the Reserves and National Guard, who are not entitled to, or exhausted their military leave.
2. Medical treatment for disabled veterans;
3. Employees exercising LWOP rights under the Family and Medical Leave Act; or
4. Employees to fulfill certain family obligations (up to 24 hours of LWOP each year)

All requests for leave without pay for more than 30 days must be made in writing in advance, using OPM Form 71, to the immediate supervisor. A SF-52, Request for Personnel Action, must be forwarded to the Office of Human Resources immediately.

•----EFFECTS OF NON-PAY STATUS

Because of the effects of non-pay status on the employee and the inability of the supervisor to replace the employee permanently, there should be a reasonable expectation that the employee will return to work. In addition, at least one of the following benefits should result:

1. Increased job ability;
2. Protection or improvement of employee's health;
3. Fulfillment of parental or family responsibilities;
4. Retention of a desirable employee; or
5. Furtherance of a program of interest to the Government (e.g., volunteers).

Although there are no limits prescribed in law or OPM regulation on the amount of LWOP that can be granted, there are other effects of non-pay status that affect an employee's eligibility for certain benefits. Appendix B demonstrates these effects. For this purpose, non-pay time includes LWOP, AWOL, Suspension, and Furlough.

Section K. Family and Medical Leave

The Family and Medical Leave Act entitles eligible employees to receive up to 12 administrative work weeks of paid or unpaid leave during any 12-month period for certain necessary family and medical needs as described below:

1. Birth of a son or daughter and the care of that child;

2. Placement of a child with the employee for adoption or foster care;
3. Care of a family member related to the employee by blood or affinity who has a serious health condition; or
4. A serious health condition of the employee that makes him/her unable to perform the essential functions of the position.

Temporary employees serving an appointment of 1 year or less; and intermittent employees must have completed 12 months of service of which at least 1250 hours were served during the 12-month period immediately preceding the start of FMLA leave.

Full time and part-time employees must have completed 12 months of creditable service. This service may include up to 6 months LWOP and need not be recent or continuous. It does not include service:

- Under a temporary appointment limited to 1 year or less;
- As an intermittent employee,
- With D.C. Government,
- With the military, or
- With any Federal executive branch agency covered by Title 1 or Title 4 of FMLA.

An employee will take only the amount of FMLA leave needed to manage the circumstance requiring the leave.

FMLA leave related to birth/adoption/foster care may not be taken intermittently or on a reduced leave schedule unless the employee and the agency agree to do so.

FMLA leave related to the illness of the employee or the employee's family member may be used intermittently or on a reduced leave schedule that is foreseeable based on planned medical treatment or recovery from a serious health condition. However, the agency may place the employee temporarily in an available alternative position for which the employee is qualified and that can better accommodate recurring periods of leave. Upon returning from leave, the employee shall be entitled to be returned to his or her permanent position, or an equivalent position, within the same commuting area, with the equivalent grade or pay level, type of appointment, work schedule, status, tenure, and benefits.

•----Calculating FMLA Entitlements

A total of 12 administrative workweeks will be made available to full-time and part-time employees. The exact number of hours of leave employees are entitled to under the FMLA is in direct proportion to the number of hours in their regularly scheduled administrative workweek.

The 12 administrative workweeks of leave will be calculated on an hourly basis and will be equal to 12 times the average number of hours in the employee's regularly scheduled administrative workweek.

Example: A full-time employee who works 40 hours per week.

FMLA Provision:	12
<u>Average # of hours worked per week:</u>	<u>x 40</u>
FMLA Entitlement:	480 hours

•----**Leave Usage**

Paid leave including annual leave, advanced annual leave, sick leave, advanced sick leave, donated leave under the leave transfer program, earned compensatory time, and credit hours accrued under a flexible work schedule, may be substituted for all or part of the 12 week entitlement to leave. The agency may neither require nor deny an employee to substitute paid time off instead of LWOP. The employee must notify the agency of his or her intent to substitute paid leave prior to the date such paid time begins. If the number of hours in an employee's workweek is changed, the entitlement to family and medical leave will be recalculated based on the number of hours in the employee's current workweek.

FMLA leave is only charged on days an employee would be in a duty status, FMLA leave cannot be charged for existing holidays, holidays established by Executive Order, non-workdays or an administrative order.

If the number of hours in an employee's workweek varies from week to week, a weekly average of the hours scheduled over the 12 weeks prior to the date the leave begins will be used as the basis for this calculation.

If the number of hours in an employee's regularly scheduled administrative workweek is changed during the 12-month period of FMLA leave, the employee's entitlement to any remaining FMLA leave will be recalculated based on the number of hours in the employee's current regularly scheduled administrative workweek.

Employees will schedule and use FMLA leave during a 12-month period. The 12-month period begins on the date the employee first takes FMLA leave and continues for 12 months. When the 12-month period expires, another 12-month period begins.

•----Applying for FMLA Leave

An employee must specifically ask for FMLA leave on in writing at least 30 days prior to using the leave.

If an employee is unable to provide 30 calendar days notice, he/she must provide notice within a reasonable period of time appropriate to the circumstances involved. If necessary, notice may be given in writing by a human resources representative, e.g., family member. If the need for leave is unforeseeable and the employee is unable to provide advance notice due to circumstances beyond his/her control, leave will not be delayed or denied.

•----Medical Certification

Employees are required to provide written medical certification from a health care provider supporting the need for FMLA leave.

Medical certification required for an employee invoking his/her rights under FMLA include the following:

1. The date of the serious health condition began;
2. The probable duration; and
3. The regimen of treatment (number of visits, general nature and duration of treatment, including referral to other provider of health services).

To care for a family member, medical certification must include:

- In addition to 1, 2 and 3 above, a statement from the health care provided that your family member requires psychological comfort and/or physical care; needs assistance for basic medical hygienic, nutritional, safety or transportation needs; and would benefit for your care or presence. The employee is also required to provide a statement on the care he/she will provide for the family member and an estimate of the amount of time expected to provide this care.

A second or third medical certification for the employee or the family member may be requested, at the Agency's expense, from a different health care provided if the supervisor doubts the validity of the original medical certification.

Section L. Voluntary Leave Transfer Program

The Voluntary Leave Transfer Program allows an employee to donate unused accrued annual leave to another employee who has a medical emergency. Donated annual leave

may be substituted retroactively for any period of leave without pay (LWOP), or used to liquidate an indebtedness of advanced annual or sick leave granted on or after a date fixed by the leave recipient's employing agency as the beginning of the medical emergency for which LWOP or advanced annual or sick leave was granted.

•----**Recipient Eligibility**

An employee is eligible to become a leave recipient if the following conditions are met:

- The employee is experiencing a medical emergency due to a personal or family member's medical condition;
- The employee has exhausted annual leave (and sick leave if consistent with current regulations);
- There will be a substantial loss of income to the employee because of the unavailability of paid leave; and
- The absence from duty without available paid leave as a result of the medical emergency is at least 24 hours for a full-time employee. For a part-time employee, the absence without paid leave must be at least 30 percent of the average number of hours of work in the employee's biweekly scheduled tour of duty.

•----**Application for Receipt and Use of Transferred Leave**

Applications to receive donations of leave, whether submitted by or on behalf of the employee, shall:

1. Be submitted to MARAD's Human Resources Office on OPM Form 630, Application to Become a Leave Recipient under the Voluntary Leave Transfer Program; and
2. Include:
 - i. A brief description of the nature of the medical emergency and why the leave is needed.
 - ii. Certification from one or more physician, or other appropriate expert, describing the nature, severity, prognosis, and anticipated duration of the medical emergency, and if it is a recurring one, the approximate frequency of the medical emergency.
 - iii. Signatures of the applicant (or his/her designee) and the applicant's supervisor.

If the agency requires medical certification by more than one physician, the employee will not be required to pay for additional certification.

•----**Seeking Leave Donors**

It is the approved recipient's responsibility to find employees willing to donate leave. At the recipient's request, his/her supervisor may assist in locating donors by publicizing the need for leave. If a supervisor chooses to assist employees in donor solicitation, fair and equitable treatment must be given to all employees who seek such assistance.

•----**Accruing Leave while in the Voluntary Leave Transfer Program**

An employee in the leave program accrues annual and sick leave at the same rates as if he/she were in a paid leave status with the following exceptions:

The maximum amount of annual and sick leave that may be accrued may not exceed 40 hours for a full-time employee, or in the case of a part-time employee, the average number of hours in the employee's weekly scheduled tour of duty.

The annual and sick leave accrued will be placed in a set aside leave account that is separate from the employee's regular annual and sick leave accounts. This leave may not be used until (1) the medical emergency ends or (2) the employee no longer has enough donated annual leave to cover their absence.

•----**Approval/Disapproval of Leave Transfer**

The Agency has the authority to terminate the medical emergency of a leave recipient unilaterally at the end of the bi-weekly pay period in which it determines that a leave recipient is no longer affected by the medical emergency. Before terminating the medical emergency, the agency must give the leave recipient (or, if appropriate, a personal representative) written notice and an opportunity to answer the notice either orally or in writing. Supervisors should seek the assistance of the Servicing Human Resources Office in these matters.

•----**Donating Annual Leave**

A leave donor may donate up to one-half of the total amount of leave he or she would be entitled to accrue during the leave year in which the donation is made. For example, a full time employee with over 15 years of service would be able to donate no more than 104 hours. (Example: Leave earned = 8 hours times 26 pay periods = 208 hours of annual \div 2 = 104 hours.)

The restrictions on donating annual leave as described above are waived when the leave recipient is a family member. Such waivers must be requested in writing with the leave donation request and must specify the relationship. Approval/disapproval will be made by the Director, Office of Human Resources or designee.

An employee (leave donor) who wishes to voluntarily donate leave to an approved leave recipient in the leave donor's employing agency must complete OPM Form 630-A, Request to Donate Annual Leave to Leave Recipient under the Voluntary Leave Transfer Program (Within Agency).

A leave donor may not transfer leave to his or her immediate supervisor.

Annual leave may be donated to an approved leave recipient employed outside of the agency. An employee must submit OPM Form 630-B, Request to Donate Annual Leave to Leave Recipient under the Voluntary Leave Transfer Program (Outside Agency).

•----**Recredit of Donated Leave**

Donated annual leave remaining to the credit of a leave recipient when the medical emergency terminates must be recredited, to the extent administratively possible, to the donor's annual leave account. The following criteria will be applied:

Leave that is donated by an individual donor via the voluntary leave transfer program and not used, must, to the extent possible, at the election of the leave donor:

1. If the total number of eligible donors exceeds the total number of hours of annual leave to be recredited, no unused transferred annual leave will be recredited.
2. Leave will not be recredited to a donor who separates from the Federal service before the date the unused leave can be credited to the donor's account.

A donor who is eligible for recredit of donated annual leave may elect to have the leave

1. Credited to the leave donor's annual leave account in the current leave year;
2. Credited to the leave donor's annual leave account effective as of the first day of the first leave year beginning after the date of election; or
3. Donated (all or part of the leave) to another leave recipient. (Another leave donor application must be completed.)

Recredited leave is subject to the limitations governing annual leave carryover.

•----**Prohibition on Coercion**

1. An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to contributing, receiving, or using annual leave under the leave transfer program.
2. The terms intimidate, threaten, or coerce, include promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

Section M. Forms Availability

Forms referenced in this handbook are available on MARAD's Intranet, from the Office of Human Resources or Field Personnel Representatives.

APPENDIX A

If an emergency arises before the workday begins or during the workday, the media will announce one of the following:

Emergency Procedures Before the Delayed Arrivals/Early Dismissals	
<p>The Federal Government is open. Employees are expected to report to work on time. If employees are unavoidably delayed in arriving for work, supervisors may grant employees a reasonable amount of excused absence.</p>	<p>Federal agencies are operating under an adjusted home department/unscheduled leave policy. Employees are requested to leave home (__) hour(s) later than their normal departure time and employees unable to report to work may take leave without prior approval.</p>
<p>Federal agencies are operating under an unscheduled leave policy. Employees may take leave without prior approval. Although the agency will be open on time, employees not designated as "emergency" may take annual leave or leave without pay without prior approval to avoid family or personal hardship. Employees who use leave under this policy must call their office to report that they will be on leave.</p>	<p>Federal agencies are operating under an adjusted home departure policy. Employees are requested to leave home (__) hour(s) later than their normal departure time. For example, if the media announces that employees should delay their normal departure time for 2 hours, employees who normally leave for work at 7 a.m. would delay departure until 9 a.m. Non-emergency employees who arrive later than usual because of this policy will be excused without loss of pay per charge to leave.</p>
<p>Federal agencies in the Washington, D.C. area are operating under an Early Dismissal policy. Employees should be dismissed (__) hour(s) earlier than their normal departure time from work. For example, if a 3-hour early dismissal policy is announced, workers who normally leave their offices at 4:00 p.m. should leave at 1:00 p.m.</p>	
<p>Federal agencies are closed. Employees designated as "emergency" are expected to report to work on time. Employees who are on approved leave when this announcement is made must also be granted excused absence.</p>	

Appendix B

Employee Absences for Court or Court-Related Services								
Nature of Service	Type of Absence			Fees			Reimbursement for travel expenses	
	Court Leave	Official Duty	Annual Leave or LWOP	No	Yes		No	Yes*
					Retain	Gives to Agency		
I. Jury Service								
U.S. or D.C. Court	X	--	--	X	--	--	X	--
State or local court	X	--	--	--	--	X	X	--
II. Witness Service								
A. On behalf of U.S. or D.C. government	--	X	--	X	--	--	--	X
B. On behalf of State or local government								
1. in official capacity	--	X	--	--	--	X	--	X
2. not in official capacity	X	--	--	--	--	X	X	--
C. On behalf of private party								
1. in official capacity	--	X	--	--	--	X	--	X
2. not in official capacity								
a. Party is U.S., D.C., or State or local government	X	--	--	--	--	X	X	--
b. Party is not U.S., D.C., or State or local government	--	--	X	--	X	--	X	--
*Offset to the extent paid by the court, authority, or party which caused the employee to be summoned.								

Appendix C

EFFECTS OF NON-PAY TIME									
Determination	Number of Days/Hours in Non-pay Status Allowed Without Penalty								
Holiday Pay	An employee must be in a pay status either the scheduled workday before or the scheduled workday after a holiday in order to receive pay for the holiday.								
Initial Probationary Period	Any non-pay time in excess of 22 workdays extends the probationary period by that number of days.								
Supervisory/Managerial Probationary Period	Any non-pay time in excess of 22 workdays extends the probationary period by that number of days.								
Career Tenure	Any non-pay time in excess of 30 calendar days for each period of absence extends the service date for career tenure by that number of days.								
Leave	If the employee is in a non-pay status for an entire pay period, no annual or sick leave is earned for that pay period. If non-pay time occurs during part of one or more of a full-time employee's pay periods, the employee continues to earn leave until the non-pay time totals 80 hours. Then leave is reduced by the amount the employee earns during a pay period.								
Service Computation Date (SCD)	6 months of non-pay time is creditable. The employee's SCD must be adjusted by the amount of non-pay time in excess of 6 months in one calendar year. (Excess time is added to the employee's SCD.)								
General Schedule Within-Grade Increases	<table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"><u>Waiting Period for Steps</u></th> <th style="text-align: left;"><u>Non-pay time allowed</u></th> </tr> </thead> <tbody> <tr> <td>2, 3 and 4</td> <td>2 workweeks (80 hours for FT employee)</td> </tr> <tr> <td>5, 6 and 7</td> <td>4 workweeks (160 hours for FT employee)</td> </tr> <tr> <td>8, 9 and 10</td> <td>6 workweeks (240 hours for FT employee)</td> </tr> </tbody> </table>	<u>Waiting Period for Steps</u>	<u>Non-pay time allowed</u>	2, 3 and 4	2 workweeks (80 hours for FT employee)	5, 6 and 7	4 workweeks (160 hours for FT employee)	8, 9 and 10	6 workweeks (240 hours for FT employee)
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5, 6 and 7	4 workweeks (160 hours for FT employee)								
8, 9 and 10	6 workweeks (240 hours for FT employee)								
Federal Wage System Within-Grade Increases	<table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"><u>Waiting Period for Steps</u></th> <th style="text-align: left;"><u>Non-pay time allowed</u></th> </tr> </thead> <tbody> <tr> <td>2 (26 weeks)</td> <td>1 workweek (40 hours for FT employee)</td> </tr> <tr> <td>3 (78 weeks)</td> <td>3 workweeks (120 hours for FT employee)</td> </tr> <tr> <td>4 - 5 (104 weeks)</td> <td>4 workweeks (160 hours for FT employee)</td> </tr> </tbody> </table>	<u>Waiting Period for Steps</u>	<u>Non-pay time allowed</u>	2 (26 weeks)	1 workweek (40 hours for FT employee)	3 (78 weeks)	3 workweeks (120 hours for FT employee)	4 - 5 (104 weeks)	4 workweeks (160 hours for FT employee)
<u>Waiting Period for Steps</u>	<u>Non-pay time allowed</u>								
2 (26 weeks)	1 workweek (40 hours for FT employee)								
3 (78 weeks)	3 workweeks (120 hours for FT employee)								
4 - 5 (104 weeks)	4 workweeks (160 hours for FT employee)								
Federal Employee Health Benefits Program (FEHB)	Unless you can or temporarily terminate your enrollment, coverage generally continues for up to 365 days in non-pay status. You are responsible for paying the full share of the premiums for this period. Payments can be made to the agency during the non-pay status or when you return to work.								
Federal Employees Group Life Insurance (FEGLI)	FEGLI coverage continues for up to 12 months in a non-pay status.								
Retirement	6 months of nonpay time is creditable. Service credit is adjusted by the amount of nonpay time in excess of 6 months in 1 calendar year.								
<p>Note: If absence is due to military duty or compensable injury under OWCP, there is no penalty for the non-pay status--the time is credited for length of service purposes just as though the employee had remained in pay and duty status.</p>									



U.S. Department of Transportation

Maritime Administration

REQUEST FOR AUTHORIZATION TO GRANT LEAVE

This Form Is Not To Be Used in Lieu of OPM Form 71 - "Request for Leave or Approved Absence." Use this form, MA-837, only for requests requiring prior approval by Director, Human Resources, as set forth in MAO 760-630.

INSTRUCTIONS

- **Employee** - Fill in Part A and submit request to immediate supervisor.
- **Supervisor** - Fill in Parts B and C, obtain Office clearance, and send to Office of Human Resources.
- **Personnel** - Fill in Part D and retain copy for employee's official folder.

A. REQUEST INFORMATION - (To be filled in by employee)

1. Name of employee

2. Office/Division

3. Type of appointment

Permanent Temporary

4. Total period of leave

From: _____ To: _____

5. Date expect to return to duty

TO: Human Resources Officer
 Human Resources Representative

FROM: (Supervisor's Title and Office)

(Please Check Appropriate Box)

- Advanced Sick Leave Leave Without Pay
 Other (Specify)

6. Reason for leave (Attach additional statement if necessary)

B. EMPLOYEE'S LEAVE SUMMARY - (To be filled in by Supervisor)

Employee's use of leave in the past has been:

- Satisfactory Questionable Unsatisfactory

Physician's statement is required for sick leave in excess of 3 work days.

7. EMPLOYEE CERTIFICATION

It is my intention to return to duty on the date shown in Item 5 above. However, if circumstances should prevent my doing so and I do not receive approval of an extension, I understand that failure to report may be considered a resignation from the Federal Service.

Signature Date

(a) Type	(b) Present leave balance as of _____	(c) Period of Absence to be covered by (b) and/or (d)		(d) Number of hours advanced leave requested
		From	To	
Annual				
Sick				
LWOP				

TOTAL HOURS REQUESTED → _____

C. ACTION RECOMMENDED

Employee's Office	<input type="checkbox"/> Approval <input type="checkbox"/> Disapproval	Supervisor's Signature	Date
	<input type="checkbox"/> Approval <input type="checkbox"/> Disapproval	Office Director's Signature (or head of Office)	Date

D. FINAL APPROVAL ACTION

Human Resources Officer or Human Resources Representative	<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	Signature	
		Title	Date

REMARKS



U.S. Department of Transportation
Maritime Administration

REQUEST FOR RESTORATION OF FORFEITED ANNUAL LEAVE

TO: Office of Human Resources, MAR 360

Part A: (To be completed by employee) Must be received in the Office of Human Resources by February 1st

1. Name

2. Number of hours of forfeited leave to be restored

3. Office/MAR Code

4. Date(s) of forfeited leave

5. Reason(s) that scheduled leave was not used (include a description of the administrative error, the exigency of the public business, or the illness or injury which prevented you from using your scheduled leave. The description must include the inclusive dates of any exigency or illness.)

6. Proposed schedule for use of leave if it is restored. (Must be within 2 years of restoration)

7. Employee's Certification: In accordance with 5 U.S.C. §6304 (d)(1); 5 CFR §630.305 and §630.308; and MAO 760-630, Leave Administration, I hereby certify that the leave forfeited and requested was scheduled and approved in writing before the start of the third biweekly pay period prior to the end of the leave year. I was prevented from using the leave for the reason(s) stated above. My approved and subsequently cancelled OPM Form 71, Request for Leave or Approved Absence, is attached.

Signature of Employee _____ Date _____

Part B: (To be completed by Employee's immediate supervisor)

I concur in this request and certify that the annual leave was appropriately scheduled on OPM Form 71 as required for restoration and that the employee's stated reasons are correct..

The employee has ____ has not ____ forfeited annual leave in the previous year.

The employee has ____ hours of restored leave to his/her credit.

Signature of First Level Supervisor:

Title:

Date:

If disapproved, give reason(s):

Part C: (To be completed by Office of Human Resources or Personnel Representative)

Certification: I have reviewed the information presented and find that approval of this request for leave restoration is in compliance with Title 5, United States Code, §6304 (d).

Signature:

Title:

Date:

If disapproved, give reason(s):

Part D: (To be completed by Authorized Approving Official)

Organizational Concurrence: Agree ____ Disagree ____

Signature of Approving Official:

Title:

Date:

If disapproved, give reason(s):

8. Remarks

Request for Leave or Approved Absence

1. Name (<i>Last, first, middle</i>)	2. Employee or Social Security Number
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3. Organization

4. Type of Leave/Absence					5. Family and Medical Leave	
Check appropriate box(es) and enter date and time below)	Date		Time		Total Hours	If annual leave, sick leave, or leave without pay will be used under the Family and Medical Leave Act of 1993 (FMLA), please provide the following information:
	From	To	From	To		
<input type="checkbox"/> Accrued annual leave						<input type="checkbox"/> I hereby invoke my entitlement to family and medical leave for: <input type="checkbox"/> Birth/Adoption/Foster care <input type="checkbox"/> Serious health condition of spouse, son, daughter, or parent <input type="checkbox"/> Serious health condition of self <i>Contact your supervisor and/or your personnel office to obtain additional information about your entitlements and responsibilities under the FMLA. Medical certification of a serious health condition may be required by your agency.</i>
<input type="checkbox"/> Restored annual leave						
<input type="checkbox"/> Advance annual leave						
<input type="checkbox"/> Accrued sick leave						
<input type="checkbox"/> Advance sick leave						
Purpose: <input type="checkbox"/> Illness/injury/incapacitation of requesting employee <input type="checkbox"/> Medical/dental/optical examination of requesting employee <input type="checkbox"/> Care of family member, including medical/dental/optical examination of family member, or bereavement <input type="checkbox"/> Care of family member with a serious health condition <input type="checkbox"/> Other						
<input type="checkbox"/> Compensatory time off						
<input type="checkbox"/> Other paid absence <i>(specify in remarks)</i>						
<input type="checkbox"/> Leave without pay						

6. Remarks

7. Certification: I certify that the leave/absence requested above is for the purpose(s) indicated. I understand that I must comply with my employing agency's procedures for requesting leave/approved absence (and provide additional documentation, including medical certification, if required) and that falsification of information on this form may be grounds for disciplinary action, including removal.

7a. Employee signature	7b. Date signed
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8a. Official action on request Approved Disapproved *(If disapproved, give reason. If annual leave, initiate action to reschedule.)*

8b. Reason for disapproval

8c. Signature	8d. Date signed
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Privacy Act Statement
 Section 6311 of title 5, United States Code, authorizes collection of this information. The primary use of this information is by management and your payroll office to approve and record your use of leave. Additional disclosures of the information may be: To the Department of Labor when processing a claim for compensation regarding a job connected injury or illness; to a State unemployment compensation office regarding a claim; to Federal Life Insurance or Health Benefits carriers regarding a claim; to a Federal, State, or local law enforcement agency when your agency becomes aware of a violation or possible violation of civil or criminal law; to a Federal agency when conducting an investigation for employment or security reasons; to the Office of Personnel Management or the General Accounting Office when the information is required for evaluation of leave administration; or the General Services Administration in connection with its responsibilities for records management.

Public Law 104-134 (April 26, 1996) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to title 31, Section 7701. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application. If your agency uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.