

# **FFAS**

## **HANDBOOK**

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## Leave Administration and Alternative Work Schedules

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To access the transmittal page click on the short reference

For FAS, FSA, and RMA Offices

SHORT REFERENCE

**17-PM**  
**(Revision 2)**

UNITED STATES DEPARTMENT OF AGRICULTURE  
Farm Service Agency  
Washington, DC 20250



UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency  
Washington, DC 20250

<b>Leave Administration and Alternative Work Schedules 17-PM (Revision 2)</b>	<b>Amendment 6</b>
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**Approved by:** Acting Associate Administrator for Operations and Management



**Amendment Transmittal**

**A Reasons for Amendment**

Subparagraph 34 B has been amended to clarify credit hour usage for FSA and RMA.

Subparagraph 37 A and B have been amended to clarify when part-time employees are eligible for holiday pay.

Subparagraph 37 C has been added to provide work schedule guidance for intermittent employees.

Subparagraph 139 A has been amended to show the period of time that employees can make claims against leave because of *Butterbaugh v Department of Justice*.

Subparagraph 291 E has been amended to remove the requirement that an employee must “show how” an individual whose close associate with the employee is equivalent to the relationship of an eligible family member under SLFC.

Subparagraph 293 D, items B and C have been amended to remove the 80 hour sick leave requirement.

<b>Page Control Chart</b>		
<b>TC</b>	<b>Text</b>	<b>Exhibit</b>
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## Part 1 General Information

### 1 Overview

#### A Handbook Purpose

This handbook provides information about Federal regulations and includes **generic** policies on leave administration for all FFAS employees. The majority of the information in this handbook comes directly from **Federal** laws and regulations governing leave administration. For areas where agencies are allowed discretionary authority, past practice and USDA supplements have been used.

- **Bargaining unit employees** shall refer to:
  - their union contract for information on negotiated work schedules and leave guidance
  - this handbook for laws, regulations, and policy **not** covered by their union contract.
- Nonbargaining unit employees** shall refer to this handbook for:
  - leave guidance
  - AWS policies.--\*

\* \* \*

#### B Sources of Authority

Authority for managing leave administration is authorized by:

- 5 U.S.C.
- 5 CFR Parts 550, 610, and 630
- 29 CFR Part 825
- OPM regulations
- Comptroller General decisions
- civilian personnel law
- USDA leave supplements
- State Department's 3 Foreign Affairs Handbook and 3 FAM 3000 and 7000
- 7 CFR.

\* \* \*

#### \*--C Other Related FSA Handbook

If the topic is compensatory leave then also see 32-PM.--\*

## 2 Responsibilities

### A Supervisory Responsibilities

All supervisory employees are responsible for knowing basic leave laws, regulations, applicable union contract language, and agency policies and work schedules. Supervisors shall:

- ensure that a copy of the bargaining unit's union contract and this handbook are maintained within each division, staff, and office
- \*--ensure that each employee has an approved FFAS-956 or other agency-approved work schedule request on file
- approve or disapprove all OPM-71's--\*
- approve biweekly:
  - agency sign-in and sign-out logs or work schedule logs
  - T&A documents
- \*--designate alternate T&A timekeeper
- ensure timekeepers do **not** process their own T&A's--\*
- contact their SPO when there are leave or work schedule questions.

2 Responsibilities (Continued)

**B Employee Responsibilities**

All employees shall abide by Federal laws and regulations. Bargaining unit employees shall abide by the language in their union contract.

Each employee shall:

- have general knowledge regarding leave and work schedule responsibilities
- \*--have a documented and approved FFAS-956 (see subparagraph D) or other agency-approved work schedule request
- use FSA-958 or other agency-approved work schedule log (see Exhibit 5), to record hours of work and leave on a **daily** basis
- complete OPM-71 for **all** leave requests--\*
- know their agency's official business and core workhours.

## 2 Responsibilities (Continued)

### C Leave Administration Responsibilities

\*--HRD and KCHRO Personnel Divisions are responsible for the information in this handbook and for:--\*

- interpreting Federal laws and regulations
- establishing recommended leave policy where the law allows
- counseling managers and employees regarding leave benefits and responsibilities
- interpreting and advising employees on AWS options
- determining acceptability of medical documentation, when requested.

\*--Supervisors and Personnel Division employees are advised to avoid using personally identifiable information data on **all** FSA-958's or other agency-approved work schedule logs, OPM-71's, and files about leave. Employees, supervisors, and SPO's should ensure that all leave documents and supporting documentation is secure at **all** times. All forms about leave are being reviewed and will be modified, if found necessary.

**Examples:** Examples of personally identifiable information include, but are **not** limited to:

- date of birth
- insurance information
- medical information
- Social Security number
- personal information, such as:
  - home address
  - home telephone number
  - home e-mail address
  - spouse's information.--\*

2 Responsibilities (Continued)

\*--D FFAS-956, FSA and RMA Work Schedule Request

This form is available electronically.

<b>FFAS-956</b> (08-11-06)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		<b>PRIVACY ACT STATEMENT</b> Collection of your Social Security Number is authorized by Executive Order 9397 and will be used solely for the purpose of positive identification. Furnishing this information is voluntary.														
<b>FSA AND RMA WORK SCHEDULE REQUEST</b> (Including all Field Offices)																		
<b>PART A - GENERAL INFORMATION</b>																		
1. Employee's Name JOHNSON, JOHN J.		2. Social Security Number 6789		3. Division, Branch, and Section/Field Office FFAS-FSA-HRD														
4. Type of request? Permanent (more than 2 PP's) <input checked="" type="checkbox"/> Temporary <input type="checkbox"/>				5. If temporary, enter Pay Period to return to current work schedule.														
6. Effective Pay Period of Requested Change 18																		
7. Employment Status: FT <input checked="" type="checkbox"/> PT <input type="checkbox"/>																		
<b>PART B - CURRENT WORK SCHEDULE</b>																		
8. WORK SCHEDULE TYPE		9. WORK SCHEDULE DAYS (Enter "OFF" for Maxiflex or CWS nonworkday(s))																
<input type="checkbox"/> Maxiflex - 80 hour pay period of 10 or fewer workdays. <input type="checkbox"/> CWS 5/4/9 - 80 hour pay period of eight 9-hour workdays plus one 8-hour workday. <input type="checkbox"/> CWS 4/10 - 80 hour pay period of four 10-hour workdays per week. <input type="checkbox"/> Variable Day - 40 hours per week and 10 workdays per pay period. <input checked="" type="checkbox"/> Standard - 40 hours per week and 10 workdays per pay period.		WEEK ONE					WEEK TWO					TOTAL PP HOURS						
		MON	TUE	WED	THU	FRI	MON	TUE	WED	THU	FRI							
		Arrival Time		8	8	8	8	8	8	8	8	8	8					
		Depart. Time		4:30	4:30	4:30	4:30	4:30	4:30	4:30	4:30	4:30	4:30					
Hours		8	8	8	8	8	8	8	8	8	8	80						
<b>PART C - REQUESTED WORK SCHEDULE</b>																		
10a and 10b apply to Maxiflex only. (For Field Offices Only)		10a. Amount of Allowable Glide Time _____ Minutes		OR 10b. Time Frame _____ am - _____ am														
11. WORK SCHEDULE TYPE		12. WORK SCHEDULE DAYS (Enter "OFF" for Maxiflex or CWS nonworkday(s))																
<input type="checkbox"/> Maxiflex - 80 hour pay period of 10 or fewer workdays. <input type="checkbox"/> CWS 5/4/9 - 80 hour pay period of eight 9-hour workdays plus one 8-hour workday. <input type="checkbox"/> CWS 4/10 - 80 hour pay period of four 10-hour workdays per week. <input type="checkbox"/> Variable Day - 40 hours per week and 10 workdays per pay period. <input checked="" type="checkbox"/> Standard - 40 hours per week and 10 workdays per pay period.		WEEK ONE					WEEK TWO					TOTAL PP HOURS						
		MON	TUE	WED	THU	FRI	MON	TUE	WED	THU	FRI							
		Arrival Time		7:30	7:30	7:30	7:30	7:30	7:30	7:30	7:30	7:30	7:30					
		Depart. Time		4	4	4	4	4	4	4	4	4	4					
Hours		8	8	8	8	8	8	8	8	8	8	80						
<b>Length of Workday</b>																		
Arrival Time (AM)		6	6 ¼	6 ½	6 ¾	7	7 ¼	7 ½	7 ¾	8	8 ¼	8 ½	8 ¾	9	9 ¼	9 ½	9 ¾	10
		<b>Departure Time (PM)</b>																
6:00														3:30	3:45	4:00	4:15	4:30
6:15														3:30	3:45	4:00	4:15	4:30
6:30														3:30	3:45	4:00	4:15	4:30
6:45														3:30	3:45	4:00	4:15	4:30
7:00														3:30	3:45	4:00	4:15	4:30
7:15														3:30	3:45	4:00	4:15	4:30
7:30														3:30	3:45	4:00	4:15	4:30
7:45														3:30	3:45	4:00	4:15	4:30
8:00														3:30	3:45	4:00	4:15	4:30
8:15														3:30	3:45	4:00	4:15	4:30
8:30														3:30	3:45	4:00	4:15	4:30
8:45														3:30	3:45	4:00	4:15	4:30
9:00														3:30	3:45	4:00	4:15	4:30
13. Employee's Signature <i>/s/ John J. Johnson</i>		Date (MM-DD-YYYY) 5-14-XXXX		14. Received by Timekeeper (Initials) VJC		Date (MM-DD-YYYY) 5-14-XXXX												
<b>PART D - APPROVALS/DISAPPROVALS</b>																		
15. This request is: APPROVED AS REQUESTED <input checked="" type="checkbox"/> DISAPPROVED <input type="checkbox"/> APPROVED AS REVISED <input type="checkbox"/>				16. Reason(s) for Revising or Disapproving Request														
17. Supervisor's Signature <i>/s/ Sara S. Smith</i>				Date (MM-DD-YYYY) 5-15-XXXX														
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<input checked="" type="checkbox"/> ORIGINAL - Timekeeper			<input type="checkbox"/> COPY - Employee															

**3 Official Work and Core Hours**

**A Official Workhours**

The agency Administrator shall do either of the following:

- determine an agency's official workhours
- redelegate this responsibility to other agency officials.

Telephone coverage and agency services **must** be available to employees and clients during official workhours.

**B Core Office Hours**

Agency core hours are negotiated and agreed to by union and/or management officials. See applicable union contract language, past practice, or published agency policy.



4 **Holidays and Office Closures**

**A Federal Holidays for All Employees**

The following are, by law, Federal holidays. \* \* \*

**Exception:** If an employee is in a nonpay status, such as LWOP, the day before and the day after the holiday, there is **no** entitlement to a paid holiday. See Part 5 for more information.

Date of Holiday	Name of Holiday
January 1	New Year's Day
third Monday in January	Birthday of Martin Luther King Jr.
third Monday in February	Washington's Birthday
last Monday in May	Memorial Day
July 4	Independence Day
first Monday in September	Labor Day
second Monday in October	Columbus Day
November 11	Veterans Day
fourth Thursday in November	Thanksgiving Day
December 25	Christmas Day

## 4 Holidays and Office Closures (Continued)

### B In-Lieu-Of Holidays

When a holiday falls on a full-time employee's **scheduled** nonworkday, the employee is entitled to a day off "in-lieu-of holiday". The "in-lieu-of holiday" shall be the employee's previously scheduled workday before the holiday, usually Friday. If the holiday falls on the first Monday of the pay period, the previous Friday is the "in-lieu-of holiday", even when it falls in the previous pay period. Nonworkdays are always nonworkdays.

**Exception:** Occasionally, a holiday will fall on a Sunday and the holiday is observed on Monday, which will be the nonworkday. When this occurs, the "in-lieu-of holiday" falls forward to the employee's next scheduled workday, usually Tuesday.

When a holiday falls on a part-time employee's scheduled nonworkday, the employee is **not** entitled to a day off "in-lieu-of holiday".

### C Local Holidays for Overseas Employees

Overseas posts will issue an administrative order excusing employees from duty on certain local national holidays. Foreign Service Nationals shall refer to 3 FAM 7440 for holiday regulations.

- Annual or sick leave approved and scheduled for use after the issuance of an order, which falls on a local holiday, will not be charged to the employee. However, an employee is not entitled to any local holidays after departure from post on home leave, transfer orders, or rest and recuperation travel.
- In certain circumstances, local celebration of holidays not included in the administrative order excusing employees from duty, will prevent some employees from reporting for duty. In these cases, other employees, whose regular duties, such as working with local ministries and agencies, cannot be performed because of the local holiday, but who are otherwise present and available for duty may be excused if not needed and will not be charged leave.

## 4 Holidays and Office Closures (Continued)

### D State, Local, and Territorial Holidays

Inauguration Day, \* \* \* every 4 years:

- only applies to employees who work in the Washington, DC, metropolitan area
- does **not** apply to employees in travel status or performing official duties outside the Washington, DC, metropolitan area on Inauguration Day.

When past practice, union contract, or an authorized U.S. Government official determines that a State, Local, or Territorial holiday prevents employees from working, employees may be excused without loss of pay or charge to leave.

**Note:** Excused absences shall not apply to experts and consultants compensated at per diem or per hour rates unless otherwise stated in their contract.

### E Authorized Excused Absence

Employees may be excused by Federal Statute, Executive Order, USDA Secretary, OPM directive, or agency Administrator and shall **not** be charged leave on a workday declared a holiday or for workhours officially excused.

Excused absences shall not apply to experts and consultants compensated at per diem or per hour rates unless otherwise stated in their contract.

\*--Unless otherwise notified, employees:

- on leave on a day when an early dismissal is granted remain in leave status
- **at work** will be granted administrative leave from the time of dismissal until the end of their regular tour-of-duty
- on a compressed day off will **not** be granted an in-lieu-of day off unless specifically notified of the opportunity with the announcement of the excused absence.

**Exception:** If an office closure is announced **before** the start of business, employees on leave are granted administrative leave. Examples of this could include inclement weather or funerals for national figures.--\*

**4 Holidays and Office Closures (Continued)****\*--F Authorizing Officials for Weather and Other Emergency Related Dismissals**

OPM will determine the Federal Government's operating status in Washington, DC and notify the media. Updates on USDA's current operating status are available at <http://www.usda.gov/da/beprepared>.

In major metropolitan areas that:

- have active FEA's or FEB's; FEA or FEB will determine the Federal Government's operating status in that area and notify the media as to whether Federal agencies are open, closed, operating under an unscheduled leave policy, a delayed arrival policy, or an early dismissal policy

**Note:** USDA agencies, with offices in that major metropolitan area or its commuting area, shall follow FEA's or FEB's dismissal decisions and procedures.

- do **not** have active FEA's or FEB's, the Assistant Secretary for Administration will determine USDA's operating status in that area and notify all USDA agencies and mission areas as to whether USDA agencies are open, closed, operating under an unscheduled leave policy, a delayed arrival policy, or an early dismissal policy.

USDA agencies or mission areas located outside major metropolitan areas are delegated the authority to make decisions about weather related or emergency dismissals.

When delayed arrival, early dismissal, or closures are authorized, time is recorded as administrative leave.--\*

## 5 General Leave Information

### A Who Earns Leave

\*--All permanent full-time and part-time employees earn annual and sick leave starting with their first full pay period of employment.

Temporary employees, starting with their first full pay period of employment, on an appointment of:

- 90 calendar days or less earn sick leave **only**
- more than 90 calendar days earn annual and sick leave.

**Note:** See paragraph 52 for more information.--\*

### B Who Does Not Earn Leave

Intermittent employees, who work on an as needed basis, are excluded by law from general leave-earning provisions.

### C How Often Leave Is Earned

Annual and sick leave are earned on a biweekly basis, which is termed a **pay period**. There are normally 26 biweekly pay periods in a leave year. See Parts 3 and 4 for further details on earning leave.

### D Definition of Leave Year

A leave year begins with the first day of pay period 1. Pay period 1 normally begins within \*--the first 10 calendar days of the new calendar year. See FFAS-367 for a pay period--\* schedule for the current leave year.

## 6 Work Schedule Logs and T&A's

### \*--A Recording Arrival and Departure Times

Each employee shall record their arrival and departure times **each** workday along with any leave they have used on FSA-958 or other agency-approved work schedule log (see Exhibit 5 for an example). The employee and employee's timekeeper shall ensure that absences are recorded on FSA-958 or other agency-approved work schedule log.

### B Recording T&A's

Timekeepers shall record information from the employee's FSA-958 or other agency-approved work schedule log into an automated T&A system.--\*

### C Maintaining T&A Records

T&A records are retained for 6 years, as follows:

- most recent 3 years remain in the office where they were prepared
- previous 3 years may be stored offsite by contacting MSD.

If an employee transfers to another Federal or CO position, do **not** transfer their T&A records. The original T&A records remain with the office where they were prepared.

## 7 Requesting and Notifying Supervisor of Leave

### A Requesting Leave

\*--All requests for leave shall be made on OPM-71 (Exhibit 6), except for:--\*

- holidays
- excused absence granted by OPM or Executive Order
- AWOL.

\*--No leave shall be approved by e-mail; however, FAXed OPM-71's are acceptable.--\*

Employees may request leave in increments of 15 minutes. **All** leave **must** be requested and approved **before** use, except for emergencies.

### B Approving OPM-71's

An employee's immediate supervisor or someone acting for the supervisor shall approve or disapprove OPM-71's.

### C Who to Notify When Absent

Employees, or someone acting on their behalf, shall notify their immediate supervisor, designee, or office head, as early as possible on the first day of absence when they are unable to report to their official worksite as scheduled. They **must** continue to call in **each** **workday** until they return, unless they are excused from work for a specific period of time.

\*--Note: CED's shall notify their DD.--\*

### D Supporting Leave Documentation

Employees shall submit documents supporting leave for:

- advanced sick leave
- court leave
- jury duty
- military leave
- organ or bone-marrow donation
- sick leave for adoption.

Supervisors have the discretionary authority to request medical documentation for absences \* \* \* because of illness or injury.

## 7 Requesting and Notifying Supervisor of Leave (Continued)

### E Tardiness of Less Than 1 Hour

An occasional or unavoidable absence or tardiness of less than 1 hour may be excused by the employee's immediate supervisor without charge to leave.

Employees who are habitually tardy may be:

- charged leave in 15-minute increments
- asked to change their AWS to better suit their arrival times
- charged AWOL.

**Note:** A supervisor, dealing with a habitually late employee, should seek advice from the employee relations staff in their SPO before charging AWOL.

### F Unexcused Absence From Work

An employee, who is absent from duty without notification or prior authorization, or provides insufficient reasons for being unable to notify the employee's supervisor, may be charged AWOL. AWOL can lead to disciplinary action.

## 8 Family Related Leave

### A Family Friendly Leave

Family Friendly Leave (Part 10) includes laws and regulations for:

- \*--voluntary LTP, Section 1
- FMLA, Section 2
- SLFC, Section 3
- sick leave for adoption, Section 4
- excused absence for bone-marrow or organ donation, Section 5
- LB, pending implementation.--\*



**8 Family Related Leave (Continued)**

**B Maternity Leave**

An employee may use sick leave for any period during pregnancy, delivery, recovery, and confinement, when medical documentation requires the employee's absence from work. The employee may also request annual leave and LWOP. See Family Friendly Leave options in Part 10, Sections 1 through 3.

**C Paternity Leave**

An employee may request annual leave and LWOP for paternity leave. See Family Friendly Leave options in Part 10, Sections 2 through 4.

**D Leave for Adoption**

An employee may request annual leave, sick leave, and LWOP for adoption purposes. See Family Friendly Leave options in Part 10, Sections 2 through 4.

**9 Involuntary Leave**

**A Placing Employees on Involuntary Leave**

Employees who are mentally or physically unable to work and who possess a safety threat to themselves or others in the workplace may be:

- detailed to other duties
- asked to take annual or sick leave
- placed on LWOP for a limited period of time
- granted administrative leave.

Supervisors **must** clear **all** requests for involuntary leave through the employee relations staff of their SPO.

**10-30 (Reserved)**



**\*--Part 2 Work Schedules**

**31 General Work Schedule Policy**

**A Work Schedule Options**

There are 4 work schedule options, as follows:

- CWS 5/4/9 and 4/10 that are **fixed**
- maxiflex that is flexible
- standard (also called flexitour) that is **fixed**
- variable day (also called gliding) that is flexible.

**Note:** The variable day (gliding) work schedule is **not** available for FSA State and County Office employees.

**B Daily Workhours**

Daily workhours are those hours during which an employee **must** establish their work schedule. This applies to **all** FFAS work schedule options.

**Policy:** Established daily workhours shall begin and end according to the following table, Monday through Friday. For an employee working a flexible work schedule, their daily workhours begin upon arrival at work, unless on approved leave.

Agency/Office	Begin Time	End Time
All FAS	6:30 a.m.	7:30 p.m.
FSA National Office and All RMA	6 a.m.	6:30 p.m.
FSA Kansas City, State, and County Offices	6 a.m.	6 p.m.

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\*--31 General Work Schedule Policy (Continued)

**C Official Office Hours**

Official office hours are those hours during which FFAS services shall be available to the public.

**Policy:** Official office hours shall be 8 a.m. to 4:30 p.m., Monday through Friday, unless otherwise decided by an office director or equivalent; such as FAS, RMA, or FSA National Office Division Director, an SED for FSA State Offices, or STC based on recommendations from County Office manager.

**Note:** Using flexible work schedules should enable some offices to extend their customer service hours; that is, open earlier than or stay open later than these hours.

**D Core Hours**

Core hours are those daily hours during which a **full-time** employee **must** be at work, on lunch break, using credit hours (employees on flexible work schedules **only**) or on approved leave, except for nonworkdays.

**Policy:** Core hours:

- **shall be according to the following table** that allows for a 6-hour minimum workday
- do **not** apply to part-time employees, unless they are **required** to work core hours
- include a 30-minute **unpaid** lunch break.

Agency/Office	Core Hours
All FAS.	9:30 a.m. to 3:30 p.m.
All RMA and FSA, except Kansas City.	9 a.m. to 3:30 p.m.
FSA, Kansas City.	9:30 a.m. to 2:30 p.m.

--\*

**\*--31 General Work Schedule Policy (Continued)****E Lunch Breaks**

Lunch breaks shall be taken between 11 a.m. and 2 p.m. All daily work schedules of more than 6 hours **must** include a 30-minute **unpaid** lunch break. Lunch break scheduling within an office shall be worked out informally between the employees and their office manager or supervisor, but there **must** be office coverage during official office hours. Managers and supervisors may **not** force an employee to work more than 6 hours without meal break.

Employees **cannot**:

- **work through their lunch break and leave work early**

**Note:** If a full-time employee leaves work before the end of core hours or before completing their established daily workhours, they must take **approved** leave.

- claim overtime, compensatory time, or credit hours during their lunch break
- combine their lunch break with an approved morning or afternoon break.

**Note:** Employees working a flexible work schedule may take advantage of “flexilunch”; see subparagraph F.

**F Flexilunch**

Employees working maxiflex or a variable day (gliding) schedule may, with advance supervisory approval, extend their lunch break within the lunch band on any given workday; but they **must** adjust their arrival and/or departure an equivalent amount of time that day.--\*

**\*--32 Work Schedule Responsibilities****A Supervisory Responsibilities**

**Office managers and supervisors** are responsible for:

- allowing flexible work schedules use, where possible
- establishing **maxiflex glide time** policy for their office (see subparagraph 34 B for maxiflex glide time options)
- reviewing and approving (or disapproving, with reason) work schedule requests for each employee
- discussing work schedule alternatives with an employee when a requested work schedule **cannot** be approved
- certifying all work schedule requests, OPM-71's, and T&A documents
- **ensuring that there is appropriate work to be accomplished before** approving an employee's request to work credit hours
- coordinating employee work schedules to ensure **adequate staff coverage for all** FFAS programs and operations during "official office hours"
- suspending work schedules or rescheduling nonworkdays when office coverage becomes an issue or if an exigency of public business occurs
- seeking advice from SPO, if work schedule problems or questions arise.--\*

**\*--32 Work Schedule Responsibilities (Continued)****B Employee Responsibilities**

All FFAS employees shall:

- complete FFAS-956 to establish or change their biweekly work schedule
- have FFAS-956 approved by their office manager or supervisor **before** starting a new work schedule
- keep a copy of their approved FFAS-956
- record on a **daily** basis their arrival and departure times, overtime, compensatory time, credit hours, and leave using FSA-958 or other agency-approved work schedule log
- request and receive approval for all leave **in advance** by submitting OPM-71, when possible
- **complete** their FSA-958 or other agency-approved work schedule log at the end of the **pay period** by calculating and entering the **totals** for week 1 and 2 **before** submitting for T&A data entry
- sign, date, and attach **all** approved leave slips, medical documentation, and other documentation, when appropriate, to their FSA-958 or other agency-approved work schedule log
- **not** request to work credit hours unless there is appropriate work that needs to be accomplished
- read the holiday pay rules (see paragraph 35)
- be responsible for **tracking their own credit hour balance** to avoid forfeiture at the end of a pay period
- understand that their immediate supervisor **cannot** allow using excess credit hours (over 24 hours) if coverage of “official office hours” or the mission of the agency is jeopardized.--\*

## \*--33 Establishing Work Schedules, Keeping Daily Work Logs, and Requesting Leave

### A Work Schedule Requests

Each employee **must complete** FFAS-956 or other agency-approved work schedule request (see example in subparagraph 2 D) to establish or change their biweekly work schedule. FFAS-956 or other agency-approved work schedule request **must** then be approved by the employee's first line supervisor or office manager **before** the employee may begin the requested work schedule. **All** newly approved FFAS-956's or other agency-approved work schedules are effective on the first day of the next pay period following their approval. Employees may **not** request a work schedule change from a flexible to a fixed work schedule, or vice-versa, more than **2 times** per calendar year.

Each employee **must** have an approved FFAS-956 or other agency-approved work schedule on file in their T&A folder. T&A's and FFAS-956 or other agency-approved work schedule **must** be retained for 6 years.

FFAS work schedule choices are 1 of the following:

- fixed:
  - standard (flexitour)
  - CWS 5/4/9 or 4/10
- flexible:
  - maxiflex
  - variable day (gliding).

**Note:** The variable day (gliding) work schedule is **not** available to FSA State and County Office employees.

**Important:** Employees **must** establish a daily arrival and departure time and indicate the number of hours to be worked **each** workday. Daily workhours, including maxiflex glide time, **must** cover their agency's core hours.--\*



**\*--33 Establishing Work Schedules, Keeping Daily Work Logs, and Requesting Leave (Continued)**

**B Work Schedule Conflicts**

If work scheduling conflicts arise when establishing or changing a permanent work schedule, it is recommended that the employees involved be allowed to resolve the conflict.

Office	Action
<ul style="list-style-type: none"> <li>• All FAS</li> <li>• FSA National</li> <li>• KCHRO</li> <li>• All RMA</li> <li>• St. Louis</li> </ul>	<p>If an agreement <b>cannot</b> be reached between the parties involved by noon on the Thursday <b>before</b> the beginning of the requested pay period, the supervisor shall make a determination by <b>COB Thursday</b>.</p> <p><b>Note:</b> Seniority shall be based on service computation date for leave.</p>
<ul style="list-style-type: none"> <li>• APFO</li> <li>• County</li> <li>• State</li> </ul>	<p>If an agreement <b>cannot</b> be reached between the parties involved, the supervisor shall make the final decision.</p> <p><b>Note:</b> Seniority with FSA or its predecessor agencies shall be considered <b>before</b> the employee’s service computation date for leave.</p>

--\*

**\*--33 Establishing Work Schedules, Keeping Daily Work Logs, and Requesting Leave (Continued)****C Recording and Reporting Arrival and Departure Times**

Employees shall record on FSA-958 or other agency-approved work schedule log (see example in Exhibit 5), on a **daily** basis using minute-to-minute time accounting practices (see subparagraph D), their:

- arrival and departure times
- starting and ending times of all overtime, compensatory time, and credit hours.

FSA-958's or other agency-approved work schedule logs **shall not** be filled-out in advance of being worked, **except** for the recording of pre-approved leave or unless otherwise instructed by a supervising official.

**Note:** COC members shall use FSA-958 to record their work time.

At the end of each pay period, **employees must:**

- calculate and enter their weekly hours in the right-hand columns of their FSA-958 or other agency-approved work schedule log
- verify that leave hours reported on their FSA-958 or other agency-approved work schedule log match the dates and hours approved on each OPM-71
- attach all approved leave documents, medical certificates (when required), and any other applicable documentation
- certify FSA-958 or other agency-approved work schedule log
- give completed FSA-958 or other agency-approved work schedule log to the appropriate timekeeping official for data entry into T&A system.--\*

**\*--33 Establishing Work Schedules, Keeping Daily Work Logs, and Requesting Leave  
(Continued)****D FSA Employee Minute-to-Minute Time Accounting**

Minute-to minute time accounting is the recording of actual clock time. FSA employees **must**, on FSA-958 in the bottom portion, use minute-to-minute time accounting to record daily arrival and departure times for regular time, credit hours, overtime, and compensatory time.

**Example:** FSA employee, working maxiflex with an established 9-hour workday, arrives at work at 7:38 a.m.; this employee may depart from work exactly 9 1/2 hours later at 5:08 p.m.

**E OPM-71**

All leave **must** be:

- submitting on OPM-71
- approved in **advance**, when possible.

Employees **must** record **all** approved leave on FSA-958 or other agency-approved work schedule log immediately upon approval, when practicable. OPM-71 is available at <http://www.opm.gov/forms/html/opm.asp>.--\*

**\*--33 Establishing Work Schedules, Keeping Daily Work Logs, and Requesting Leave (Continued)****F Policy for Work Schedule Changes**

Employee's working a flexible schedule (maxiflex or variable day/gliding) that want to change to a fixed work schedule (CWS or standard/flexitour), or vice versa, may do so only 2 times per calendar year, **except** under special circumstances as approved by the supervisor.

Changes to established arrival and departure times may be made as necessary, as long as FFAS-956 or other agency-approved work schedule request is submitted to the immediate supervisor by the deadline in subparagraph B.

**G Requesting a Work Schedule Change**

Employees who want to make a temporary or permanent change to their current work schedule must:

- complete FFAS-956 or other agency-approved work schedule request
- submit FFAS-956 or other agency-approved work schedule request to their immediate supervisor by COB on the Monday (for FAS)/Tuesday (for FSA and RMA) **before** the beginning of the requested effective pay period.

Full-time employees **must** account for an 80-hour pay period. **All** FFAS-956's or other agency-approved work schedule requests **must** be approved by the employee's immediate supervisor **before** the employee may begin the new work schedule.--\*

**\*--33 Establishing Work Schedules, Keeping Daily Work Logs, and Requesting Leave (Continued)**

**H FFAS-956 or Other Agency-Approved Work Schedule Request Approvals**

Supervisors, or their designee, shall approve or deny an employee’s FFAS-956 or other agency-approved work schedule request change as outlined in the following table.

Agency	FFAS-956 or Other Agency-Approved Work Schedule Request Change Deadline
FAS	Within 5 workdays of actual receipt of agency-approved work schedule request.
<ul style="list-style-type: none"> <li>• FSA</li> <li>• RMA</li> </ul>	By COB on the <b>Wednesday before</b> the beginning of the requested effective pay period.

If FFAS-956 is denied, the supervisor shall record the reason for denial on FFAS-956, item 15 or in the other agency-approved work schedule, block 15.

**Note:** If there is **no** approved FFAS-956 on file, new employees will be put on the standard (flexitour) work schedule.

**I Supervisory Considerations**

Supervisory personnel may deny, revoke, or temporarily suspend an employee’s AWS when the mission of the agency is in jeopardy or for a work-related reason, such as:

- critical time sensitive work requirement
- inadequate office coverage during official workhours
- work unit’s or agency’s mission would be unduly delayed, interrupted, or could **not** be accomplished
- the employee is abusing his or her approved work schedule.--\*

**\*--34 Work Schedule Descriptions**

**A Approved Fixed Work Schedule Choices**

The following table describes the fixed work schedule option in detail.

<b>Work Schedule</b>	<b>Explanation</b>
<b>Standard (Flexitour) (Fixed)</b>	<p>Full-time employees work an 8-hour workday, 5 days a week, Monday through Friday.</p> <ul style="list-style-type: none"> <li>• (FSA and RMA) Workhours will be fixed from 8 a.m. to 4:30 p.m.</li> <li>• (FAS) Start time <b>must</b> be between 7 and 9:30 a.m. Arrival and departure time is the same <b>every</b> workday.</li> <li>• Employees <b>must</b> establish, on FFAS-956 or other agency-approved work schedule, fixed daily arrival and departure times.</li> <li>• Leave <b>must</b> be taken for a late arrival or early departure from work.</li> <li>• Nonworkday: ineligible.</li> <li>• Glide Time: ineligible.</li> <li>• Credit Hours: ineligible.</li> <li>• Flexilunch: ineligible.</li> <li>• Holiday Pay: <b>maximum</b> is 8 hours.</li> </ul>

--\*

\*--34 Work Schedule Descriptions (Continued)

A Approved Fixed Work Schedule Choices (Continued)

Work Schedule	Explanation
<p><b>CWS 5/4/9</b> (Fixed)</p>	<p>Full-time employees work eight 9-hour workdays and one 8-hour workday per pay period.</p> <ul style="list-style-type: none"> <li>• (FSA and RMA) Arrival and departure times each workday are fixed, not flexible. Arrival and departure time is the same every workday, except for the 8-hour workday.</li> <li>• (FAS) Start time must be between 6:30 and 8:30 a.m. for the 9-hour workdays, and between 7 and 9:30 a.m. for the 8-hour workday.</li> <li>• Employees <b>must</b> establish, on FFAS-956 or other agency-approved work schedule, fixed daily arrival and departure times.</li> <li>• Leave <b>must</b> be taken for a late arrival or early departure from work.</li> <li>• Nonworkday: 1 nonworkday each pay period.</li> <li>• Glide Time: ineligible.</li> <li>• Credit Hours: ineligible to earn or retain.</li> <li>• Flexilunch: ineligible.</li> <li>• Holiday Pay: equals scheduled workhours on holiday or “in-lieu-of holiday” (8 or 9 workhours).</li> </ul>

--\*

\*--34 Work Schedule Descriptions (Continued)

A Approved Fixed Work Schedule Choices (Continued)

Work Schedule	Explanation
<p><b>CWS 4/10</b> (Fixed)</p>	<p>Full-time employees work four 10-hour workdays per week and eight 10-hour workdays per pay period.</p> <ul style="list-style-type: none"> <li>• (FSA and RMA) Arrival and departure times each workday are fixed, not flexible. Arrival and departure time is the same every workday.</li> <li>• (FAS) Start time must be between 6:30 and 7:30 a.m.</li> <li>• Employees <b>must</b> establish, on FFAS-956 or other agency-approved work schedule, fixed daily arrival and departure times.</li> <li>• Leave <b>must</b> be taken for a late arrival or early departure from work.</li> <li>• Nonworkday: 1 nonworkday each workweek.</li> <li>• Glide Time: ineligible.</li> <li>• Credit Hours: ineligible to earn or retain.</li> <li>• Flexilunch: ineligible.</li> <li>• Holiday Pay: equals scheduled workhours on holiday or “in-lieu-of holiday” (10 workhours).</li> </ul>

--\*



\*--34 Work Schedule Descriptions (Continued)

**B Approved Flexible Work Schedule Choices**

The following table describes the flexible work schedule option in detail.

<b>Work Schedule</b>	<b>Explanation</b>
<p><b>Variable Day (Gliding)</b> (flexible)</p>	<p>Full-time employees <b>must</b> work 10 workdays per pay period, Monday through Friday.</p> <ul style="list-style-type: none"> <li>• Full-time employees shall work no less than 6 hours or more than 10 hours on a given workday, excluding credit hours.</li> <li>• Full-time employees <b>must</b> be at work or take leave during core hours.</li> <li>• Employees <b>must</b> establish on FFAS-956 or other agency-approved work schedule:                             <ul style="list-style-type: none"> <li>• daily arrival and departure times</li> <li>• number of hours to be worked for each workday (minimum of 6).</li> </ul> </li> <li>• Minute-to-minute time accounting (see subparagraph 33 D).</li> <li>• Nonworkday: ineligible.</li> <li>• (FAS) Glide Time: can vary daily up to 2 1/2 hours between 6:30 and 9:30 a.m.</li> <li>• (FSA National Office and All RMA) Glide Time: can vary daily up to 2 1/2 hours between 6 and 9 a.m.</li> <li>• Credit Hours: eligible up to 1 hour per day (FSA and RMA)/2 hours per day (FAS). May be earned in 1/4 hour increments. <b>Maximum</b> of 24 workhours per pay period.</li> <li>• Flexilunch: allowed.</li> <li>• Holiday Pay: maximum is 8 hours.</li> </ul>

--\*

\*--34 Work Schedule Descriptions (Continued)

B Approved Flexible Work Schedule Choices (Continued)

Work Schedule	Explanation
<p><b>Maxiflex</b> (flexible)</p>	<p>Full-time employees <b>must</b> work an 80-hour pay period on 10 or fewer workdays per pay period, Monday through Friday.</p> <ul style="list-style-type: none"> <li>• Full-time employees shall work no less than 6 hours or more than 10 hours on a given workday, excluding credit hours.</li> <li>• Full-time employees <b>must</b> be at work or take leave during core hours on scheduled workdays, <b>except</b> for the last day of the schedule once the 80-hour requirement is met.</li> <li>• Employees <b>must</b> establish on FFAS-956 or other agency-approved work schedule:               <ul style="list-style-type: none"> <li>• daily arrival and departure times</li> <li>• number of hours to be worked for each workday (minimum of 6).</li> </ul> </li> <li>• Minute-to-minute time accounting (see subparagraph 33 D).</li> <li>• Nonworkdays: allowed.</li> </ul>

--\*

34 Work Schedule Descriptions (Continued)

B Approved Flexible Work Schedule Choices (Continued)

Work Schedule	Explanation
<p><b>Maxiflex</b> (flexible) (Cont'd)</p>	<ul style="list-style-type: none"> <li>● (All FAS) Glide Time: Arrival time may vary daily as long as arrival occurs no earlier than 6:30 a.m. and no later than 9:30 a.m., and provided departure time is adjusted an equivalent amount of time that same workday on a daily basis.</li> <li>● (All RMA) Glide Time: Arrival time may glide up to 30 minutes earlier or later than employee's established arrival time, as long as arrival occurs no earlier than 6 a.m. and no later than 9 a.m., and provided departure time is adjusted an equivalent amount of time that same workday on a daily basis.</li> <li>● (FSA State and County Offices) Glide Time: Arrival time may glide up to 30 minutes earlier or later than employee's established arrival time, as long as arrival occurs no earlier than 6 a.m. and no later than 9 a.m., and provided departure time is adjusted an equivalent amount of time that same workday on a daily basis.</li> <li>●*--(All FSA Offices Except State and County Offices) Glide Time: Arrival time may glide up to 30 minutes earlier or later than employee's established arrival time, as long as arrival occurs no earlier than 6 a.m. and no later than 9 a.m., and provided departure time is adjusted an equivalent amount of time that same workday on a daily basis.</li> <li>●*--(All FAS) Credit Hours: Up to 2 hours per day.</li> <li>● (All RMA National and Field Offices) Credit Hours: Up to 1 hour per day.  <b>Note:</b> RMA Kansas City does <b>not</b> earn credit hours.</li> <li>● (All FSA Offices Except State and County Offices) Credit Hours: Up to 1 hour per day.</li> <li>● (FSA State and County Offices) Credit Hours: Up to 2 hours per day.  <b>Note:</b> SED may approve up to 1 additional hour per day during periods of heavy workload or natural disasters.</li> </ul> <p>Credit hours may be earned in ¼ hour increments, with a <b>maximum</b> of 24 hours carryover per pay period.--*</p> <ul style="list-style-type: none"> <li>● Flexilunch: allowed.</li> <li>● Holiday Pay: maximum is 8 hours.</li> </ul> <p><b>Note:</b> Schedules emulating a CWS 5/4/9 or 4/10 may be worked under maxiflex, but holiday pay is limited to 8 hours. For additional information on holidays, see paragraphs 4 and 35.</p>

**\*--35 Holiday Entitlements and Options****A For Fixed Work Schedules**

Full-time employees who work a fixed work schedule (standard/flexitour or CWS) are entitled to holiday pay for the number of hours they are scheduled to work on a day designated as a Federal holiday, “in-lieu-of holiday”, or day excused by Executive Order, unless otherwise defined in the Executive Order.

**Note:** Supervisors and timekeepers may refer to the employee’s approved FFAS-956 or other agency-approved work schedule for scheduled workhours of 8, 9, or 10 that fall on a holiday.

**B For Flexible Work Schedules**

5 U.S.C. 6124 states that employees who work a flexible work schedule (maxiflex or variable/gliding) are only entitled to 8 hours of holiday pay for Federal holidays, “in-lieu-of holidays”, or a day excused by Executive Order, unless otherwise defined in the Executive Order.

When a Federal holiday or “in-lieu-of holiday” falls on an established workday of more than 8 hours, an employee working a flexible (maxiflex or variable/gliding) work schedule may choose 1 of the following holiday options:

- request a temporary change to their work schedule so that 8 workhours are scheduled on the holiday or “in-lieu-of holiday” and make-up the extra hours on another workday within the **same** pay period to meet their weekly or biweekly work requirement
- use annual leave, compensatory time, credit hours, time-off award, or LWOP for the 1 or 2 extra hours.

**Note:** Full-time employees who work on a Federal holiday or “in-lieu-of holiday” are entitled to 8 hours holiday pay. They **cannot** earn compensatory time. Hours in excess of 8 hours are paid as regular overtime.

For additional information on holidays, see paragraphs 4 and 35.--\*

**\*--36 Timekeeper Actions**

**A Employee Header Screen Record**

Timekeepers must code the work schedule in each person’s STAR WEB T&A header screen correctly for the work schedule option that was approved for the employee. The work schedule code is critical for properly recording leave and T&A information at NFC.

Work schedule codes are listed in this table.

<b>IF the employee’s work schedule is...</b>	<b>THEN in the Work Schedule code box...</b>
CWS 4/10	ENTER “3”.
CWS 5/4/9	ENTER “5”.
standard (flexitour)	ENTER “7”.
variable day (gliding)	
maxiflex	ENTER “8”.

**Notes:** Timekeepers shall check Work Schedule codes for **all** employees in their T&A group or groups, as soon as possible.

The Work Schedule code **must** be changed when an employee changes their work schedule.

**B Timekeeper Responsibilities for FFAS-956**

Timekeepers shall verify the employee’s calculations on FFAS-956 at the end of the pay period, initial, and forward with OPM-71’s to the immediate supervisor for approval **before** transmitting data to NFC.--\*

## 37 Non Full-Time Employees

### A Part-Time and Intermittent Employee Work Schedules

All part-time and intermittent employees who work a **minimum** of 16 hours per pay period are:

- covered by this paragraph
- considered to be on a maxiflex work schedule.

### B Part-Time \* \* \* Employee Policy and Responsibilities

Part-time \* \* \* employees:

- \*--are eligible to earn credit hours only **after** working the basic work requirement--\*
- are eligible to earn overtime and compensatory time only **after** working 80 regular hours in a pay period
- have **no**:
  - pay entitlement when a holiday falls on their scheduled nonworkdays
  - no “in-lieu-of holiday” entitlements
- \*--are **not** eligible for holiday pay when not scheduled to work on the work day before or the work day after a holiday, even if normally scheduled to work on the day of the week of the holiday

**Example:** Employee normally works on Mondays, Wednesdays, and Fridays. Therefore Mondays, Wednesdays, and Fridays are the employee’s work days. If Monday is a holiday, then the employee must be in pay status either the Friday before the holiday **or** the Wednesday after the holiday. Otherwise,--\* employee is **not** eligible for holiday pay.

- will complete an FFAS-956 or other agency-approved work schedule anytime a change in work schedule is necessary
- **must** schedule their workday according to their agencies work schedules.

**Note:** Core hour rules do **not** apply to part-time \* \* \* employees.

### \*--C Intermittent Employees

Intermittent employees, by definition, do **not** have a set work schedule, do not earn leave, and are **not** paid for a holiday.

**Note:** Intermittent employees called upon to work a fixed work schedule should be placed on a full-time or part-time appointment. See 27-PM, subparagraph 330 E.--\*

**38-50 (Reserved)**

**Part 3 Annual Leave**

**51 Full-Time Employees**

**A Annual Leave Accruals**

Full-time employees accrue annual leave after completing their first **full** biweekly pay period.

The number of annual leave hours earned biweekly depends on the employee’s years of qualified Federal or CO service. The following is an annual leave accrual table for a full-time employee.

<b>Annual Leave Category</b>	<b>IF a full-time employee has...</b>	<b>THEN they accrue...</b>
4	less than 3 years of service	<b>4</b> hours of annual leave each pay period.
6	at least 3 years of service, but less than 15 years	<b>6</b> hours of annual leave each pay period. Also, these employees accrue 10 hours during the last biweekly pay period before the end of the calendar year.
8	15 years or more of service	<b>8</b> hours of annual leave each pay period.

**\*--Note:** SES, SFS, and senior level employees accrue 8 hours of annual leave each full biweekly pay period regardless of their length of their service with the Federal Government.--\*

**B Partial Pay Period**

Employees do **not** accrue annual leave when either of the following occurs:

- a new employee’s EOD date falls in the **middle of the pay period**

**Exception:** When EOD is Sunday and the first Monday of the pay period is:

- a holiday
- the new employee’s scheduled nonworkday.

- an employee retires or resigns in the **middle of the pay period**.

**Exception:** When the effective date is the last Friday of the pay period and that day is:

- a holiday
- the employee’s scheduled nonworkday.

**Note:** Effective December 8, 1998, employees in CO positions shall follow Federal accrual regulations.

**51 Full-Time Employees (Continued)****C Employee Transfer**

Full-time leave-earning employees transferring **without** a break in service to another Federal or CO position will keep their current annual leave balance and continue to accrue annual leave, as usual.

**D Loss of Accrual**

Full-time leave-earning employees do **not** earn annual leave in a pay period where their cumulative balance of nonpay status leave hours equals or exceeds 80 hours or any 80-hour increments thereafter. This rule is termed “the 80-hour rule” and does **not** apply to part-time employees.

See paragraph 111 for information about unpaid leave.

**52 90 Calendar Day Appointments****A 90 Calendar Day Appointment Leave Earning**

Employees with a 90 calendar day appointment or less are **not** entitled to earn annual leave. See paragraph 81 for sick leave entitlement.

**B 90 Calendar Day Appointment Extensions**

Employees with 90 calendar day appointments that are granted extensions beyond the \*--90 calendar days without a break in service, or are converted to a permanent appointment without a break in service, **must** retroactively be credited with annual leave that would--\* have been earned from the date of initial appointment to the date of the appointment extension. Employees will continue to earn annual leave biweekly from the appointment extension date.

**\*--C Appointments Over 90 Calendar Days**

Employees, with appointments over 90 calendar days, earn annual leave starting at the beginning of the first full pay period of their appointment.--\*



53 Part-Time Employees

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**A**

**Part-Time Annual Leave Accruals**

Annual leave accruals for a part-time employee are based on **pay status hours** reported for the pay period. Nonpay status leave hours, such as LWOP, are not used in computing accruals for a part-time employee. The following table estimates the approximate annual leave accrued by a part-time employee each pay period, but the table does not reflect part-time carryover hours.

Annual Leave Category	IF a part-time employee has...	THEN they accrue 1 hour for every...
4	less than 3 years of service	20 hours in pay status.
6	at least 3 years of service, but less than 15 years	13 hours in pay status.
8	15 years or more of service	10 hours in pay status.

**B**

**Disregard Pay Status Hours Over 80**

When calculating leave accruals for a part-time employee, disregard any pay status hours exceeding 80 for the pay period. Pay status hours over 80 are **not** carried forward or used in any subsequent accrual computations.

---

**C**

**Part-Time Carryover Hours**

Part-time carryover hours or unapplied hours are those pay status hours remaining after the computation of the annual leave accrual for the current pay period. These unapplied hours are automatically carried forward, added, and used in calculating accruals for the next pay period.

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**D**

**Employee Converting From Part-Time to Full-Time**

\*--An employee who converts from a part-time to a full-time position forfeits any unused part-time carryover or unapplied hours to their credit.--\*

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**54 Other Leave Categories**

**A Effective Date of Accrual Change**

The effective date of a change in an employee's annual leave accrual rate is the beginning of the next pay period following the date on which the employee becomes eligible.

**B Accruals During Training**

Employees engaged in outside training at Government expense during their scheduled workhours accrue annual leave as if they were in regular duty status.

**C Intermittent Employees**

Employees holding intermittent appointments do **not** earn leave.

**55 Granting Earned Annual Leave**

**A Granting Annual Leave**

Accrued or earned annual leave may be granted for any reason. Supervisors should maintain a liberal policy on the use of earned annual leave. The timing of annual leave use, however, remains at the discretion of the supervisor. Annual leave shall be requested in advance, when possible.

**B Planning Use of Annual Leave**

Supervisors and employees are encouraged to plan the use of earned annual leave as far in advance as possible. This is important to:

- the efficient operations of the work unit and mission area
- prevent the forfeiture of annual leave at the end of the leave year.

## 56 Advanced Annual Leave

### A Granting Advanced Annual Leave

Leave-earning employees may request the use of advanced or unearned annual leave. Supervisors have the discretionary authority to approve advanced annual leave up to the projected number of annual leave hours the employee is expected to earn between the pay period following the request date and the end of the current leave year.

Employees requesting advanced or unearned annual leave must indicate their intentions to continue in Federal or CO service until the end of the leave year.

### B Temporary Employees

Temporary employees may only be granted the annual leave they will earn in the current pay period.

### C Refunds for Advanced Annual Leave

Employees, who are granted advanced annual leave, shall understand that a Federal payrolling office may bill them for salary repayment of any advanced annual leave hours that are not offset with earned annual leave before the end of the leave year.

**\*--Notes:** Supervisors shall **not** grant advanced annual leave:

- when it is unlikely that the employee will be returning to duty
- after an employee has received notice of separation, furlough, or has signed resignation papers
- after an employee has applied for Disability Retirement.

Supervisors shall **not** grant advanced sick after an employee has applied for Disability Retirement.

Employees holding a limited appointment, ending on a specific date, **may** only be granted advanced annual leave hours equal to the number of annual leave hours they will earn from the date of their request until the end of their appointment or the end of the leave year.

An employee serving a probationary period may only be granted advanced annual leave hours equal to the number of annual leave hours they will earn from the date of their request until the end of their probationary period, unless retention of the employee is known at the time of their request.--\*

**57 Requesting and Reporting Annual Leave**

**A Requesting Annual Leave**

Annual leave may be requested in increments of 15 minutes. All requests shall be made in \*--advance, when possible, and documented on OPM-71.

**Example:** See Exhibit 6 for an example of OPM-71.--\*

**B Reporting Annual Leave**

Employees shall record all annual leave used on FSA-958 or other agency-approved work schedule log.

## 58 Lump-Sum Annual Leave

### A Lump-Sum Annual Leave Payment

\*--According to 5 CFR 550.1203, employees are entitled to a lump-sum payment for their accumulated annual, credit, and compensatory leave upon:

- accepting a position with the Senate or House of Representatives
- death (payable to beneficiary)
- resignation
- retirement
- transfer to a position under a different leave system when they have a break in service of 3 or more workdays
- voluntary or involuntary separation of 1 or more workdays
- voluntary or involuntary transfer to an intermittent position.

**Note:** Employees transferring to an intermittent position may elect to retain their annual leave balance, if there is a chance they will be returned to a leave-earning position.

### B Restored Annual Leave Payment

By law, any restored annual leave remaining to the employee's credit at the time of separation **must** be paid in lump-sum.--\*

## 59 Terminal Annual Leave

### A Granting Terminal Annual Leave

Terminal annual leave is annual leave requested or granted after it is known that the employee is leaving Federal service or CO employment.

Employees shall **not** be granted terminal annual leave, unless 1 of the following occurs:

- employee is waiting approval of disability retirement
- employee is involved in an agency's downsize or reduction-in-force action.

**60 Annual Leave Ceilings****A Annual Leave Ceiling Information**

Each leave-earning employee, by law, has an annual leave ceiling. The annual leave ceiling represents the maximum number of annual leave hours an employee may carry from 1 leave year into the next leave year.

At the end of the leave year, if an employee's annual leave balance exceeds their annual leave ceiling, the hours in excess are forfeited. Annual leave hours **not** in excess of the employee's ceiling will be carried forward into the next leave year.

**B Maximum Annual Leave Ceilings**

Following are the annual leave ceilings set by law:

- **240 hours** (30 workdays) for all civilian employees, including Foreign Service Officers stationed in the U.S. or its territories or possessions
- **360 hours** (45 workdays) for Federal employees who are directly recruited or transferred from the U.S. or its territories or possessions, to employment outside the U.S. in an overseas duty location
- **720 hours** (90 workdays) for employees in SES or SFS positions.

**C Employees Working in U.S.**

Employees, who work in the U.S. or its territories or possessions, are entitled to a 240-hour (30-workday) annual leave ceiling each leave year.--\*

61 Overseas Ceilings

**A Employees Assigned Overseas**

Federal employees who are directly recruited or transferred from the U.S. or its territories or possessions to employment outside the U.S. in an overseas duty location are entitled to a \*--360-hour (45-workday) annual leave ceiling each leave year.--\*

The 360-hour ceiling is effective on the date the employee arrives at the overseas duty location or on the date the employee begins performing the duties of the overseas position.

**B Overseas Employees Returning to U.S.**

Employees reassigned from an overseas duty location to the U.S. or its territories or possessions are subject to reinstatement to the 240-hour maximum annual leave ceiling. Entitlement to the 360-hour leave ceiling ends when the employee departs the overseas duty location for reassignment in the U.S. However, the law allows a returning employee to establish a **personal** annual leave ceiling when they return with an annual leave balance greater than 240 hours.

**C Determining Ceiling Entitlement**

The **annual leave ceiling** entitlement of an employee returning from an overseas assignment is based on the employee’s annual leave balance at the end of the pay period in which they are reassigned to the U.S. Returning employees are entitled to 1 of the following.

<b>IF an employee is returning to U.S. with an annual leave balance of...</b>	<b>THEN the employee...</b>
240 hours or less	immediately becomes subject to the 240-hour ceiling.
over 240 hours	<p>carries forward their annual leave balance to their new position and must use any annual leave over 360 hours by the end of the leave year.</p> <p>At the end of the current leave year, the employee’s <b>end-of-leave-year balance</b> becomes their <b>personal</b> annual leave ceiling.</p> <p>At the end of each subsequent leave year, if the employee’s end-of-leave-year balance is less than the employee’s personal annual leave ceiling, revise the personal annual leave ceiling to the lower end of leave year balance. Continue to revise the employee’s personal annual leave ceiling until the employee’s end-of-leave-year balance is at or below 240 hours.</p>



**62 SES and SFS Ceilings**

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**A****SES and SFS  
Employees**

Employees accepted into SES and SFS are entitled to a 720-hour (90-day) annual leave ceiling each leave year, unless they are exempt.

To be exempt, the employee must have served in an SES or SFS position on and before October 13, 1994, and must have had an annual leave accumulation of more than 720 hours. The employee's annual leave balance as of that date would have been established as their personal annual leave ceiling.

- At the end of each subsequent leave year, if the employee's end-of-leave-year balance is less than the employee's personal annual leave ceiling, revise the personal annual leave ceiling to the lower end of leave year balance.
  - Continue to revise the employee's personal annual leave ceiling until the employee's end-of-leave-year balance is at or below 720 hours.
- 

**B****Converting to  
SES or SFS  
Position**

Based on the employee's annual leave at the end of the pay period in which they are converted to an SES or SFS position, they must use all annual leave in excess of their established annual leave ceiling before the end of the leave year that is current. Any accruals accumulated after their conversion to SES or SFS will be applied to the personal annual leave ceiling of 720 hours. For more information, see 5 CFR 630.301.

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Continued on the next page

**62 SES and SFS Ceilings (Continued)**

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**C****Converting From  
SES or SFS  
Position**

Employees converting from an SES or SFS position to a non-SES or non-SFS position immediately becomes subject to a 240-hour ceiling, but retains the annual leave balance they had at the end of the pay period in which they were converted.

If their annual leave balance is less than 720 hours, that annual leave balance becomes their personal annual leave ceiling.

Before the end of the leave year in which they were converted, they must use any excess annual leave over 720 hours or any excess annual leave over their established personal annual leave ceiling. At the end of each subsequent leave year, if the employee's end of leave year balance is less than the employee's personal annual leave ceiling, revise the personal annual leave ceiling to the lower end of leave year balance.

For more information, see 5 CFR 630.301.

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**D****Established  
Ceiling  
Forfeiture**

Annual leave exceeding the employee's established annual leave ceiling shall be forfeited on the first day of the new leave year, unless an exigency of public business is approved by the Agency's Administrator or designees. See paragraph 66 for more information.

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**63 Restoring Forfeited Annual Leave**

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**A**

**Restoration  
Conditions**

By law, the following are 3 conditions under which annual leave may be restored:

- administrative error
  - employee illness
  - exigency of public business.
- 

**64 Restoration Because of Administrative Error**

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**A**

**Reason for  
Administrative  
Error**

An administrative error is the loss of annual leave, which otherwise would have been accrued after June 30, 1960, when the loss of leave occurred through no fault of the employee.

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**B**

**Requesting  
Restoration**

Affected employees shall write a memorandum to their servicing personnel office or State administrative officer requesting a review of their annual leave for the period in question.

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**C**

**Personnel Office  
Determination**

If it is determined that a loss of annual leave has occurred because of administrative error, the servicing personnel office or State administrative officer shall:

- authorize the restoration of lost annual leave
  - advise the employee and the employee's timekeeper of the leave restoration.
-



**65 Restoration Because of Employee Illness****A Requirements for Restoring Leave Because of Illness or Injury**

Annual leave forfeited because of personal illness or injury may be approved for restoration by the employee's SPO or State administrative officer when all of the following apply:

- the employee's **excess annual leave** was approved for use before the end of the leave year
- absence because of illness or injury occurred so late in the leave year that the employee's excess annual leave could not be rescheduled for use before the end of the leave year
- medical certification of illness or injury along with dates and prognosis or diagnosis were provided.

**Note:** Illness or injury is not in itself a basis for permitting annual leave to be forfeited and later restored, since the law allows an employee the right to substitute annual leave for sick leave or LWOP.

**B Requesting Restoration**

Employees, who have forfeited annual leave because of illness or injury, shall contact their SPO or State administrative officer and:

- request a restoration of forfeited annual leave
- provide any required T&A and medical documentation requested.

**66 Restoration Because of Exigency of Public Business****A Definition of Exigency of Public Business**

An exigency of public business occurs when a critical need is sudden or unexpected, an emergency, or a pressing necessity, characterized by additional work with deadlines required by statute, Executive Order, court order, regulation, or formal directive from the head of an agency or designee.

**Notes:** This is the **legal** definition.

Poor leave planning, a heavy workload, or recurring cyclical peaks, alone, **does not** constitute an exigency.

**\*--B Annual Leave Carryover Limits**

There are limits to the number of hours of annual leave that may be carried forward into the new leave year. Limits are:

- 240 hours (30 workdays) of regular annual leave
- 360 hours (45 workdays) of regular annual leave by FAS employees currently assigned overseas
- 720 hours (90 workdays) of regular annual leave for SES and SFS employees.

**Note:** Employees, who are **exempt** from the 240-hour (30-workday) rule, may contact their SPO to verify the status of their current annual leave ceiling.--\*

**66 Restoration Because of Exigency of Public Business (Continued)****\*--C Employees Reassigned to the U.S.**

Employees reassigned and returning to the U.S., after serving overseas, fall back to a 240-hour annual leave ceiling. However, they may retain a higher ceiling of up to 360 hours of annual leave as long as their annual leave balance, at the end of leave year, does **not** fall below either of the following:

- 360 hours
- the annual leave ceiling they established upon their return to the U.S.

**Note:** During the leave year, the annual leave balance may fall below 360 hours or their established annual leave ceiling. However, annual leave balance at the **end** of pay period 26 **must** be 360 hours or their established annual leave ceiling **before** the end of leave year to retain the higher annual leave ceiling.

**D Restored Annual Leave**

Employees, who have had annual leave restored from a previous leave year, need to **verify the forfeiture date** of the restored annual leave. If the restored annual leave is scheduled for forfeiture at the end of leave year, request and use this annual leave as soon as possible.

Restored annual leave should be used in leave year in which it is restored, but may be carried forward into the next leave year and used. This allows approximately 2 leave years to use restored annual leave. If restored annual leave is **not** used within this timeframe, it is forfeited and **cannot** be restored a second time.--\*

## 66 Restoration Because of Exigency of Public Business (Continued)

**\*--E Compensatory Leave**

Earned compensatory leave shall be used **before** annual leave, **except** when usage will cause forfeiture of excess annual leave at the end of leave year. The following rules apply when using compensatory time:

- compensatory time earned in pay period 10 of 2007 (**May 13-26, 2007**) or later will **expire 26 pay periods** after the pay period in which it was earned

**Example:** If compensatory time is earned in pay period 10 of the current year, the leave will expire at the end of pay period 10 of the following year.

**Notes:** In the event that there are 27 pay periods in a leave year, the leave will expire at the end of pay period 9.

**Because of the reduction in the amount of time in which compensatory time must be used, careful monitoring of both old and new balances is extremely important to avoid the forfeiture of compensatory time.**

- compensatory time earned **before** pay period 10 of 2007 (**May 13, 2007**) will **expire 3 years** (a grandfather period) after the pay period in which it was earned.

**Notes:** If there is an agency negotiated union agreement that differs from this OPM regulation, the union agreement will remain in effect until expiration, even if it allows more than 3 years for using compensatory time. At the time of expiration, the OPM regulation will become effective.

For more information on compensatory leave, see 32-PM.--\*



66 Restoration Because of Exigency of Public Business (Continued)

**\*--F Requesting Payment for Expired Compensatory Leave**

Employees, unable to use their compensatory leave hours **before** they expire, as mentioned in subparagraph E, are entitled to be paid for their expired compensatory leave hours at the overtime rate in effect when the compensatory leave was earned.

**Note:** Credit hours do **not** expire and balances at the end of pay period 26 (or pay period 27, if applicable) will be carried forward to pay period 1 of the new leave year.

**G Donating Excess Annual Leave**

Employees may donate excess annual leave to either of the following, as applicable.

Leave Pool	Eligible Donors
<b>LTP Recipients</b>	<p>Under the voluntary LTP:</p> <ul style="list-style-type: none"> <li>• GS employees may donate their excess annual leave and/or restored <b>annual leave</b> to another GS employee who is an approved leave recipient</li> <li>• CO employees may donate their excess and/or restored annual leave to an approved CO recipient.</li> </ul> <p>By law, GS and CO employees are <b>not</b> considered to be in the same leave system, so annual leave <b>cannot</b> be donated from a GS employee to a CO employee or vice versa. To donate:</p> <ul style="list-style-type: none"> <li>• within USDA, use AD-1043 (see subparagraph 344 C)</li> <li>• outside USDA, use OPM 630-B.</li> </ul>
<b>National Office LB</b>	<p>FAS, FSA, and RMA <b>National Office</b> employees may donate their excess and/or restored annual leave to LB by completing and signing FFAS-1043. FAX completed FFAS-1043's to:</p> <p style="padding-left: 40px;">ATTN: Leave Bank Coordinators HRD, EPB FAX: 202-205-9140 or 202-205-9146.</p>

**Note:** AD-1043's and OPM 630-B's are available at [http://www.fsa.usda.gov/FSA/hrdapp?area=home&subject=wpsv&topic=aws#P38\\_2065.--\\*](http://www.fsa.usda.gov/FSA/hrdapp?area=home&subject=wpsv&topic=aws#P38_2065.--*)

## 66 Restoration Because of Exigency of Public Business (Continued)

**\*--H Donation Limitations**

Donations of **excess** annual leave to an approved LTP recipient or to LB are **limited** to the lesser of the following:

- 1/2 of the donating employee's accrued annual leave entitlement for leave year
- the number of scheduled workhours remaining in leave year.

**Note:** There are **no** donation limits when donating **restored** annual leave. Approved leave recipients are **not** limited to the amount of annual leave they may carry from 1 leave year to the next.

**I Exemption to LTP Limitations**

Exemptions, to LTP donation limits described in subparagraph H, may be granted by leave transfer coordinators in the National Office HRD, KCHRO, and State administrative officers or their designees, **only** when the donation is for an approved LTP recipient who is still in need of leave.

**Note:** Exemptions to donating excess annual leave to National Office LB **cannot** be granted.--\*

## 66 Restoration Because of Exigency of Public Business (Continued)

### \*--J Information on Approved LTP Recipients

The leave transfer coordinators in the National Office HRD and KCHRO will try to maintain current lists of approved FAS, FSA, and RMA leave recipients.

**Note:** FSA maintains 2 nationwide lists of approved recipients. One list for approved GS recipients and the other for approved CO recipients. This process is handled by using the FFAS Intranet subscription lists. To subscribe to either the CO or GS Leave Recipient lists, go to [http://intranet.fsa.usda.gov/e\\_lists/default.htm](http://intranet.fsa.usda.gov/e_lists/default.htm). At the top of the screen, users shall do the following:

- enter user's e-mail address (required)
- in the middle of the screen, the following will be displayed:
  - Leave Transfer Program - GS Leave Recipients
  - Leave Transfer Program - CO Leave Recipients
- click either GS Leave Recipients for CO Leave Recipients
- on the drop-down menu select how frequently user wants the lists delivered to their e-mail address
- CLICK "**Submit**".

Any information posted to the recipient lists after the user subscribes will be automatically sent to the user's e-mail address.

**Notes:** To unsubscribe to the subscription list:

- go to [http://intranet.fsa.usda.gov/e\\_lists/default.htm](http://intranet.fsa.usda.gov/e_lists/default.htm)
- enter user's e-mail address at the top of the screen
- scroll down and CLICK "**Stop receiving e-mail**".

User's correct e-mail address is critical to receiving or stopping subscriptions.--\*

**66 Restoration Because of Exigency of Public Business (Continued)****\*--K Supervisory Action**

Managers and supervisors shall accept OPM-71's from employees requesting the use of their excess annual leave. Employees are **required** to submit OPM-71's to their first line supervisor **no later than COB of pay period 23 of each leave year**. All OPM-71's to use excess annual leave shall either be approved or disapproved as soon as possible after receipt.

If using excess annual leave must be denied, supervisors shall write "canceled" across the employee's OPM-71 and note the reason. Supervisors and employees shall attempt to reschedule using any canceled excess leave **before** the end of leave year, if possible.

**Note:** OPM-71 is available at <http://www.opm.gov/forms/html/opm.asp>.

**L Employee Action**

Employees, who have **not** already scheduled using their excess annual leave for the current leave year, **must**:

- schedule using their excess annual leave by submitting OPM-71 to their first line supervisor
- verify the accuracy of their annual leave balance
- verify the forfeiture date of any previously restored annual leave to ensure it will **not** be forfeited at the end of the current leave year and schedule its use if it will expire
- review and determine if any compensatory leave hours will expire at the end of the current leave year
- retain a copy of any OPM-71's, where using excess annual leave has been denied or canceled.--\*

66 Restoration Because of Exigency of Public Business (Continued)

**\*--M Definition of Exigencies of Public Business**

The following is the legal definition of an exigency of public business.

An exigency of public business occurs when a **critical** need is sudden or unexpected, an emergency, or a pressing necessity, characterized by additional work with deadlines required by statute, Executive Order, court order, regulation, or formal directive from the head of an agency or designee.

**Note:** Poor leave planning, a heavy workload, or recurring cyclical peaks, alone, **does not** constitute an exigency.

**N Authorizing Officials for Exigencies**

The following table outlines FFAS approval authorities for exigencies.

Agency	Approving Official
FAS	Administrator
RMA	Administrator
FSA:	
<ul style="list-style-type: none"> <li>• Deputy Administrator</li> <li>• National Office, Kansas City, and APFO</li> <li>• State and County Offices</li> </ul>	<ul style="list-style-type: none"> <li>• Administrator</li> <li>• Deputy Administrator</li> <li>• SED.</li> </ul>

**Note:** CED’s, farm loan managers, COC’s, and DD’s shall discuss the potential of exigencies within their area of authority. If it is decided that an exigency situation may exist, it shall be discussed with the State’s administrative officer and/or SED. If SED decides that an exigency of the public business exists, the affected offices or employees shall be notified. Employees affected by an exigency shall follow the instructions in subparagraph O.

SED’s shall decide who will provide preliminary approval for exigencies **before** they are forwarded to the State’s administrative officer for review. Administrative officer will review each request on a case-by-case, situation-by-situation basis, and forward his or her recommendations to SED for approval. Employees who are affected by an exigency will be notified of approval or disapproval in a timely manner.

**Note:** DAFO will be available to provide guidance and oversight to State Offices.--\*

## 66 Restoration Because of Exigency of Public Business (Continued)

**\*--O All Other FFAS Offices**

Division directors, office managers, and State Office supervisors shall discuss the appropriateness of exigencies for employees on their staff with their authorizing official. If an exigency exists, notification will be made to the proper mid-level supervisors or staff members.

**Note:** Affected employees shall follow the instructions in this subparagraph to request an exigency and forward their request to their first line supervisor.

First line supervisors shall review and initial their concurrence on the exigency requests **before** forwarding the request to the division director, office manager, or administrative officer for preliminary approval. Division directors, office managers, and State Office supervisors will then forward their recommendations to the appropriate authorizing official. Employees, who have requested an exigency, will be notified of approval or disapproval in a timely manner.

**P Procedures for Requesting Exigency Consideration**

To request exigency consideration and restoration of forfeited annual leave, employees **must**:

- have submitted their OPM-71's to use their excess annual leave **no later than COB the Friday after Thanksgiving**
- have had the use of all or part of their excess annual leave hours canceled or denied **before** the end of the current leave year
- prepare a brief memorandum addressed to their authorizing official that shall include the following:
  - their name and last 4 digits of Social Security number
  - justification for the exigency
  - an estimate of the number of excess annual leave hours they would like restored
  - copies of their "canceled" or "denied" OPM-71's
  - leave audit

**Note:** FSA employees shall use FSA-358 for leave audits.

- forward the memorandum and its attachments to their first line supervisor for review.--\*

**66 Restoration Because of Exigency of Public Business (Continued)****\*--Q Exigency Approval**

Authorizing officials or their designee shall approve or disapprove exigency requests. Once the exigency decision is made, the authorizing official shall have the exigency requests returned to the appropriate office. Division directors, office managers, and State Office supervisors will ensure that **approved exigency** packages, including attachments, are FAXed to the employee's SPO and shall notify the employee of the approving official's decision.

**R Restoring Forfeited Annual Leave**

Employees, who are approved for an exigency and leave restoration, shall have some or all of their forfeited annual leave hours restored. Processing restored annual leave will take place as soon as possible **after** pay period 1 of the following leave year. Upon restoration, SPO shall notify the employee and their timekeeper of the restoration. Restored annual leave is a separate leave category from regular annual leave and timekeepers shall use **transaction code 63** to record the employee's restored annual leave usage.

**Note:** Restored annual leave is eligible for lump sum payout, if the employee resigns or retires.--\*

**66 Restoration Because of Exigency of Public Business (Continued)****\*--S SPO Actions**

Upon receiving an **approved** exigency memorandum, SPO shall verify the receipt of the following information:

- exigency memorandum that has been signed by the appropriate authorizing official
- copies of employee's OPM-71's that were canceled or denied.

During or after pay period 2, SPO shall:

- verify the amount of annual leave that was forfeited by the employee by checking NFC's TINQ screens under the category "Leave Forfeited"
- verify employee leave balances using the employee's leave audit
- document the hours to be restored
- process the restoration
- notify the employee and their timekeeper of the pay period in which the restoration will take place
- advise timekeepers how to update the employee's T&A record.

**T Using Restored Annual Leave**

Employees will be allowed up to 2 years to use restored annual leave. The 2 leave years are the leave year in which the leave is restored plus 1 year. By law, annual leave restored from leave year 2007 **must** be used by the end of leave year 2009 or it is forfeited and **cannot** be restored a 2nd time.

**Note:** Timekeepers shall use T&A **transaction code 63** when recording restored annual leave usage.--\*

**67-80 (Reserved)**



## Part 4 Sick Leave

## 81 Full-Time Employees

## A Sick Leave Accrual

\*--Full-time leave-earning employees **and** temporary full-time employees with a limited appointment **accrue 4 hours** of sick leave for each **80-hour** biweekly pay period they work or take leave.

**Note:** When a new employee's EOD date falls on the first Sunday of the pay period and the following day is a holiday or scheduled nonworkday, then the employee is entitled to accrue sick leave for the pay period.

## B Accrual Exceptions

Full-time employees do **not** accrue sick leave when:

- a new employee is unable to complete an 80-hour pay period because of their EOD date falling in the **middle of the pay period**
- an 80-hour increment of unpaid leave is reached in the current pay period

**Note:** See subparagraph 111 B for more information.

- an employee retires or resigns in the middle of the pay period and does not complete their biweekly requirement of 80 hours
- an employee has an intermittent appointment.--\*

**Note:** Effective December 8, 1998, employees in CO positions shall follow Federal accrual regulations.

## 81 Full-Time Employees (Continued)

**C Recredit of Sick Leave**

5 CFR 630.502 states that when an employee transfers between positions within the same leave system or to a position in a different leave system, **without a break in service**, the agency from which the employee is transferring shall certify the employee's sick leave balance on the date of transfer and the receiving agency shall recredit the employee's sick leave balance. See Exhibit 2 for definitions of same leave system and different leave system. Also see 5 U.S.C 6312 for reference to FSA (former ASCS) employees.

If a **break in service** occurs, an employee is entitled to a recredit of sick leave without regard to the date of their separation, **if** the employee is re-employed on or after December 2, 1994, and **if the employee returns to the leave system** in which their previous sick leave was earned.

**\*--Examples:** If employees move from CO position to GS position, or vice versa, they are **not** entitled to sick leave recredit because CO and GS positions are **not** in the same leave system. However, if employees move from CO position to CO position or from GS position to GS position, they are entitled to sick leave recredit because they have remained in the same leave system.--\*

**Exception:** If the employee was re-employed into government service **before** December 2, 1994, and forfeited their previous sick leave balance based on the 3-year sick leave rule, the sick leave remains forfeited.

All sick leave recredits **must** be supported by written documentation acceptable to the agency. A copy of this documentation shall be kept in the employee's official personnel folder.

**D Cumulative Sick Leave**

Earned sick leave accumulates without limit or ceiling. At the end of the leave year, all accumulated sick leave is carried forward into the next leave year.

**E Loss of Accrual**

Full-time leave-earning employees do **not** earn sick leave in a pay period where their cumulative balance of nonpay status leave hours equals or exceeds 80 hours or any 80-hour increments thereafter. This rule is termed "the 80-hour rule" and does **not** apply to part-time employees. See paragraph 111 for information about unpaid leave.

**82 Part-Time Employees****A Sick Leave Accruals**

Sick leave accruals for part-time employees are based on their hours in pay status each pay period. One hour of sick leave accrues for every 20 hours in pay status reported for the pay period.

**B Part-Time Carryover Hours**

Part-time carryover hours or unapplied hours are those pay status hours remaining after computing the sick leave accrual for the current pay period. These unapplied hours are automatically carried forward, added, and used in calculating accruals for the next pay period.

An employee who converts from a part-time to a full-time position in the middle of the pay period forfeits any part-time carryover or unapplied hours to their credit.

**C Disregard Pay Status Hours Over 80**

When calculating accruals for a part-time employee, disregard any pay status hours exceeding 80 for the pay period.

**\*--D Recredit of Sick Leave**

If a break in service occurs, an employee is entitled to sick leave recredit regardless of the date of their separation, if the employee:

- is re-employed on or **after** December 2, 1994
- returns to the leave system in which their previous sick leave was earned.

See subparagraph 81 C for examples.--\*



83 Earned Sick Leave

**A Granting Sick Leave**

Earned or advanced sick leave may only be granted to an employee for medically justifiable reasons, including when the employee is:

- going to receive medical, optical, dental, or psychiatric examination or treatment from a licensed medical practitioner or facility
- incapacitated because of illness, injury, surgery, or physician recommended confinement because of pregnancy or recovery
- receiving services through the Employee Assistance Program
- required to care for or seek care for a family member, according to Part 10, Section 3
- exposed to a contagious disease, which would jeopardize the health of fellow workers.

**B Notifying Supervisor**

An employee or someone acting on their behalf shall notify the employee's immediate supervisor of illness or injury before core time or as soon as practical on the first workday of absence.

For a scheduled absence, such as surgery or medical appointment, supervisory notification shall be made in a **timely** manner before absence.

## 84 Advanced Sick Leave

### A Granting Advanced Sick Leave

Advanced sick leave may be granted for medically justifiable reasons according to subparagraph 83 A.

Permanent leave-earning employees may request advanced sick leave up to a maximum of 240 hours. Supervisors have the discretionary authority to approve advanced sick leave, but approval should be based on a reasonable expectation that the employee will be returning to work and able to repay the advanced leave. **Medical documentation is required when requesting approval of advanced sick leave.**

Supervisors shall review all requests for advanced sick leave and respond to the employee in a **timely** manner. Approval of advanced sick leave shall be made in a fair and equitable manner according to laws, regulations, and agency policy.

\*--See subparagraph D for limitations.--\*

### B Earned Sick Leave Exhausted

When an employee has exhausted their earned sick leave, they are eligible to request advanced sick leave. Requesting advanced sick leave does not require the employee to exhaust accumulated annual leave. Requests for advanced sick leave should be documented and approved before use, when practical.

See Part 10, Sections 1 through 3 for guidance about family friendly leave programs.

**84 Advanced Sick Leave (Continued)****C Repaying Advanced Sick Leave**

Granting authorities shall ensure that employees are advised of the following advanced sick leave repayment options:

- offset by subsequent earned sick leave
- buy-back of advanced sick leave
- donations from LTP, when the employee qualifies to be a leave recipient, according to Part 10, Section 1
- upon leaving Federal or CO service, employees must repay monies owed for their negative sick leave balance

**Note:** NFC has the authority to do any of the following to obtain monies owed:

- withhold monies from an employee's last pay check
  - offset an indebtedness with an employee's retirement contributions
  - offset a future Federal income tax refund.
- indebtedness is forgiven and no repayment will be required for:
    - disability retirement
    - death.

**84 Advanced Sick Leave (Continued)**

**D Limitations**

Supervisors shall not grant advanced sick leave:

- when it is unlikely that the employee will be returning to duty
- after an employee has received notice of separation, furlough, or has resigned
- when an employee is on leave restrictions.

Do not grant an employee serving a probationary period advanced sick leave in excess of the sick leave that they will earn from date of request until the end of their probationary period or until retention of the employee is known.

Employees holding a limited appointment, ending on a specific date, may be granted advanced sick leave equal to the amount of sick leave they will earn before the end of their appointment.

**85 Requesting and Reporting Sick Leave**

**A Requesting Sick Leave**

\*--Employees shall use OPM-71 (Exhibit 6) to request sick leave as follows:

- for requesting sick leave for scheduled appointments or treatments, OPM-71 shall be submitted and approved in advance
- for using sick leave for unscheduled illness or emergency, complete OPM-71 for--\* approval upon return to duty.

Employees, who attend outside training at Federal or CO expense and who become ill or injured, shall notify their immediate supervisor of the need for sick leave as soon as possible on the first day of absence from training.

**B Reporting Sick Leave**

Employees shall record the use of sick leave on FSA-958 or other agency-approved work schedule log.



## 85 Requesting and Reporting Sick Leave (Continued)

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### C

#### Medical Documentation

For absences of 3 workdays or **less** because of illness or injury, medical documentation is **not** required, unless the:

- supervisor has sufficient reason to question the validity of the sick leave request
- employee has been cited for leave abuse

**Note:** See subparagraph D.

- advanced sick leave is requested. See paragraph 84.

For absences of **more than** 3 workdays, the supervisor may require medical documentation. In situations where the medical services of a physician were not sought, the supervisor may request a signed statement from the employee stating the nature of the illness along with an explanation of why a licensed medical practitioner was not sought.

---

### D

#### Sick Leave Abuse

Sick leave is provided to employees as a benefit and may be used only under the conditions in this part. If there is reasonable doubt concerning the valid use of sick leave, the supervisor may:

- require the employee to submit acceptable medical documentation

**Note:** If medical documentation is unacceptable or inadequate, supervisors shall contact an employee relations specialist in their servicing personnel office for assistance.

- initiate leave restrictions with the review and concurrence of the employee relations staff.

Sick leave abuse can lead to disciplinary action.

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**86-110 (Reserved)**



## Part 5 Nonpay Status Leave

### 111 Unpaid Leave

#### A Categories of Unpaid Leave

Nonpay status leave or unpaid leave is made up of the following leave categories:

- AWOL
- civilian furlough
- LWOP
- military furlough
- suspension.

#### B 80-Hour Increments of Unpaid Leave

For every 80 hours of unpaid leave that a full-time employee accumulates, they will lose their **annual and sick leave accruals** in the pay period in which they reach or exceed an accumulation of 80 hours or any 80-hour increments thereafter.

#### C End of Leave Year T&A Adjustment

At the end of the leave year, all unpaid leave hours are reset to zero (0) for T&A purposes only. Do **not** carry unpaid leave hours into the new leave year.

**\*-- Note:** Employees in the 6 hour leave earning category, who reach the 80 hour increment of unpaid leave during pay period 26, lose the additional 4 hours earned during pay period 26.--\*

### 112 LWOP

#### A Granting LWOP

Supervisors have the discretionary authority to approve LWOP for up to 30 calendar days.

LWOP may be granted regardless of whether the employee has annual, sick, or

**\*--compensatory leave to their credit. Employees shall use OPM-71 to request LWOP. For--\*** extended LWOP of more than 30 calendar days, see subparagraphs D and E.

LWOP request approval is **mandatory** by law, when an employee is:

- seeking medical treatment as a disabled veteran
- a reservist or National Guardsperson under orders to report for military duty
- qualified and invokes their rights to LWOP under FMLA, according to Part 10, Section 2.

**Notes:** Check with the OWCP specialist in the employee's SPO for LWOP entitlements for worker's compensation.

**\*--If an employee separates and is then rehired within the same calendar year, any LWOP that was accrued in the calendar year **must** be loaded in the T&A master leave account and SPO **must** enter LWOP in TINQ.--\***

112 LWOP (Continued)

**B LWOP for FAS Employees**

FAS employees shall refer to Exhibit 11 for policy on LWOP and extended LWOP.

**\*--C LWOP of Less Than 30 Calendar Days**

LWOP may be requested in 15-minute increments for up to 30 calendar days for any reason, including at least 24 workhours for parental or family needs and responsibilities,--\* including, but **not** limited to, the following:

- attending early childhood education activities
- accompanying children to routine medical and dental exams
- tending to the needs of older relatives.

**D Extended LWOP**

The following employees have the discretionary authority to approve **extended** LWOP of more than 30 calendar days:

- Deputy Administrators
- Director, HRD or designee
- Chief, Personnel Division or designee
- SED's.

\*--Requests for extended LWOP shall be made in writing on OPM-71 and include a reason--\* for the request. Extended LWOP must be requested and approved in advance of being taken, when possible.

**Note:** The approval of extended LWOP will require preparing SF-50 or FSA-50.

**Exception:** SF-50 or FSA-50 is not needed when the employee is an approved leave recipient in LTP.

## 112 LWOP (Continued)

**D****Extended LWOP  
(Continued)**

Supervisors who approve extended LWOP shall be reasonably certain that employees:

- plan to return to Federal or CO service after the period of LWOP
- are actively seeking Federal or CO employment elsewhere because of transfer of their spouse or partner from the local commuting area.

**E****Appropriate  
Reasons for  
Granting  
Extended LWOP**

Since each Agency will have unique situations where extended LWOP is appropriate, supervisors shall check with the Deputy Administrator's Office for further details. Extended LWOP can be considered for approval for the following reasons:

- recovery, protection, and improvement of employee's health when supported by medical documentation

**Note:** See FMLA entitlements in Part 10, Section 2.

- educational purposes, when the course of study or research will benefit the Agency
- temporary service to non-Federal public or private enterprise when the experience gained by the employee will benefit the interests of the Agency
- services performed that will contribute to public safety and welfare
- actions pending an OPM decision on disability retirement
- actions pending approval of an OWCP claim

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Continued on the next page

## 112 LWOP (Continued)

## E

**Appropriate  
Reasons for  
Granting  
Extended LWOP  
(Continued)**

- pregnancy, delivery, rest, recovery, and confinement, when supported by medical documentation
- Note:** See FMLA entitlements in Part 10, Section 2.
- participation in programs sponsored by the Federal Government, such as the Peace Corps
  - to avoid a break in service between Federal and CO positions.

## F

**Holidays During  
Period of LWOP**

If a holiday occurs during a period of LWOP and the day **before and** the day **after** the holiday are charged to LWOP, there is no entitlement to holiday pay. Charge LWOP for the holiday.

Do not charge LWOP for a holiday if the employee is in pay status on the day before **or** the day after the holiday.

## 113 AWOL

## A

**Charging AWOL**

AWOL is a discretionary tool that supervisors may use for attendance-related disciplinary purposes, such as:

- tardiness
- unauthorized absence
- leave restrictions, when requested medical documentation is not provided by an employee.

**Note:** Supervisors should contact an employee relations specialist in their servicing personnel office if they have questions on charging AWOL.

**114 Military and Civilian Furlough**

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**A**

**Furloughs**

A military furlough may involve the call-up of employees, who are in active reserves, to serve for a definite or indefinite period of time.

A civilian furlough may involve the lack of appropriated funds to pay salaries.

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**115-135 (Reserved)**





## Part 6 Military Leave

## 136 Regular Military Leave

## A Eligibility

5 U.S.C. Section 6323(a) was amended on December 21, 2000. To be entitled to military leave, an employee **must** be a member of a Reserve component of the Armed Forces or the National Guard, whose employment status is 1 of the following:

- permanent full-time
- permanent part-time
- temporary, with an appointment that exceeds 1 year.

The following employment types are **not** eligible for regular military leave:

- intermittent employees
- \*--temporary employees with an appointment of 1 year or less.--\*

In addition to military leave for active duty or training, an employee in the DC National Guard may be granted military leave for days of:

- parade
- encampment
- other service ordered by the proper authority.

**136 Regular Military Leave (Continued)****B Entitlement for Full-Time Employees**

Reserve members of the Armed Forces or National Guard are entitled to a leave of absence, **without** loss of pay, for:

- \*--120 hours (15 workdays) each FY for active duty or active or inactive duty training
- 176 hours (22 workdays) per calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor

**Note:** This leave is provided for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in 10 U.S.C. 101(a)(13) and 5 U.S.C. 6323(b).

- an unlimited amount of time for members of DC National Guard for certain types of duty ordered or authorized under DC Code Title 39 (5 U.S.C. 6323(c))
- 352 hours (44 workdays) for Reserve and National Guard Technicians **only** for duties overseas under certain conditions (5 U.S.C. 6323(d)).--\*

The entitlement to military leave:

- begins on the date of employment
- is **not** prorated for permanent full-time employees
- is prorated for permanent part-time employees.

136 Regular Military Leave (Continued)

**C Entitlement for Part-Time Employees**

Calculate military leave entitlement for a permanent part-time employee as follows.

Step	Action
1	Divide the employee's <b>weekly</b> scheduled workhours by 40.
2	Multiply the answer times 120 hours.
3	Round down to the nearest number of whole hour.

**Example:** An example of a part-time employee scheduled to work 32 hours each week is:

$$32 \div 40 = 0.8, 0.8 \times 120 = 96 \text{ hours.}$$

**D Military Duty Not Eligible**

The following types of military duty are **not** eligible for military leave, but the employee can use annual leave or LWOP for:

- participation in parades by the State National Guard
- summer training as a member of ROTC
- temporary Coast Guard Reserve
- training with a military or defense organization that is **not** affiliated with the U.S. Armed Forces or National Guard
- Civil Air Patrol.

**E Minimum Charge**

The minimum charge for military leave is 1 hour. Additional charges of military leave **must** be in multiples of the minimum charge.

Military leave will **no** longer be charged for nonworkdays, weekends, and holidays that occur within a period of military service.

**137 Requesting and Using Military Leave****A Unused Military Leave**

Up to 120 hours of **unused** military leave can be carried forward into the new FY.

**B Charging Military Leave**

Military leave shall **only** be charged for hours during which the employee would otherwise be scheduled to work and receive pay.

**C Requesting Military Leave**

\*--Employees shall request regular military leave of 1 workday or more on OPM-71 in a timely manner. A copy of the military orders to report or certification from an officer of the military Reserves or National Guard component shall be attached to OPM-71.--\*

**D Inactive Duty Training**

For inactive duty training, which is generally 2, 4, or 6 hours in length, employees will be charged **only** the number of hours necessary to cover the period of training and necessary travel. Hours that are not chargeable to military leave must be worked or leave taken. Employee must provide a copy of "orders" to the supervisor before training begins.

**E Active Duty - Outside the U.S.**

A military Reserve **technician** on active duty **without pay**, in support of operations outside the U.S., its territories and possessions, is entitled to up to 44 workdays of leave in a calendar year without loss of or reduction in pay, accrual of leave, credit for time in service, performance or efficiency rating, or other benefits.

**138 Emergency Military Leave (EML)****A EML Entitlement**

Reserve members of the Armed Forces or National Guard:

- are entitled to 176 hours of leave, each calendar year, for emergency military service
- may be activated by the President, Congress, or a State Governor to provide:
  - military aid to enforce the law
  - assistance to civil authorities in the protection or saving of life and property or the prevention of injury
- are **not** charged EML hours for nonworkdays or holidays.

**B Civilian or Military Pay Offset**

Employees, using EML, must refund any monies paid by the military for emergency military service.

**Exception:** Employees do **not** need to repay monies received for the following allowances:

- travel
- transportation
- per diem allowances.

Refund any military pay balance through the employee's SPO.

No refund of military pay is necessary when the employee uses annual leave or LWOP instead of EML.

**C Additional Leave**

Entitlement to EML is in addition to regular military leave.

139 **Administrative Claims for Leave Because of the Decision in the Butterbaugh v Department of Justice Case, 336F.3d 1332 (Fed. Cir. 2003)**

**A Background**

The Butterbaugh case was brought under USERRA, as amended. In the Butterbaugh case, the U.S. Court of Appeals for the Federal Circuit reversed OPM's interpretation of 5 U.S.C. 6323 and held that, at least since 5 U.S.C. 6323(a) was amended on October 1, 1980, it has been clear that employees are required to take military leave only for those days in which they would have normally worked in their civilian jobs. Accordingly, agencies should have been granting reservists 15 workdays of military leave for reserve training each year, rather than 15 calendar days.

After 2 subsequent Butterbaugh-related decisions by the Merit System Protection Board, the Merit System Protection Board held that there is **no** statute of limitations on claims brought under USERRA, including claims that allege violations of the Vietnam Era Readjustment Act of 1974, USERRA's predecessor statute. OPM does **not** plan further appeal of these decisions and has recommended that individual Departments issue their own Departmental policies on this subject. Accordingly, USDA will process administrative claims covering \*--military leave granted dating October 1, 1980, through December 21, 2000.--\*

**B Eligible Employees**

Current and former employees who were simultaneously employed by the agency and served in the Reserves for the military, including military technicians and members of the National Guard, and were improperly charged military leave for nonworkdays that occurred within the period of military duty, are eligible.

**C Employee Action**

Eligible current and former employees may file a claim for restored leave directly with the USDA agency that charged them the leave. FSA employees shall submit their claims in writing to their SPO. Each claim **must** cite the specific dates that the employee was charged military leave for nonworkdays.

Claims may be filed to cover periods of military leave dating back to October 1, 1980.

**\*--139 Administrative Claims for Leave Because of the Decision in the Butterbaugh v Department of Justice Case, 336F.3d 1332 (Fed. Cir. 2003) (Continued)**

**D Documentation Requirements**

The burden of proof for the claim is on the employee. An employee making a claim **must** submit the following:

- a copy of their military orders
- certification of attendance or other documentation verifying that employee engaged in 1 or more periods of active military duty that included nonworkdays.

**E SPO Action**

SPO **must**:

- review claims submitted by current and former employees
- verify simultaneous employment and reserve service
- determine appropriate number of hours to be restored
- process leave restoration
- notify employees of time limit for use of restored leave.

**F Determining Number Of Hours To Be Restored**

SPO shall determine the amount of leave that employee is eligible to have restored. Military leave that the employee is eligible for will be processed as restored annual leave. One day of military leave is equal to 8 hours of restored annual leave. In most cases, a maximum of 4 workdays of military leave per year were charged for reservist who served on Saturdays and Sundays that were nonworkdays. Therefore, 4 workdays or 32 workhours would be restored for each applicable year. A **maximum** of 4 workdays of annual leave may be credited for each FY.

Use “Administrative Error” when processing the Annual Leave Restoration into the payroll system. Enter restored leave into NFC’s database and notify the employee and employee’s timekeeper of the restoration and the time limit on using the restored leave.--\*

**\*--139 Administrative Claims for Leave Because of the Decision in the Butterbaugh v Department of Justice Case, 336F.3d 1332 (Fed. Cir. 2003) (Continued)**

**G Using Restored Annual Leave**

Restored annual leave must be used no later than the end of the leave year 2 years after it has been restored (for example, leave restored during 2007 **must** be used by the end of the 2009 leave year). If restored annual leave is **not** used within the 2 years, it is forfeited and **cannot** be restored a second time.

Restored annual leave is a separate leave category from regular annual leave and should be used by the employee **before** regular annual leave. Timekeepers shall use T&A **transaction code 63** when recording restored annual leave usage.

**Note:** Employees who separate before the end of the second leave year after restoration are eligible for a lump sum payment of the restored leave.

**H Former Employees**

Claims from retired or separated employee **must** be processed as a lump-sum payment to the former employee. The lump-sum payment is to be paid at the rate of pay that the employee was earning at the time of his or her separation or retirement from the agency.--\*

**140-160 (Reserved)**



## Part 7 Excused Absence

161 Granting Excused Absences

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**A**  
**Types of**  
**Absence**

Following are 3 terms used to describe a short absence from duty with pay:

- excused absence
  - administrative leave
  - official time.
- 

**B**  
**Excused Absence**  
**\*--of Up to--\***  
**1 Hour**

Supervisors have the discretionary authority to excuse an absence or tardiness of up to 1 hour for:

- weather related traffic conditions
- transportation delays or emergencies
- office activity, luncheon, or recognition ceremony
- \*--EAP counseling. See subparagraph D for more detailed information. --\*

For T&A purposes, these brief absences should be reported as regular time.

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**C**  
**Excused**  
**Absences of**  
**More Than 1**  
**Hour**

Each Agency Administrator has limited authority to grant an excused absence or administrative leave of more than 1 hour for:

- the benefit of the Agency's mission
- the benefit of the Agency's employees
- enhancement of employee's professional development
- an officially sponsored or sanctioned USDA or Agency event
- an emergency situation
- \*--EAP, when travel time is involved. See subparagraph D for more EAP information. --\*

For T&A purposes, report these absences as follows:

- Federal offices shall use transaction code 66, Other Leave, unless instructed otherwise
  - CO offices shall use the category "Other".
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Continued on the next page

161 Granting Excused Absences (Continued)

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**D****Excused  
Absences  
Mandated by  
Law**

The following are **nondiscretionary** entitlements to an excused absence:

- registration to vote and voting

**Note:** See paragraph 163.

- \*--attendance at USDA and Agency-sponsored **onsite** health events shall be considered hours of work

- employees with less than 80 hours of accrued sick leave shall be granted up to 4 hours **of excused absence** each year to participate in preventive health screenings, without charge to leave or loss of pay

**Note:** See Exhibit 13 for OPM's Q&A's on preventive health entitlement.--\*

- requested participation in a military funeral

**Note:** See subparagraph 164 A.

- funeral of an immediate relative who died as a result of wounds, disease, or injury that occurred while serving as a member of the U.S. Armed Forces.

**Note:** See subparagraphs 164 B and C.

- EAP counseling.

**Note:** With supervisory approval, employees may be allowed up to 1 hour or more of excused absence, as necessitated by travel time, for each counseling session during the assessment/referral phase of rehabilitation. Other absences during duty hours for rehabilitation or treatment must be charged to sick, annual, or LWOP according to leave regulations.

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**161 Granting Excused Absences (Continued)****E Other Excused Absences**

Other excused absences are discretionary on the part of the agency. The following discretionary policies should conform to past agency practice, union contract, or the recommended policy as noted for nonbargaining unit employees:

- before and after travel
- blood donations
- change of official duty station
- conferences or conventions
- emergency or disaster
- examinations or licensing
- first-aid training
- health unit visit
- special event
- volunteer activities sanctioned by the Department
- \*--volunteer fire fighters and emergency medical technicians.

**Note:** May only be excused if it is a matter of life and property, and the employee is absolutely needed because there are **not** enough people to cover the emergency. It is the supervisor's discretion as to whether the employee can be spared.--\*

See paragraph 165 for more information on discretionary excused absences.



## 161 Granting Excused Absences (Continued)

### F NASCOE Meetings

Certain NASCOE members are authorized excused absences to attend meetings that are authorized excused absences to attend meetings that are beneficial to both FSA and NASCOE.

The following are authorized a total of 56 workdays of excused absence:

- NASCOE national officers
- Area committee members
- the immediate past NASCOE President.

**Note:** NASCOE has sole discretion in apportioning the 56 workdays. Excused absences shall be approved in advance by DD.

The NASCOE National President shall prepare a Report of Excused Leave for Certain NASCOE Members (PE-167R). Send the quarterly report to the Deputy Administrator, Management. The report shall:

- list the names of those using the excused leave, according to this paragraph
- include the number of hours used by each employee
- be filed on the following dates to cover the previous 3 months:
  - January 1
  - April 1
  - July 1
  - October 1.

### \*--G Interviews

FSA/RMA National Office employees may be granted administrative leave if the interview is for another USDA job.

Permanent full-time or part-time employees may be granted administrative leave if the interview is within FFAS in the same State as their regularly assigned duty station. If the interview is outside of FFAS or out-of-State, the employee **must** use their own annual leave to cover the time absent from work.

**Notes:** Permanent employees may be granted a **maximum of 4 hours** administrative leave.

For permanent part-time employees, the administrative leave **must** correspond with their tour of duty.--\*

**162 Excused Absence for Official Time****A Requesting Official Time**

Employees serving as a union representative or any bargaining unit employee may request **official time** to attend a union sanctioned activity or meeting.

**\*--B Granting Official Time--\***

Supervisors shall grant official time, **except** when the mission of the agency is in jeopardy.

**163 Excused Absence for Voting****A Registration and Voting**

Supervisors shall allow employees an excused absence to register for or vote in National, State, or local:

- elections
- civic referendums.

**B Registering to Vote**

Employees may be granted an excused absence to register to vote in voting jurisdictions that require “registration in person” and do **not** provide an opportunity to register on a nonworkday. Absences granted for registration shall **not** seriously interfere with office operations.

**C Voting**

Employees may be excused from duty for whichever of the following results in the **lesser** amount of time off:

- up to 3 hours after the polls in their voting district open
- up to 3 hours before the polls in their voting district close.

**D Absentee Voting**

Employees should plan ahead when they expect to be on travel outside their commuting area and vote by absentee ballot.

**E Supervisory Responsibility**

It is the employee’s supervisor’s responsibility to be informed about voting hours and legitimate voting issues in the political subdivisions in which their employees reside.

**164 Excused Absence for Participation in Military Funerals**

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**A****Participating in Military Funerals**

Any of the following employees may be granted an excused absence of up to 4 hours on any 1 day to participate as a pallbearer, member of a firing squad, or guard of honor in a funeral ceremony for a member of the U.S. Armed Forces whose remains are returned from abroad for final interment in the U.S.:

- veterans of declared wars
  - veterans who served in a campaign or expedition for which a campaign badge was authorized
  - members of an honor or ceremonial group for the veterans described in this subparagraph.
- 

**B****Military Funerals for Immediate Relatives**

An employee shall be excused from work for up to 3 workdays to make arrangements for and attend the funeral or memorial service of an immediate relative who died as a result of wounds, disease, or injury that occurred while serving as a member of the U.S. Armed Forces in a combat or conflict zone.

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**C****Definition of Immediate Relative**

The term immediate relative, as it relates to military funerals, means a:

- parent, including stepparent and adopted parent
  - child, including stepchild and adopted child
  - spouse
  - brother or sister, including:
    - stepbrother or stepsister
    - half brother or sister
    - adopted brother or sister
  - grandchild
  - grandparent
  - father- or mother-in-law
  - daughter- or son-in-law
  - brother- or sister-in-law.
-

**165 Discretionary Excused Absences**

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**A****Blood Donations**

An employee donating blood **without** compensation or pay may be granted an excused absence without loss of pay for up to 4 hours for travel, rest, and recuperation. The actual time needed for the donation process is in addition to the 4 hours.

The employee's immediate supervisor must approve absences for blood donations in advance. Employees donating blood offsite from their workplace shall provide their supervisor with documentation on their blood donation.

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**B****Examinations or Licensing**

Employees shall be granted administrative leave for the period necessary to take an examination, certification, or to obtain a professional license when:

- it is required by or in support of their current position
  - the examination is for a position to which transfer, promotion, or reassignment is recommended by the Department
  - the examination is related to fitness for duty
  - it is a physical examination for military induction or enlistment.
- 

**C****Leave Before and After Government \*--Travel or Training**

Employees may be excused without loss of leave or pay for a reasonable period of time **before** and **upon return from** Government travel or training.

The term "a reasonable period of time" shall be determined by the employee and their immediate supervisor. The maximum excused time before and upon return from travel or training shall not exceed 2 hours.--\*

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**165 Discretionary Excused Absences (Continued)**


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**D****Health Unit,  
First Aid Room,  
or Rest Area**

An employee may be excused for up to 1 hour to go to the health unit, first aid station, or rest area. If the employee is unable to return to work after 1 hour, the employee shall be sent home and the employee's supervisor advised. Leave shall be charged for the balance of the employee's workday.

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**E****Emergency or  
Disaster**

Employees whose **official worksite is closed** because of a disaster or emergency, with no designated alternative worksite, are excused from work as long as their office remains closed. These employees will be on administrative leave until the office reopens at which time they must return to work or be charged leave.

Employees whose offices are closed, but who are performing emergency prevention or recovery work as part of a National, State, or local effort will be considered in duty status during the hours spent in performance of this work. These employees shall make every effort to notify their supervisor in advance of their intent to participate in an emergency effort.

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**F****Change of  
Official Duty  
Station**

Permanent employees relocating and changing their official duty station may be granted a reasonable amount of excused absence without charge to leave or loss of pay. The employees former or new supervisor may grant the excused absence, but the total time excused cannot exceed 80 hours. Contact FMD, Travel and Relocation Staff for more information about relocating.

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**G****First Aid  
Training**

Employees who are designated to take first aid training will be excused to attend these classes. For T&A purposes, report these absences as regular time.

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**166 Excused Absence for Court Leave****A Definition of Court Leave**

Court leave is an authorized absence, without charge to leave or loss of pay for **jury service** or **witness service** under certain conditions. All leave-earning employees are eligible for court leave.

**B Evidence of Subpoena, Summons, and Attendance**

Employees requesting court leave shall provide a copy of the subpoena or summons to their immediate supervisor as soon as possible after receipt. If witness service or jury service lasts for more than 2 workdays, evidence of court attendance is required.

**C Return to Duty**

Employees attending witness service or jury service are expected to return to duty once dismissed by the courts, unless their return would have them returning to work at the end of their scheduled workday. Employees who do not return to work shall use leave for the balance of their workday.

**167 Witness Service****A Subpoenaed as Witness**

Charge **court leave** to an employee summonsed or subpoenaed to serve as a **witness** on behalf of any party in a judicial proceeding to which the U.S., the District of Columbia, a State, a U.S. territory or possession, or a local government is a party to the proceedings. The employee may be summonsed or subpoenaed in an:

- official capacity as a Federal or CO employee
- unofficial capacity as a U.S. citizen.

**B Definition of Party to the Proceedings**

Party to the proceedings means the U.S., the District of Columbia, a State, a U.S. territory or possession, or a local government is named as either the plaintiff or defendant on the summons or subpoena.

**167 Witness Service (Continued)**

**C Charging Leave**

Employees **must use leave or LWOP** when the summons or subpoena does not name the U.S., the District of Columbia, a State, a U.S. territory or possession, or a local government as a party to the proceedings.

**168 Court Fees or Payments**

**A Retention of Fees**

Employees may retain court fees paid when:

- the fees cover mileage and subsistence
- they use their own leave to attend court
- serving the courts on their nonworkday or outside their normal tour of duty hours.

**B Remit Court Payments**

Employees, who are paid for their service as a witness or juror on a normally scheduled workday, shall check with their SPO for instructions on remitting these service fees.

**C Travel Expenses**

An employee is entitled to retain monies paid for travel expenses when subpoenaed or summonsed to testify or produce official records on behalf of the U.S. Government.

**\*--169 Participation in Emergency Rescue or Protective Work**

**A Granting Administrative Leave**

An employee who is requested to assist in emergency law enforcement, relief, or clean-up efforts in affected communities, as authorized by Federal, State, or other officials having jurisdiction, and whose participation in such activities has been approved by his or her employing agency may be granted administrative leave.

It is the employing agency's responsibility to determine that such leave was for an emergency and was in the interest of the public welfare.

**B Military Leave Exemption**

Subparagraph A does **not** apply to Federal employee members of the National Guard or Reserves who are called to assist in disaster relief and recovery efforts. Federal employee members of the National Guard or Reserves are entitled to military leave under 5 U.S.C. 6323(b).--\*

**\*--170 Change of Official Duty Station**

**A Granting Administrative Leave**

Non-temporary employees who are changing their official duty station in the interest of the Federal government, which includes the relocation of the family residence, shall be granted administrative leave when the costs and expenses of the move are reimbursable under GSA Federal Travel Regulations. The period of time granted for the administrative leave shall **not** exceed 80 hours.

**B Administrative Leave Eligible Activities**

Administrative leave may be used for the following activities:

- locating quarters at the new duty station, including the travel time covered in GSA Federal Travel Regulations
- pre-moving and post-moving arrangements, such as stopping and starting utility services.

**Notes:** Employee time associated with packing employee's possessions is **not** subject to administrative leave. Packing is covered in the commuted rate allowance.

On-the-road travel time associated with the final 1-way move is **not** chargeable against the 80-hour limitation.--\*

**\*--171 Physical Examinations for Military Duty**

**A Granting Administrative Leave**

An employee who is required to take a physical examination in connection with induction or enlistment in the armed forces shall be granted administrative leave for the period of time necessary to complete the examination.

**B Military Leave Exemption**

Members of the Reserves who are recalled to active duty are placed on pay status with the branch of the armed forces for the period of time required to take the physical examination and; therefore, shall **not** be granted administrative leave to take a physical examination.

**172 Draft Registration**

**A Granting Administrative Leave**

Employees shall be granted administrative leave for a period of time sufficient to register for the draft according to the Military Selective Service Act.

**B Administrative Leave Requirements**

Administrative leave shall be granted **only** as follows:

- **only** to employees subject to draft registration
- employees **must** register according to the Military Selective Service Act.

Employees may register before a board having jurisdiction in the area of his or her permanent home or wherever the employee may be on the days the employee is subject to registration, whichever results in the shorter period of administrative leave.--\*

**173-190 (Reserved)**

**Part 8 (Reserved)**

**191-210 (Reserved)**

**Part 9 (Withdrawn--Amend. 5)**

**211-213 (Withdrawn--Amend. 5)**

**214-235 (Reserved)**





## Part 9 Group Dismissals and Office Closures

211 National Office Policy

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## A

**Washington,  
D.C. Area  
Dismissals**

Group dismissals or closures in the Washington, D.C., metropolitan area because of an emergency or hazardous weather condition shall be permitted **only** by notification from OPM.

When an emergency or hazardous condition develops before regular working hours, OPM will disseminate instructions to employees through:

- the news media
- their Internet site at <http://www.opm.gov>.

**Note:** During the winter months, click on the penguin.

---

## B

**Emergencies  
Before the  
Workday Begins**

OPM will provide 1 of the following announcements to the media when an emergency occurs **before the workday begins**. The following announcements apply to Federal agencies located inside the Washington, D.C., Capital Beltway.

- “Federal agencies are **OPEN**; employees are expected to report for work on time.
- “Federal agencies are operating under an **UNSCHEDULED LEAVE** policy; employees may take leave without prior approval.
- “Federal agencies are operating under an **ADJUSTED HOME DEPARTURE** policy. Employees are requested to leave home ## hours later than their normal departure time.
- “Federal agencies are operating under an **ADJUSTED HOME DEPARTURE/ UNSCHEDULED LEAVE** policy. Employees are requested to leave home ## hours later than their normal departure time, and employees may take leave without prior approval.
- “Federal agencies are **CLOSED**.”

If it is announced that the Federal Government is open, but an employee is unavoidably delayed in arriving for work, supervisors may grant up to 1 hour of excused absence.

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Continued on the next page

211 National Office Policy (Continued)

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C

**Emergencies  
During  
Normal  
Workhours**

\*--When a weather or other emergency occurs within the Washington, D.C. metropolitan area, OPM consults with the metropolitan Washington, D.C. Council of Governments and the State and Local transit authorities to determine the best course of action. Under normal circumstances, OPM will **not** issue an office closure after the workday begins, but an early dismissal may be issued. However, when an early dismissal is authorized by OPM, employees should be dismissed--\* relative to their normal departure times from work.

**Example:** If a 3-hour early dismissal is announced as a result of a snowstorm or hurricane, workers who normally leave their offices at 5 p.m. would be authorized to leave at 2 p.m. Workers who normally leave at 6 p.m. would be authorized to leave at 3 p.m.

\*--**Note:** See paragraph 213 for general dismissal and closure policies during normal workhours.

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212 Field Office Policy

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A

**Field Offices  
Including  
Overseas Posts**

Office dismissal or closure decisions in the Field or Overseas due to an emergency or hazardous weather condition shall be made according to this table.

Authorizing Official	Based on Consultation With or Information From 1 of the Following
SED CED FLM Service Center Manager DD Office Director	Local Food & Agriculture Council Inter-Agency Committee State or Local Emergency Officials
Ambassador or other Embassy Official	Overseas Emergency Officials

Authorizing officials shall take into account publicly announced driving--\* restrictions when making dismissal or closure decisions.

See paragraph 213 for general dismissal and closure policies during normal workhours.

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Continued on the next page

## 212 Field Office Policy (Continued)

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### B

#### Area Affected

There are situations in the Field where an emergency, hazardous driving condition, or road closures may affect an employee's place of residence or their official duty location but **not** always both locations.

\*--When the official worksite is open, office directors and Service Center--\* managers **may excuse** tardiness or early dismissal without loss of pay or charge to leave, when either the area of the worksite or the employee's place of residence is affected by:

- publicly announced road closures or restricted use advisories
  - publicly announced hazardous driving conditions
  - family hardships, such as child, disabled, or elder care
  - other emergency situations declared by State and/or local authorities.
- 

## 213 General Dismissal and Closure Policy

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### A

#### Emergencies During Workhours

\*--The following 2 official "release from duty" terms apply in an emergency situation:

- early dismissal
- office closure.

It is the responsibility of authorizing officials, as described in subparagraph 212 A, to determine which term is appropriate when announcing an emergency release during workhours.

**Note:** See subparagraph B for early dismissal policy and subparagraph C for office closure policy.

---

### B

#### Early Dismissal Policy

Early dismissals shall be announced by an authorizing official as described in subparagraph 212 A or by OPM for Washington, D.C. metropolitan area.

**Dismissal policy only applies to those employees who are at work** or who were scheduled to return to work on the day of dismissal. The following policies apply to a day of dismissal.

- Employees will be excused **without charge to leave** or loss of pay from the time of authorized or adjusted dismissal until the end of their established workday.--\*
- 

Continued on the next page

## 213 General Dismissal and Closure Policy (Continued)

**B****\*--Early  
Dismissal Policy  
(Continued)**

- Supervisors shall allow employees faced with a hardship to be excused **before** the announcement of an official dismissal time **without charge to leave** when, for example:
  - younger children are released from school early
  - an elderly or disabled family member needs attention
  - handicapped employee or any “confirmed or familiar” hardship.

**Note:** The determination of whether a “hardship” exists shall be made by the employee’s supervisor, office manager, or office director.

- If an employee leaves work **before** a dismissal notification is received and is **not** affected by a hardship, the employee shall request leave from the time of the employee’s departure until the end of the employee’s established workday.
- If an employee leaves work **after** the office has been notified of a dismissal, but before the official dismissal time and is not affected by a hardship, the employee shall request leave from the time of the employee’s departure until the time of dismissal. The employee shall be excused, without charge to leave, from the time of official dismissal through the end of their established workday.
- If an employee is approved to take leave for the entire day of dismissal, the leave charge stands.
- If an employee is on approved leave and is expected to return to work, but due to the emergency and announced dismissal **does not return**, the employee shall request leave until the dismissal time. The employee shall be excused, without charge to leave, from the official dismissal time through the end of their established workday.

**Note:** If the employee is unable to return to work because of hardship or is **prevented** from returning to work because of the emergency situation, they may be excused before official dismissal time, but should make every effort to advise their supervisor of the situation.--\*

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Continued on the next page

## 213 General Dismissal and Closure Policy (Continued)

## C

**\*--Office Closure Policy**

OPM regulations define an office closure as the act of closing an office and preventing employees from either going to work or staying at work because of an emergency or potential emergency situation.

Office closures will be announced by an authorizing official as described in subparagraph 212 A or OPM for the Washington, D.C. metropolitan area. **An office closure applies to all employees** who work in an office or work in the telecommute site affected by the “office closure” announcement.

**Exception:** These office closure policies **do not apply** to an employee:

- on extended LWOP or charged AWOL
- suspended from duty
- on furlough.

**Note:** Policies for office closure **are not identical to dismissal policy**, read all details carefully.

The following policies apply to an official office closure.

- When an **office closure** is announced **before** the start of the workday, **all employees** who report to the affected office shall be excused from work without charge to leave or loss in pay for the number of hours they are approved to work that day. Employees on **approved leave** that day shall also be excused, see **exceptions**.
- When an **office closure** is announced **after** the workday begins, **all employees** who report to the affected office shall be excused **without charge to leave or loss of pay** from the time of the announced closure until the end of their established workday. Employees on approved leave that day shall also be excused from the time of announced closure through the end of their established workday.

Supervisors shall allow employees faced with a hardship to be excused **before** the official **closure time without charge to leave** when, for example:

- younger children are released from school early
- an elderly or disabled family member needs attention
- handicapped employee
- any “confirmed or familiar” hardship.

The determination of whether a “hardship” exists shall be made by the employee’s supervisor, office manager, or office director.--\*

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Continued on the next page

## 213 General Dismissal and Closure Policy (Continued)

**C****\*--Office Closure Policy (Continued)**

- If an employee leaves work **before** or **after** the closure announcement, but **before** the official closure time and is **not** affected by a hardship, the employee shall request leave from the time of the employee's departure until the official **closure** time. The employee shall be excused, without charge to leave, from the official closure time through the end of their established workday.
- If an employee is on approved leave and expected to return to the work, but due to the emergency and announced closure **does not return**, the employee shall request leave until the official time of closure. The employee shall be excused, without charge to leave, from the time of the closure through the end of their established workday.

**Note:** If the employee is unable to return to work due to hardship or is **prevented** from returning to work because of the emergency situation, the supervisor has the discretion to excuse the employee before the official closure time, but the employee shall make every effort to advise their supervisor of the situation.--\*

**D****Flexiplace**

Employees approved to work flexiplace are **not excused** from work on days when their official duty station is publicly declared "closed" and their alternative workplace is their home. Flexiplace employees, whose alternative worksite is a \*--telecommuting center, are expected to work unless their telecommuting center is publicly announced to be closed.--\*

**E****Emergency Fire or Rescue Volunteers**

Employees who are active members of a State or local fire, rescue, law enforcement, or official emergency organization, who are called to work during an emergency situation, according to subparagraph F, shall be provided time-off without charge to leave or loss of pay when they are officially requested to participate in an emergency situation. The amount of time-off granted shall not exceed the duration of the emergency situation and the mission of the office shall not be jeopardized by the employee's participation in the emergency effort.

Continued on the next page

213 **General Dismissal and Closure Policy (Continued)**

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**F**

**Other Possible Emergencies**

OPM regulations consider the following as emergencies, potentially \*--dangerous, or serious conditions that may warrant early dismissal or office closure:--\*

- floods
  - severe storm
  - tornado
  - strikes
  - hurricane
  - utility outages
  - other natural or manmade disasters
  - snow
  - severe icing
  - air pollution
  - earthquake
  - fire
  - riot.
- 

**G**

**Definition of Emergency Situation**

OPM regulations define an emergency situation as 1 of the following:

- loss of life has occurred
  - threat of loss of life is great
  - loss of property has or threatens to occur
  - \*--potential for serious health risk.
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214-235 (Reserved)





## Part 10 Family Friendly Leave

## Section 1 Voluntary Leave Transfer Program

236 Authority and Benefits

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## A

**Source of Authority**

The source of authority for Voluntary Leave Transfer Program is in 5 CFR 630.901 through 630.913, effective January 1, 1995.

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## B

**Federal Program Benefits**

LTP allows Federal employees to voluntarily donate earned annual leave to another Federal employee with a medical emergency.

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## C

**CO Program Benefits**

All entitlements to LTP are extended for use by CO employees, except CO employees may **only** donate earned annual leave to another CO employee.

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237 LTP Definitions

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## A

**Definition of Medical Emergency**

A medical emergency is a medical condition:

- of an employee or an employee's family member
  - that is likely to require the employee's absence from duty for a prolonged period of time and result in a substantial loss of income to the employee because of the lack of paid leave.
- 

Continued on the next page

## 237 LTP Definitions (Continued)

**B****Definition of Family Member**

A family member includes:

- employee's spouse and spouse's parents
- employee's children, including adopted children, and the children's spouses
- employee's parents
- employee's brothers and sisters, and their spouses
- any individual related by blood or affinity whose close association with the employee is equivalent to a family member.

## 238 Recipient Eligibility and Application

**A****Recipient Eligibility**

To be eligible as a recipient in LTP, it must be determined that the:

- employee is in a leave-earning category
- medical emergency is of a personal nature or that of a family member

**Note:** See definition of a family member in subparagraph 237 B.

- absence would result in unpaid leave for a minimum of either of the following:
  - 24 hours for a full-time employee
  - 30 percent of the scheduled biweekly workhours of a part-time employee

**Note:** For part-time employees, workhours or workdays do not have to be consecutive to qualify.

Continued on the next page

**238 Recipient Eligibility and Application (Continued)****A Recipient Eligibility (Continued)**

- employee has exhausted **all** earned:
  - annual and sick leave to qualify for a **personal** medical emergency
  - annual leave to qualify for a **family** medical emergency

**Note:** Earned leave does not include advanced leave.

- documentation justifying the medical emergency was received and must:
  - be on the doctor's, hospital's, or clinic's letterhead
  - be signed and dated by a practicing physician, psychiatrist, psychologist, or physician's assistant
  - include the beginning date of the medical emergency and the approximate date the emergency should end
  - include a diagnosis or prognosis of the employee's or family member's condition.

Employees must apply to be a recipient within 366 calendar days after the beginning of the medical emergency.

**238 Recipient Eligibility and Application (Continued)****B Employees Applying To Be Leave Recipient**

Employees seeking to become a leave recipient, or an applicant's designee, shall contact 1 of the following offices to apply to be a leave recipient.

- Federal employees shall contact the leave transfer coordinator in their SPO, according to subparagraph 241 A.
- \*--State Office employees shall contact their administrative officer or the KCHRO leave--\* transfer coordinator, according to subparagraph 241 A.
- CO employees shall contact their CED or State administrative officer.

Employees, or their designee, shall:

- request and receive a copy of AD-1046 (Exhibit 16)
- complete AD-1046, including a brief description of the nature, severity, and anticipated duration of the medical emergency
- in cases where employees are unable to apply because of their medical emergency, the employee's designee shall contact the employee's immediate supervisor to advise the supervisor of the medical emergency
- submit AD-1046, and the required medical documentation according to subparagraph A, to their immediate supervisor for concurrence
- send or FAX the completed and signed AD-1046 and medical documentation for final approval as follows:
  - Federal employees shall forward AD-1046 and medical documentation to the leave transfer coordinator in the employee's SPO
  - CO employees shall forward AD-1046 and medical documentation to the State administrative officer.

**239 Responsibilities**

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**A  
Recipient's  
Responsibilities**

Leave recipients shall:

- use donated leave for those leave hours specifically related to the current approved medical emergency
- advise timekeeper on how to handle leave hours **not** covered by leave donations; such as, advanced annual leave, advanced sick leave, and LWOP
- be sure to complete AD-1046, item 16 by entering either of the following:
  - the approximate number of hours needed for the medical emergency
  - "unknown" for ongoing or terminal medical situations
- provide a second medical opinion, if requested by the Agency

**Note:** The Agency shall reimburse the recipient, or pay the practitioner directly, if additional medical documentation is necessary.

- solicit leave donations according to subparagraph B
- comply with regulations and policies of LTP

**Note:** Failure to comply may result in termination of program eligibility.

- advise their leave transfer coordinator or State administrative officer if they are approved for OWCP worker's compensation or disability retirement during a period covered by LTP

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Continued on the next page

239 Responsibilities (Continued)

**A  
Recipient's  
Responsibilities  
(Continued)**

- advise their leave transfer coordinator or State administrative officer if they remain absent from work **continuously** for more than:
  - 10 pay periods for leave category 4 employees
  - 7 pay periods for leave category 6 employees
  - 5 pay periods for leave category 8 employees
  
- contact their leave transfer coordinator or State administrative officer upon **\*--return to work and upon termination of the medical emergency**
  
- request that any excess donated leave be applied to LWOP, advanced--\* annual leave, or advanced sick leave upon termination of their medical emergency, as long as the LWOP or advanced leave was taken in connection with the current medical emergency
  
- \*--provide the following medical information to their leave transfer--\***  
 coordinator or State administrative officer.--\*

<b>IF...</b>	<b>THEN provide...</b>
the medical emergency continues for more than 3 months from the start date	quarterly medical certification.
the medical emergency is diagnosed as terminal	semiannual medical certification.
a physician certifies the medical condition to be lifelong	annual medical certification.

Continued on the next page

## 239 Responsibilities (Continued)

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### B

#### Recipient's Responsibilities for Soliciting Leave Donations

The recipient is responsible for finding donors, and:

- when applicable, a designee, acting on behalf of the recipient may solicit donations
  - resolicitations can be made if the need for donated leave continues to exist
  - managers and supervisors may voluntarily solicit donations for a recipient, if the following criteria are met:
    - voluntary solicitation and disclosure of medical situation is cleared through the recipient or recipient's designee
    - fairness and consistency is provided to all recipients within the office.
- 

### C

#### Recipient's Accruals

Recipients will continue to accrue leave while receiving and using donated or paid leave. No accruals will be earned in pay periods where an increment of 80 hours of LWOP or nonpay status leave is reached. See paragraph 111 for information about unpaid leave.

Recipients, whose medical emergency only requires intermittent use of donated leave, shall have their donated leave tracked separately from their regular earned \*--leave. Donated leave may **only** be used for hours of absence related to the approved medical emergency.--\*

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239 Responsibilities (Continued)

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**D  
Supervisor's  
Responsibilities**

The applicant's immediate supervisor:

- shall verify that the employee's AD-1046 includes medical documentation
- shall review, concur, and return AD-1046 and the associated medical documents to the employee or designee within 5 workdays of receipt
- may, in a case where the employee qualifies as a leave recipient, but is unable to personally apply:
  - verify the employee's medical emergency
  - write a brief statement of condition
  - complete and sign AD-1046
  - mail or FAX the statement and AD-1046 to the State administrative officer or the leave transfer coordinator in subparagraph 241 A

**Note:** This statement will temporarily satisfy medical certification requirements for approval, but the employee or designee must still provide certified medical documentation as soon as possible.

- shall monitor the use of donated leave by an approved leave recipient
- shall forward questionable recipient requests to the leave transfer coordinator or State administrative officer with an explanation of their concerns
- may request a second medical opinion or require medical certification more frequently than described in subparagraph A, if the validity of the medical emergency is in question.

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Continued on the next page



**239 Responsibilities (Continued)**

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**E  
Timekeeper's  
Responsibilities**

Timekeepers shall:

- ensure donated leave is only applied to those hours related to the recipient's current medical emergency
  - track a recipient's regular leave separately from donated leave when the medical emergency requires only **intermittent use** of donated leave
  - attach leave transfer documents to the employee's T&A for the pay period
  - make appropriate leave adjustments to the donor's or recipient's automated T&A records
  - on the T&A, in the "Remarks" section, enter either of the following:
    - the number of leave hours donated by the leave donor
    - the number of leave hours received by the leave recipient
  - contact the recipient's leave transfer coordinator or State administrative officer for instructions regarding accrual limitations, if the recipient remains absent from work **continuously** for more than:
    - 10 pay periods for leave category 4 employees
    - 7 pay periods for leave category 6 employees
    - 5 pay periods for leave category 8 employees
  - provide the servicing personnel office or State administrative officer with a leave audit, if requested.
-



**240 Donations of Annual Leave****A Applying To Be Leave Donor**

Employees wanting to donate annual leave to an employee **within** the agency shall:

- obtain and complete AD-1043 (Exhibit 17), specifying the number of accrued **annual** leave hours to be transferred to the recipient
- donate annual leave in 1-hour increments
- sign and date AD-1043
- FAX, mail, or deliver AD-1043 to the leave transfer coordinator in **their** SPO or to their State administrative officer.

**Note:** CO employees may **only** donate leave to another CO employee.

**B Donations Outside Agency**

Federal employees wanting to donate to a Federal recipient **outside** of their agency shall:

- follow subparagraph A

**\*--Note:** Some Federal Departments or agencies require using OPM 630-B or their own--\* in-house donor form. Ask the outside agency to provide the form they require, if other than AD-1043.

- provide the name and telephone number of the **outside recipient's** leave transfer coordinator on AD-1043, items 17 and 18
- **not** send their AD-1043 to the recipient's personnel office; a transfer of leave must be approved and processed by the donor's SPO **before** being forwarded to the recipient's agency for processing.

## 240 Donations of Annual Leave (Continued)

## C Donor Limitations and Waivers

Donors may donate earned annual leave, but they are limited to:

- 1/2 of the annual leave they will earn in the donation leave year

**Example:** A leave category 8 employee will earn 208 hours a leave year and may donate up to 104 of those earned hours.

- the number of workhours they have remaining in the leave year.

**Example:** At the end of the leave year with 1 pay period remaining to be worked, a full-time employee may donate a maximum of 80 hours.

\*--Donors may donate **restored** annual leave. There is **no** limit on the amount of **restored** annual leave that can be donated.--\*

**Exception:** A donor may request a waiver to these limitations from their leave transfer coordinator or State administrative officer, if the intended recipient is still in need of leave for their medical emergency.

Donors shall **not** donate leave to their immediate supervisor. Most Federal employees can donate annual leave to another Federal employee, with the following exceptions:

- active duty military
- Central Intelligence Agency
- FBI
- National Security Agency
- Postal Service employees.

241 Leave Transfer Coordinators

A List of Leave Transfer Coordinators

The following table contains the location of the:

- employee’s (donor or recipient) office
- leave transfer coordinators.

Employee (Donor or Recipient) Location	Leave Transfer Coordinator Location
Compliance Offices, except Kansas City, MO	Leave Transfer Coordinators HRD, Performance Management, Benefits and Awards Branch Washington, DC.
FAS	
National Offices	
RSO’s	
SED’s	
APFO	Leave Transfer Coordinators *--KCHRO, Employee and--* Labor Relations Branch Kansas City, Missouri.
Caribbean Area Office	
GS County Office	
Kansas City Compliance Field Office	
KCCO	
*--KCHRO--*	
Research and Development, RMA	
St. Louis	
State Office, except SED	
CO	State administrative officer.

**241 Leave Transfer Coordinators (Continued)****B Processing AD-1046's**

Leave transfer coordinators and State administrative officers shall:

- have all AD-1046's date stamped when received
- determine whether AD-1046 is from a Federal or CO employee
- verify that AD-1046 was sent to the correct servicing office.

Leave transfer coordinators and State administrative officers shall process AD-1046's as follows:

- verify that AD-1046 has been completed properly and that it was signed and dated by the applicant or applicant's designee and the applicant's immediate supervisor
- ensure that the medical documentation is attached to AD-1046 or that the applicant's immediate supervisor has provided appropriate verification of the medical emergency
- ensure that dates on the medical documentation correspond with the dates of employee's absence or expected absence
- verify employee's eligibility according to subparagraph 238 A
- approve AD-1046 within 10 workdays of receipt
- ensure that, for Federal employees, the NFC database is updated for recipient status
- by FAX, e-mail, or mail, notify applicant or applicant's designee and applicant's immediate supervisor of approval into LTP
- based on the amount of leave requested on AD-1046, item 16, accept a **reasonable** amount of donated leave over the hours requested or needed by the recipient. At this point, donations to the recipient may be temporarily closed.

**241 Leave Transfer Coordinators (Continued)**

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**C****Processing  
AD-1043's**

Leave transfer coordinators and State administrative officers shall verify that AD-1043:

- was signed and dated by the leave donor
- was sent to the correct processing office.

Leave transfer coordinators and State administrative officers shall process AD-1043 as follows:

- verify current annual leave balance in either of the following:
  - NFC database, for Federal employees
  - automated T&A system, for CO employees
- complete AD-1043, Part II
- approve AD-1043 within 10 workdays of receipt
- ensure that, for Federal employees, the NFC database is updated for donor and recipient leave adjustments
- ensure that donor's timekeeper is advised of the amount donated
- ensure that recipient's timekeeper is advised of total hours received each pay period
- ensure that donated leave is not transferred from 1 recipient to another. Donations that are **not** accepted shall be returned to the donor.

**Note:** SED's may redelegate the processing of CO employees' AD-1043's to CED's.

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**241 Leave Transfer Coordinators (Continued)**

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**D****Disapproving  
AD-1046 and  
AD-1043**

When disapproval of AD-1046 or AD-1043 is justified, the CED, State administrative officer, or leave transfer coordinator shall:

- check “No” in Part II
  - state the reason for disapproving
  - return the application to the donor or recipient.
- 

**E****Periodically  
Reviewing Files**

Leave transfer coordinators and State administrative officers shall:

- periodically review current recipient cases to ensure the recipient’s continued eligibility
  - periodically review current recipient files for appropriate quarterly, semiannual, or annual medical documentation
  - ensure that recipients seeking disability retirement are counseled on the  
\*--negative impact of remaining in LTP and understand that LTP is **not** meant to be a substitute for disability retirement.--\*
  - ensure that recipients, who have been in LTP for more than 12 months, are counseled about their leave and retirement choices.
-



## 242 Termination of Voluntary Leave Transfer Program

### A Recipient Returns to Work

\*--When leave recipients return to work full-time, they **must** contact (FAX, e-mail, or--\* telephone) and advise their leave transfer coordinator or State administrative officer of:

- their desire to terminate LTP
- the status of their medical emergency.

Recipients who return to work, but did not receive enough donated leave to cover the leave hours they **used for their medical emergency**, may request and shall be granted up to 90 calendar days to solicit and receive additional donated leave hours.

### B Followup Visits and Therapy

A recipient may remain in LTP until all aspects of their emergency, such as therapy and followup medical visits related to the approved emergency, have been completed.

### C Termination of Eligibility

A recipient's leave transfer eligibility terminates and no further leave donations can be accepted, when 1 of the following occurs:

- the recipient provides the leave transfer coordinator or State administrative officer with a written (faxed, mailed, or e-mailed) notification that the medical emergency has ended
- 90 calendar days from the date of an approved eligibility extension

**Note:** See subparagraph A.

- \*--30 calendar days from the date the recipient returns to work full-time, when a--\* 90 calendar day extension is **not** requested and written notification of termination is **not** received

**Note:** See subparagraph B.

**242 Termination of Voluntary Leave Transfer Program (Continued)****C Termination of Eligibility (Continued)**

- the employee resigns or retires
- the recipient's application for disability retirement is approved
- the recipient begins to receive unemployment benefits or OWCP benefits for the medical emergency
- the recipient dies
- death of the family member with the medical emergency

**Note:** See Section 3 for entitlement for arranging and attending a funeral of a family member.

- determination that falsified medical documentation was used to gain approval as a recipient.

**D Excess Donated Leave Hours**

When a leave recipient terminates LTP and has **excess** (unused) donated leave hours, the leave transfer coordinator or State administrative officer shall:

- request a leave audit from the recipient's timekeeper
- ensure that **all** leave hours, such as, advanced annual or sick leave or LWOP, used in conjunction with the recipient's current medical emergency have been covered with donated leave
- adjust recipient's leave balance for any unused excess donated leave
- restore any unused donated leave hours to leave donors; see paragraph 243 for restoration instructions.

**243 Restoring Unused Annual Leave**

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**A  
Restoring  
Donated Leave**

The leave transfer coordinator, State administrative officer, or designee shall:

- prorate and restore excess donated leave to leave donors, except when the number of eligible donors exceeds the number of restorable hours

**Note:** See subparagraphs B and C for restoration example and instructions.

- then ensure that:
  - the NFC database is updated for restored leave to Federal employees
  - automated T&A records are updated for restored leave
  - donor and donor's timekeeper are advised of restored leave.

Restorations shall be made in the current leave year, except when the restoration will place the employee in a use or lose annual leave situation at the end of the leave year. In this case, restore the annual leave in pay period 2 of the following leave year.

A leave donor, who has retired, resigned, separated from service, or died, has **no** entitlement to restored leave.

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## 243 Restoring Unused Annual Leave (Continued)

**B****Restoration Example**

Following is an example of a leave restoration list.

<b>Restoration of Unused Annual Leave Under Leave Transfer Program</b>					
<b>Donor's Name</b>	<b>Social Security No.</b>	<b>Location of Donor</b>	<b>Hours Donated</b>	<b>Percent of Total</b>	<b>Hours to Restore</b>
Jones	222-22-2222	State OR	8	13.3	4
Smith	333-33-3333	DC, FMD	9	15.0	5
Williams	444-44-4444	State OK	16	26.7	8
Garcia	555-55-5555	Caribbean	18	30.0	9
Morgan	666-66-6666	State CA	5	8.3	2
Reed	777-77-7777	DC, HRD	4	6.7	2
<b>Totals</b>			<b>60</b>	<b>100.0 %</b>	<b>30</b>

Continued on the next page

## 243 Restoring Unused Annual Leave (Continued)

## C

**Calculating Restorations**

The leave transfer coordinator, State administrative officer, or designee shall use the following steps to calculate restored annual leave.

Step	Action
1	Obtain the recipient's leave transfer folder.
2	List all donor's names, Social Security numbers, locations, and hours donated. See an example in subparagraph B.
3	Total the "Hours Donated" column.
4	For <b>each</b> donor: <ul style="list-style-type: none"> <li>• divide the number of hours donated by the "Total Hours Donated"</li> <li>• enter the answer in the "Percent of Total" column.</li> </ul>
5	In the total line of the "Hours to Restore" column, enter the total of unused donated hours.
6	Multiply the total of unused donated hours in step 5, times the donor's percent of total in step 4.
7	Enter the answer to step 6 in the "Hours to Restore" column for each donor.  <b>Note:</b> Round the restored hours up or down as appropriate.
8	Add the "Hours to Restore" column.  <b>Note:</b> This total must be equal to the total number of hours restored.
9	Notify the donor and the donor's timekeeper according to subparagraph A.

244 General Provisions

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**A**

**Transfer of  
Recipient to  
Another Federal  
Agency**

A leave recipient who transfers to another Federal or CO position **without** a break in service:

- may take donated annual leave
  - retains recipient status.
- 

**B**

**End of Leave  
Year**

A leave recipient may maintain and carry into the new leave year an annual leave balance that is greater than their annual leave ceiling. The 240- and 360-hour rules do not apply to an employee in “recipient” status.

---

**C**

**Leave Recipient  
Considering  
Disability  
Retirement**

A leave recipient, who has applied for **disability** retirement, should discuss the impact of remaining in LTP with their retirement counselor.

---

**245 Confidentiality and Employee Files**

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**A**

**Confidentiality  
of Leave  
Transfer**

Anyone involved in processing leave transfer documents must protect the privacy and confidentiality of:

- all parties involved in the leave transfer
- all leave transfer documents.

Persons with access to leave transfer information must not disclose that information to anyone, except someone who has a need to know.

---

**B**

**Leave Transfer  
Files**

Files maintained for LTP constitute a system of records under the Privacy Act. Keep these files separate from other personnel files.

All documentation and correspondence associated with a recipient's case shall be kept for 6 years and then destroyed.

---

**246-265 (Reserved)**





## Section 2 Family and Medical Leave Act

## 266 Overview

## A

## Introduction

FMLA, Title II, covers all employees, except for intermittent employees.  
 \*--Intermittent employees are covered by FMLA, Title I. See paragraph 272--\*  
 for Title I information.

## 267 FMLA, Title II, Authority and Benefits

## A

## Source of Authority

FMLA, Title II:

- is authorized by 5 CFR Part 630
- was effective August 5, 1993, and finalized January 1, 1996
- covers all employees, except intermittent employees.

## B

## Summary of Benefits

FMLA provides eligible employees with a total of up to **12 administrative**  
 \*--**workweeks** (or 480 hours) of LWOP, during a 12-month period for:

- the care of a specified family member
- recovery from a serious health condition.

**Note:** See subparagraph 270 B for definitions.

## C

## Nonworkday During FMLA

Holidays authorized or granted by Executive Order and nonworkdays established by Federal Statute or administrative order that occur **during** a period of FMLA leave shall **not** be counted towards the 12 administrative workweeks entitlement.--\*

268 Coverage

**A**  
**Eligibility and Service Requirements**

All leave-earning employees covered by 5 U.S.C. 630 are eligible for FMLA, Title II benefits as long as they have completed at least **12 months** of service, \*--which does not have to be continuous. This includes:--\*

- permanent full- and part-time employees
- temporary employees earning leave.

**B**  
**Invoking Right to FMLA**

Employees must invoke their rights to use family medical leave in writing. FMLA \*--cannot be retroactively invoked or applied unless the employee can prove that they were not physically or mentally able to invoke their FMLA entitlement during their **entire** absence from work. Medical documentation will be required. See subparagraph 271 A.--\*

**C**  
**Specific Purposes**

Family medical leave may be used for 1 or more of the following purposes.

Purpose Number	Purpose
1	Birth of a son or daughter and care of newborn.
2	Placement of a child with an employee for adoption or foster care.
3	Care of spouse, son, daughter, or parent with a serious health condition.  <b>Note:</b> See definitions in subparagraph 270 B.
4	Serious health condition of the employee that makes the employee unable to perform the duties of the employee's position.

Continued on the next page

## 268 Coverage (Continued)

**D****Authorized Uses  
of FMLA**

This subparagraph provides procedure for authorizing family medical leave in subparagraph C.

- **For purpose 1 and 2, the entitlement to family medical leave:**
  - may begin on or before the actual date of birth or placement of the child
  - \*--shall be on a continuous basis and expire no later than 12 workweeks after the date of birth or placement of a child
  - shall **not** be used on an occasional or reduced work schedule basis **unless** the supervisor and employee can agree on a reduced work schedule that is beneficial to both the Agency and the employee.--\*
- **For purpose 3 and 4, family medical leave may be taken continuously, occasionally, or as part of a reduced work schedule.** The family medical leave shall be:
  - medically certified and necessary
  - tracked by the employee's timekeeper
  - accumulated on an hour-for-hour basis, until the medical emergency ends or the 12-workweek maximum is reached.

**Note:** Occasional leave or reduced work schedules must be discussed and receive prior approval from the employee's immediate supervisor, division director, office manager, DD, or their designee.

---

269 Documentation and Notification

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**A**  
**Required**  
**Medical**  
**Documentation**

Require the following medical documentation for employees requesting family medical leave for the purposes in subparagraph 268 C.

- For purpose **1** or **2**, employees shall provide evidence of birth, adoption, or foster care.
- For purpose **3** or **4**, employees shall provide medical certification from a licensed health care provider or medical treatment center. This certification shall include:
  - date serious health condition started
  - the probable duration of the serious health condition
  - the appropriate medical facts, within the knowledge of the health care provider, concerning the serious health condition, including a general statement about when the incapacitation or treatment may be required
  - a statement concerning a spouse, son, daughter, or parent of the employee who requires psychological comfort, physical care, or both

**Examples:** Examples of physical care include assistance for basic medical, hygienic, nutritional, safety, or transportation needs.

- dates of planned medical treatment and the duration of that treatment.

The Agency, at its own expense, may require a second medical opinion if there are concerns over the validity of the original medical documentation.

**\*--Note:** An employee who does **not** provide medical certification that includes all of the information required is **not** entitled to family medical leave.--\*

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**269 Documentation and Notification (Continued)****B Notification Requirements**

The timeframe for notifying an employee's immediate supervisor of the need for family medical leave depends upon either of the following circumstances.

- When the need is foreseen, employees shall provide their supervisor with 30 calendar days notice.
- When the need is **not** foreseen, employees shall notify their supervisor as soon as possible of their intent to request family and medical leave.

**\*--Note:** An employee who does not comply with the notification requirement is **not** entitled to family medical leave.--\*

**270 Substitutions, Definitions, and Work Status****A Substituting Leave**

LWOP may be substituted with the following paid leave during FMLA, but use of paid leave must be consistent with current laws and regulations governing the use of that specific type of leave:

- accrued or advanced annual leave
- accrued or advanced sick leave, when the use of sick leave complies with established sick leave laws and regulations
- leave made available through LTP
- accumulated compensatory time or credit hours.

Supervisors may **not** require employees to use accrued leave.

Employees cannot **retroactively substitute** paid leave for unpaid leave taken during a period of family medical leave.

**270 Substitutions, Definitions, and Work Status (Continued)****B FMLA Definitions**

\*--An FMLA serious health condition is an illness, injury, surgery, impairment, or physical--\* or mental condition that involves:

- inpatient care in a hospital, hospice, or residence care facility
- continuing outpatient therapy or treatment by a licensed or certified health care provider
- a health recovery period
- continuing medical evaluations or examinations.

**Note:** This term does not cover short-term conditions for which treatment and recovery are brief. These conditions are covered by normal annual and sick leave policy.

The following are FMLA family members:

- son or daughter, who is a biological, adopted, stepchild, or legal ward
- spouse, an individual who is a husband or wife by legal union, including common law marriage between a man and a woman, where legal
- child, who is given 24-hour foster care by, or with an agreement with, the State of residence
- parent, who is a biological parent or an individual who substituted as a parent to the employee when the employee was a child. This term does not include in-laws.

**C Employment Status on Return to Work**

After returning to the agency from family medical leave, the employee shall be restored to either of the following:

- the same position held before the family medical leave started
- an equivalent position, with equivalent benefits, pay, status, and other terms and conditions of employment in the same commuting area.

**271 FMLA Responsibilities****A Employee's Responsibilities**

Employees invoking their rights to family medical leave shall:

- \*--complete OPM-71, Section 5
- sign and date OPM-71--\*
- be sensitive to their supervisor's workload situation when requesting intermittent leave or a reduced work schedule
- attach or provide appropriate medical documentation within 15 workdays of their request.

**B Timekeeper's Responsibilities**

Timekeepers shall:

- on the employee's automated T&A, in the "Remarks" area, enter FMLA and the number of FMLA hours **used** during the current pay period
- maintain an employee file containing all FMLA-related documents
- track the cumulative use of family medical leave
- notify the employee and supervisor when the 12-workweek or 480-workhour limit is reached.

**C Supervisor's Responsibilities**

Supervisors shall:

- grant qualified employees their entitlement to family medical leave
- ensure receipt of medical certification or evidence of birth or placement
- try to reach a mutually beneficial arrangement with their employees about using family medical leave.

**272 FMLA, Title I, Coverage for Intermittent Employees**

**A Source of Authority**

Intermittent employees are covered by FMLA, Title I, regulations which are issued by the Department of Labor.

**B Employee's Entitlements**

FMLA, Title I and Title II have the same entitlements and rules except for eligible service and call to duty.

**C Eligible Service**

Use either of the following to determine the eligibility of an intermittent employee:

- employee has been employed for at least 12 months

**Note:** The 12-month period does not have to be consecutive. Pay status during any part of a week allows the entire week to be counted as a week of employment when computing the required 12 months of employment; 52 weeks are equal to 12 months.

- employee is in pay status at least 1,250 hours during the 12-month period immediately preceding the request for family medical leave.

**D Called to Duty**

Intermittent employees shall **not** be called to duty during a period of approved family medical leave.

**273-290 (Reserved)**



## Section 3 Sick Leave for Family Care

## 291 General Provisions

## A Source of Authority

Effective June 20, 2000, Family Friendly Leave Act of December 1994 was renamed to Sick Leave for Family Care. The regulations are in 5 CFR 630.401.

## B Introduction

Besides the name change, this new legislation has added provisions for “Expanded Family Care”. There are currently 3 levels of coverage under SLFC:

- Basic Coverage
- Additional Coverage
- Expanded Coverage.

The employee **must** be a leave earning employee and the amount of sick leave an employee may use for each level of coverage will be dependent on their type of employment; full-time or part-time, and their current sick leave balance.

## C Provisions

SLFC allows using sick leave to:

- \* \* \* provide care for a family member experiencing:
  - a medical condition, either physical or mental
  - an illness, injury, surgery, or disability
  - pregnancy or incapacitation because of childbirth
  - a communicable disease that could jeopardize the health of others, as determined by the health authorities having jurisdiction or by a health care provider
  - a serious health condition, as defined in subparagraph F

**\*--Note:** Visiting a family member in a hospital or other care-giving facility does **not** qualify for SLFC.--\*

- accompany a family member receiving a medical, psychiatric, dental, or optical examination, treatment, or therapy
- make arrangements necessitated by the death of a family member, attend the funeral of a family member, or both.

**291 General Provisions (Continued)****D Leave Transfer Impact of SLFC**

By law, employees who consider applying to LTP or LB because of a medical emergency affecting a family member **must** first exhaust their maximum entitlement to SLFC and their earned annual leave before they are **eligible** to be a leave recipient.

**E Definition of SLFC Family Members**

The following are SLFC family members:

- employee's spouse and spouse's parents
- employee's children, including adopted children, and children's spouses
- employee's parents
- employee's brothers, sisters, and their spouses
- any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship \* \* \* .

**F Definition of SLFC Serious Health Condition**

Under Expanded Coverage, a serious health condition is an illness, injury, impairment, or physical, or mental condition that involves:

- inpatient care in a hospital, hospice, or residential medical care facility
- a regimen of continuing treatment or therapy by a health care provider
- a period of incapacity of more than 3 consecutive calendar days, including complications because of pregnancy or childbirth
- incapacity or treatment because of a chronic serious health condition
- a continuing period of incapacity because of episodic medical condition, such as asthma, diabetes, epilepsy, etc.
- a period of incapacity that is permanent, long-term, or terminal.

## 292 SLFC Entitlements

**A Entitlements for Full-Time Employees**

\*--A full-time leave earning employee is entitled to use the following earned or advanced sick leave hours, even to gain eligibility:--\*

- Basic Coverage up to 40 hours of earned **or advanced** sick leave per leave year
- Additional Coverage up to an additional 64 hours of earned sick leave may be used each leave year \* \* \*
- Expanded Coverage up to **480 hours of earned sick leave** per leave year to care for a family member with a **serious health condition** according to subparagraph 291 F \* \* \*.

**Note:** If an employee has previously used any amount of SLFC during the leave year, those hours **must be subtracted** from the expanded hours entitlement.

**B Entitlements for Part-Time Employees**

A part-time leave earning employee is entitled to use the following:

- Basic Coverage to an amount equal to the average number of workhours they are scheduled to work in a workweek; these sick leave hours may be either earned or advanced

**Example:** A part-time employee who is scheduled to work 32 hours a week is entitled to use up to 32 hours of earned or advanced sick leave per leave year.

- Additional Coverage when employee maintains an accrued sick leave balance **greater than** the number of hours they are scheduled to work **bi-weekly**, may use additional sick leave hours. \* \* \*

**\*--292 SLFC Entitlements (Continued)****B Entitlements for Part-Time Employees (Continued)**

**Example:** A part-time employee in leave category **4**, who works 64 hours a pay period is entitled to use additional sick leave hours up to a maximum of 83 hours per leave year, but the employee's earned sick leave balance **may not fall below 64 hours**.

**Note:** The additional hours **cannot** be advanced.

- Expanded Coverage. A part-time employee may use up to 12 times the average number of hours they work weekly, but they **must** maintain an accrued sick leave balance equal to their biweekly workhours.

**Example:** A part-time employee scheduled to work 32 hours a week could use up to a maximum of 384 earned sick leave hours (32 x 12) during a leave year, but the employee's earned sick leave balance may **not fall below 64 hours**.

**Note:** If an employee has previously used any amount of SLFC during the leave year, those hours **must be subtracted** from the expanded hours entitlement.--\*

**293 SLFC Responsibilities**

**A Employee’s Responsibilities**

Employees requesting the use of sick leave under SLFC shall:

- \*--complete OPM-71 and enter “Sick Leave for Family Care” or SLFC in the “Remarks”--\* section
- request SLFC leave in advance, when possible
- provide acceptable medical documentation or death notification when advanced sick leave is requested
- be required to provide acceptable medical documentation to support a “serious health condition” when sick leave is to be used for Expanded SLFC Coverage.

**B Timekeeper’s Responsibilities**

Timekeepers shall:

- \*--in T&A system, record the number of hours by pay period and total cumulative sick--\* leave hours used under SLFC during LY
- \* \* \*
- notify the employee and supervisor when requested SLFC hours will exceed SLFC limitations, according to paragraph 292
- \* \* \*
- record the use of SLFC with prefix 62 and transaction code 62 when preparing T&A’s.

293 SLFC Responsibilities (Continued)

C Supervisor's Responsibilities

Supervisors:

- \*--shall ensure that timekeepers are aware of their reporting responsibilities in T&A system--\*
- shall require acceptable medical documentation or death notification when **advanced** sick leave is requested
- shall require acceptable medical documentation for “serious health condition” under Expanded Coverage option
- may ask for acceptable medical documentation or death notification for an absence of more than 3 workdays.

293 SLFC Responsibilities (Continued)

D Summary of Entitlement Under SLFC

Summary of Entitlements Under SLFC Effective June 20, 2000			
Item	Hours/Coverage	SLFC Regulations	Definition of Medical Condition
A	<b>Basic Coverage Up to 40 Hours</b> Earned or Advanced Sick Leave	A full-time leave-earning employee with <b>less than</b> 80 hours of earned sick leave may use up to <b>40 hours of earned or advanced sick leave</b> per leave year.	To provide care for a family member experiencing: <ul style="list-style-type: none"> <li>• a medical condition, either physical or mental</li> <li>• illness, injury, or disability</li> <li>• pregnancy or incapacitation due to childbirth</li> <li>• medical, psychiatric, dental, or optical examination, treatment, or therapy</li> <li>• a communicable disease.</li> </ul> For purposes relating to the death of a family member, including time to make funeral arrangements, attend the funeral, or both.
B	<b>Additional Coverage Up to 64 Hours</b> Earned Sick Leave	A full-time leave-earning employee, with <b>more than</b> 80 hours of sick leave may use up to an additional <b>64 hours</b> of earned sick leave each leave year * * * .	For the same purposes as Item A.
C	<b>Expanded Coverage Up to 480 hours</b> Earned Sick Leave	A full-time leave-earning employee may use up to <b>480 hours</b> of earned sick leave each leave year <b>for the serious health condition of a family member</b> * * * .	To care for a family member with a <b>serious health condition</b> (illness, injury, surgery, impairment, or physical or mental condition) that involves, for example, but is not limited to heart attacks, heart conditions, cancers, back conditions requiring therapy and/or surgery, kidney dialysis, physical therapy, strokes, severe nervous disorders, injuries caused by serious accidents on or off the job, clinical depression, recovery from major surgery, final stages of a terminal illness, Alzheimer's disease and includes pregnancy, childbirth, miscarriages, complications, or illness related to pregnancy.

**Notes:** Items A and B are identical to the previous FFLA regulations enacted in 1994 and Item C was enacted on June 20, 2000.

If an employee uses sick leave hours under Item A or B during the current leave year, those hours used must be subtracted from hours available under SLFC for the balance of the leave year.

**293 SLFC Responsibilities (Continued)**

\* \* \*

**294-310 (Reserved)**



## Section 4 Sick Leave for Adoption

**311 Authority and Benefits**

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**A****Source of Authority**

5 CFR 630.401:

- authorizes the use of sick leave for adoption
  - permits employees to use earned sick leave for purposes related to the adoption of a child.
- 

**B****Benefits**Employees may request the use of **earned** sick leave for:

- appointments with adoption agencies, social workers, or attorneys
- court proceedings
- required travel
- absences, including bonding periods, ordered or required by the adoption agency or the court
- any activity that is necessary to allow the adoption to proceed.

**Note:** Sick leave for bonding is not included, unless **ordered or required**. See FMLA in Section 2 for leave that may be used for bonding purposes.

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**312 Requesting Use of Advanced Sick Leave**

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**A  
Requesting and  
Documenting  
Sick Leave**

The initial written request to use sick leave for adoption-related purposes shall include any known details of the adoption which will require time off from work. Employees shall:

- continue to keep their supervisor updated until the process is completed
- submit SF-71 in advance, when possible
- complete SF-71, dated 12/97 or after, and enter "Adoption" in the "Remarks" section.

Supervisors may request evidence for adoption-related activities.

---

**B  
Requesting  
Advanced Sick  
Leave**

Advanced sick leave may be requested for adoption-related purposes, but only when the urgency of the situation requires the employee's absence. Employees shall provide evidence for needing the advanced sick leave for adoption-related activities.

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**C  
Filing  
Documentation**

Any documentation that is provided to the supervisor about the adoption shall be kept with the appropriate biweekly T&A information.

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**313-330 (Reserved)**

## Section 5 Excused Absence for Bone-Marrow or Organ Donation

### 331 Authority and Benefits

#### A Source of Authority

Pub. L. 103-329 authorizes a period of **excused absence** for bone-marrow and organ donors.

#### B Benefits

\*--Employees donating bone-marrow may be granted an excused absence for up to 7 workdays in a calendar year.

Employees serving as organ donors may be granted up to 30 workdays each calendar year.

**Note:** Annual, sick, or other paid leave may be granted with the excused absence.--\*

### 332 Responsibilities

#### A Employee's Responsibilities

Participating employees shall:

- notify their immediate supervisor as soon as possible after the donor procedure has been scheduled
- \*--complete OPM-71 as follows:
  - check the leave type "Other Paid Absence"
  - in the "Remarks" section, enter "administrative leave" and the type of donation being made
- submit OPM-71 and provide their supervisor with documentation that includes:--\*
  - date of scheduled donor procedure
  - period required for post-operative recuperation
  - post-operative certification that the procedure has been performed.

**332 Responsibilities (Continued)**

**A Employee's Responsibilities (Continued)**

The medical documentation shall be on business stationary and be certified by 1 of the following:

- an attending physician
- the donor hospital
- the medical center.

**B Timekeeper's Responsibilities**

Timekeepers shall:

- report the employee's hours of excused absence on the automated T&A
- retain all related documentation with T&A's.

**C Supervisor's Responsibilities**

Supervisors shall:

- review medical certification
- request additional medical certification, as needed
- approve the request for absence in a timely manner.

**333-342 (Reserved)**

**\*--Section 6 Voluntary Leave Bank Program (LB)**

**343 Information, Regulations, and FFAS Policies**

**A Overview**

LB covers **only**:

- FSA/RMA employees working in the Washington, DC area
- all FAS employees (Civil Service and Foreign Service).

LB is open to all bargaining and non-bargaining unit employees in the areas outlined in this subparagraph.

By law, LB's require:

- a membership policy
- a 3-member LB Board
- a membership enrollment period of at least 30 calendar days
- that an employee make a contribution of annual leave to become a member or to continue membership
- operation on a leave year basis
- that a member be allowed to apply to become an LB recipient and, if approved, qualify for a donation of leave from LB.

**B LB Enrollment Policy**

There will be at least 3 LB enrollment periods each leave year as follow.

Type of Enrollment Period	Approximate Timeframe
Open Enrollment	Summer
New Employee Enrollment	Anytime
Use/Lose Donation/Enrollment	Winter

--\*

**\*--343 Information, Regulations, and FFAS Policies (Continued)****C Summer Open Enrollment Period**

The summer open enrollment period for FFAS LB is from mid-July through mid-August of each year. Each open enrollment period will be announced by at least 1 of the following methods:

- e-mail
- notice
- Union newsletter.

**D Membership Period**

Employees who join LB during the summer enrollment period will be granted membership for the remainder of the leave year.

**E Enrollment Donation**

The minimum donation of annual leave required to join LB will be determined by the employee's annual leave category as follows:

- 4 hours if employee has performed less than 3 years of Federal service
- 6 hours if employee has performed 6 or more, but less than 15 years of Federal service
- 8 hours if employee has performed 15 or more years of Federal service.

**Note:** The minimum donation amount can be increased or decreased by vote of the LB Board.--\*

**\*--344 Membership, Donations, and Recipients****A Becoming LB Member**

To become a LB member during an open enrollment period, complete FFAS-1043 (subparagraph C) that is available at <http://intranet.fsa.usda.gov/fsa>, as follows:

- in item 12, check the box titled, “Membership Contribution”
- in item 13, enter the annual leave hours required for membership according to subparagraph 343 E
- complete, sign, and FAX FFAS-1043 to HRD, as follows:

ATTN: Leave Bank Coordinators  
HRD, EPB  
FAX: 202-205-9140 or 202-205-9146

**Note:** FFAS-1043’s must be signed.

**B Gift Donations to LB**

LB will accept gift donations of annual leave or restored annual leave at anytime during the leave year. To make a gift donation, follow FFAS-1043, subparagraph A instructions, with the exception of item 12, check the box titled “Gift”.

**Note:** If a gift donor wants their donation to apply toward LB membership, they **must** apply during an authorized open enrollment period.--\*

\*--344 Membership, Donations, and Recipients (Continued)

C Example FFAS-1043

This form is available electronically. <b>FFAS-1043</b> (12-14-06)		FOR PERSONNEL USE ONLY:
<b>FFAS LEAVE BANK PROGRAM - MEMBERSHIP APPLICATION</b>		
INSTRUCTIONS: Use this form to request the transfer of earned annual leave to the leave bank under 5 CFR Part 630, Section 630.1001. After completion, sign and forward to Leave Bank Coordinator (LBC).		
<b>Part A - Completed by Donor</b>		
1. NAME OF DONOR (Last, First, Middle Initial)		2. SOCIAL SECURITY NUMBER
3. POSITION TITLE	4. SERIES, GRADE, PAY LEVEL	5. ORGANIZATIONAL TITLE (Agency, Division, Branch, Section)
6. OFFICE LOCATION AND STOP CODE		7. OFFICE TELEPHONE NUMBER (Include Area code)
8. NAME OF TIMEKEEPER	9. TIMEKEEPER TELEPHONE NUMBER (Include Area code)	10. TIMEKEEPER FAX NUMBER (Include Area code)
DONOR LIMITATIONS: Please review the information below. Full-time employees may not transfer more than 1/2 of the annual leave earned during this leave year unless a waiver is approved by the Leave Bank Board.  If you will be employed full-time by the federal government for the full calendar year, the limits are as follows:  52 hours for employees in the 4-hour leave earning category. 78 hours for employees in the 6-hour leave earning category, or 104 hours for employees in the 8-hour leave earning category.  If you are a part-time employee you may compute your transfer limit using the formula below:  Limit for part-time employee = 13 X $\frac{\text{Duty hours in Pay Period}}{80}$ X leave earning category		
11. TYPE OF ANNUAL LEAVE DONATED (Check One)	12. TYPE OF CONTRIBUTION	13. NUMBER OF HOURS DONATED
<input type="checkbox"/> EARNED <input type="checkbox"/> RESTORED <input type="checkbox"/> EXCESS	<input type="checkbox"/> MEMBERSHIP CONTRIBUTION <input type="checkbox"/> GIFT	
CERTIFICATION OF VOLUNTARY CONTRIBUTION: I certify that I am making this contribution entirely of my own free will and that no attempts have been made to coerce me to donate this leave. I understand that I have no right under any circumstances (including a medical emergency of my own) to have this donated leave restored.		
14. SIGNATURE OF DONOR		15. DATE (MM-DD-YYYY)
<b>Part B - Agency Review and Approval</b>		
16. CURRENT ANNUAL LEAVE BALANCE	17. APPLICATION STATUS	18. REASON FOR DISAPPROVAL
	<input type="checkbox"/> APPROVED <u>1/</u> <input type="checkbox"/> DISAPPROVED	
19. SIGNATURE OF LEAVE BANK COORDINATOR (LBC)		20. DATE (MM-DD-YYYY)
21. TELEPHONE NUMBER OF LBC		
<b>Part C - Application Submission (After submitting please call Leave Bank Coordinator to verify application was received)</b>		
22. FAX Number (202) 205-9140 Attn: Leave Bank Coordinator FFAS HRD Employee Programs Branch		
<b>PRIVACY ACT STATEMENT</b> U.S.C 6311 authorizes collection of this information. Your social security number is requested solely for the purposes of positively identifying leave donors so that donated leave can be deducted from the proper account. Although the disclosure of this information is voluntary, failure to furnish this information may result in disapproval of this application.		
1/ This application meets all criteria required for annual leave contribution by law, regulation and agency policy. (The donor will be advised by a Leave Bank Coordinator as to when this contribution will be deducted.)		
The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.		

--\*



**\*--344 Membership, Donations, and Recipients (Continued)****D Qualifying To Be LB Recipient**

To qualify as a LB recipient, an employee **must**:

- be a member of LB
- have or is expecting to have a personal medical emergency or family member with a medical emergency
- anticipate having a minimum of 24 hours of unpaid leave during the emergency.

**E Applying To Be LB Recipient**

To apply to become a recipient, the LB member or someone acting on behalf of the member **must**:

- complete FFAS-1046 (see subparagraph F) available at <http://intranet.fsa.uda.gov/fsa>
- obtain employee's supervisor's signature on the completed FFAS-1046
- obtain from the employee's physician, medical practitioner, or medical facility a written statement on office letterhead providing:
  - the approximate date the medical emergency began or will begin, when known
  - a diagnosis or prognosis of the medical condition
  - anticipated duration of the emergency, including recovery period (number of weeks, months, or whether the medical condition is on-going or considered terminal)
  - information on any additional therapy or treatment expected and its duration and frequency
- FAX completed FFAS-1046 and medical documentation to:

ATTN: Leave Bank Coordinators  
 HRD, EPB  
 FAX: 202-205-9140 or 202-205-9146.

**Important:** To qualify as LB recipient, because of a medical emergency affecting a family member, the employee **must** have exhausted their entitlement to SLFC. See subparagraph 293 D.

**Note:** Most medical facilities or offices will provide medical documentation by FAX to their patients.--\*

\*--344 Membership, Donations, and Recipients (Continued)

F Example FFAS-1046

This form is available electronically.

<b>FFAS-1046</b> (12-14-06)		<b>FOR PERSONNEL USE ONLY:</b>	
<b>FFAS LEAVE BANK PROGRAM - RECIPIENT APPLICATION</b>			
<b>INSTRUCTIONS:</b> Use this form to apply as a recipient in the leave bank program under 5 CFR Part 630, Section 630.1001. Attach to this form the appropriate medical documentation describing your medical emergency. The medical documentation shall include diagnosis or prognosis and anticipated duration of the condition. After completing this form, have your supervisor sign concurrence and FAX your application to the Leave Bank Coordinators in HRD-PMBAB. You will be notified of approval or disapproval.			
<b>Part A - Completed by Recipient</b> <i>(This application may be completed by someone acting on behalf of the recipient)</i>			
1. NAME OF APPLICANT <i>(Last, First, Middle Initial)</i>		2. SOCIAL SECURITY NUMBER	
3. POSITION TITLE	4. SERIES, GRADE, PAY LEVEL	5. ORGANIZATIONAL TITLE <i>(Agency, Division, Branch, Section)</i>	
6. OFFICE LOCATION AND STOP CODE		7. OFFICE TELEPHONE NUMBER	8. APPLICANT HOME TELEPHONE NUMBER
9. NAME OF TIMEKEEPER	10. TIMEKEEPER TELEPHONE NUMBER	11. TIMEKEEPER FAX NUMBER	
12. ANTICIPATED OR ACTUAL DURATION OF MEDICAL EMERGENCY <i>(if known)</i> BEGINNING DATE <i>(MM-DD-YYYY)</i>		13. APPROXIMATE NUMBER OF LEAVE HOURS NEEDED FOR THIS EMERGENCY	
ENDING DATE <i>(MM-DD-YYYY)</i>			
14. TYPE OF MEDICAL EMERGENCY <input type="checkbox"/> PERSONAL MEDICAL <input type="checkbox"/> FAMILY MEDICAL <i>(See NOTE below)</i>			
<b>NOTE:</b> When applying to be a recipient due to the medical emergency of a family member, all entitlements to Sick Leave for Family Care (SLFC) must be exhausted. Sick Leave for Family Care (SLFC) information can be found in 17-PM, Part 10, Section 3, Page 10-115.			
<b>Part B - Recipient or Designee and Supervisor Certification</b>			
I certify that (1) I have been affected by the medical emergency described in the attachment since the date indicated above, (2) expect to be absent from duty without paid leave for at least a 24 hours due to medical a emergency. I further certify that I am not receiving unemployment benefits or workers' compensation benefits in connection with this medical emergency which I am requesting leave donations for.			
15. SIGNATURE OF APPLICANT OR DESIGNEE			16. DATE
17. SIGNATURE OF SUPERVISOR	18. DATE <i>(MM-DD-YYYY)</i>	19. CONCURRENCE <input type="checkbox"/> YES <input type="checkbox"/> NO	20. SUPERVISOR'S TELEPHONE NUMBER
<b>Part C - Agency Review and Board Approval</b>			
21. APPLICANT'S CURRENT ANNUAL LEAVE BALANCE	22. APPLICANT'S CURRENT SICK LEAVE BALANCE	23. APPLICATION STATUS <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	
24. REASON FOR DISAPPROVAL			
25. SIGNATURE OF LEAVE BANK BOARD OFFICIAL		26. DATE <i>(MM-DD-YYYY)</i>	27. NUMBER OF LEAVE BANK HOURS PROVIDED TO RECIPIENT
28. LEAVE CATEGORY TO APPLY DONATED LEAVE <input type="checkbox"/> CURRENT USE <input type="checkbox"/> ADVANCED SICK LEAVE <input type="checkbox"/> ADVANCED ANNUAL LEAVE <input type="checkbox"/> LWOP			
<b>Part D - Application Submission</b> <i>(After submitting please call Leave Bank Coordinator to verify application was received)</i>			
29. FAX NUMBER (202) 205-9140 Attn: Leave Bank Coordinator FFAS HRD Employee Programs Branch			
<b>PRIVACY ACT STATEMENT</b> U.S.C 6311 authorizes collection of this information. Your social security number is requested solely for the purposes of positively identifying leave donors so that donated leave can be deducted from the proper account. Although the disclosure of this information is voluntary, failure to furnish this information may result in disapproval of this application.			
<small>The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.</small>			

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**\*--345 Responsibilities****A LB Board Responsibilities**

By law, the LB Board **must** consist of 3 members. At least 1 member **must** represent a labor organization or employee group. LB Board shall:

- determine overall LB policy
- yearly review and set membership donation requirements
- meet biweekly, unless there is no LB business to conduct
- review and approve or disapprove FFAS-1046's
- determine the number of hours to be donated by LB to approved recipients
- notify HRD of LB Board decisions
- monitor LB operations.

**B HRD Responsibilities**

HRD, EPB shall:

- maintain a list of LB members
- process all FFAS-1043's
- notify the employee and their timekeeper of LB membership and deduction of annual leave
- ensure that FFAS-1046's are complete and include required medical documents
- forward FFAS-1046's to LB Board
- notify approved recipients and their timekeeper of hours donated from LB
- maintain a list of approved leave recipients
- notify recipients of approval and donation amount
- notify recipient's supervisor and timekeeper of donation amount
- close recipient cases when notified of recipient's return to duty or notification that the recipient's emergency has ended
- generate LB reports as requested by LB Board.--\*

**\*--345 Responsibilities (Continued)****C Timekeeper Responsibilities**

FFAS timekeepers will be notified of LB memberships within their T&A group by HRD. When notified, they shall:

- enter donated annual leave hours opposite STAR WEB T&A transaction code 61/61
- note, in the remarks section of the employee's T&A, the hours donated to LB.

HRD will provide timekeepers instructions for recipients who receive a donation from LB.

**D Recipient Responsibilities**

Recipients shall use donated leave **only** for hours of absence related to the medical emergency. This includes absence during the medical emergency, recovery period, follow-up examinations, therapy, and absence because of restricted workhours, all of which should be supported by medical documentation.

Recipients **must** advise HRD LB coordinators when their medical emergency ends, in writing, by FAX to 202-205-9140 or 202-205-9146.

**Note:** LB is **not** a substitute for someone who can qualify for a disability retirement.--\*

**346-355 (Reserved)**

## Part 11 Compensatory Leave and Credit Hours

## 356 Compensatory Leave

## A Compensatory Leave Earned

Compensatory leave may be ordered or requested, but **must** be approved **in advance** of **\*--**being worked. Compensatory leave is earned in increments of 15 minutes. The following rules apply when using compensatory time:

- compensatory time earned in pay period 10 of 2007 (**May 13-26, 2007**) or later will **expire 26 pay periods** after the pay period in which it was earned

**Example:** If compensatory time is earned in pay period 10 of the current year, the leave will expire at the end of pay period 10 of the following year.

**Notes:** In the event that there are 27 pay periods in a leave year, the leave will expire at the end of pay period 9.

**Because of the reduction in the amount of time in which compensatory time must be used, careful monitoring of both old and new balances is extremely important to avoid the forfeiture of compensatory time.**

- compensatory time earned **before** pay period 10 of 2007 (**May 13, 2007**) will expire **3 years** (a grandfather period) after the pay period in which it was earned.

**Notes:** If there is an agency negotiated union agreement that differs from this OPM regulation, the union agreement will remain in effect until expiration, even if it allows more than 3 years for using compensatory time. At the time of expiration, the OPM regulation will become effective.--\*

For more information on compensatory leave, see 32-PM.

## 356 Compensatory Leave (Continued)

### B Compensatory Leave Not Used

If compensatory leave is not used according to subparagraph A, it is dropped from the NFC database. Employees may contact their SPO to request payment for expired compensatory leave. Currently, automated T&A records must be updated manually for compensatory leave adjustments.

\*--Compensatory time transfers if there is no break in service and the employee is transferring within their current agency. If the employee is transferring to another agency, compensatory hours must be paid out.--\*

### C Using Compensatory Leave

\*--Compensatory leave may be used for any reason, but **must** be used before annual leave.

**Exception:** After October 1st, if using compensatory leave will result in forfeiture of annual leave at the end of the leave year, then the employee can use annual leave before compensatory leave.--\*

**Note:** Before March 31, all employees are expected to schedule the use of their projected excess annual leave and their compensatory time that will expire at the end of the current leave year. Leave not taken as planned should be **rescheduled** as soon as possible.

### \*--D Part-Time Employees

Part-time employees can only earn compensatory time or overtime if they work over either of the following:

- 8 hours in a workday
- 40 hours in a work week.

### E Compensatory Leave for Travel

For policies on compensatory leave for travel, except for policy for using compensatory leave for travel in subparagraph C, see 32-PM.--\*

**357 Religious Compensatory Time**

**A Using Religious Compensatory Leave**

Religious compensatory leave allows employees to be **advanced** compensatory leave. An employee that does not have compensatory leave to their credit may use compensatory leave **before it is earned** to observe a religious holiday.

**\*--B Recording Religious Compensatory--\***

Religious compensatory leave will be recorded on T&A's as negative compensatory hours. The employee and their supervisor shall work together to ensure that the negative compensatory balance is repaid within a reasonable amount of time.

## 358 Credit Hours

### A Earning Credit Hours

Credit hours may only be earned by employees who work **flexible work schedules** (see ~~subparagraph 34 B~~ for flexible work schedule options). Bargaining unit employees shall ~~refer to credit hour information in their union contract.~~

Earning credit hours is similar to earning compensatory time with a few exceptions. Credit hours:

- are worked voluntarily by the employee, they are not ordered by management
- are earned in increments of 15 minutes
- must be earned before used
- must be requested and approved in advance of being used
- are limited to a carryover total at the end of the pay period not to exceed 24 hours

**Note:** Credit hours **over 24** at the end of a pay period will be **forfeited**.

- may be earned and used in the same pay period
- are paid at an hourly rate, if an employee resigns, retires, or transfers to another agency
- cannot be earned on Saturday, Sunday, or other scheduled nonworkday
- may not be earned by SES or SFS employees
- ~~are transferred if there is no break in service and the employee is transferring within their current agency~~
- **must** be approved in advance, **except** for FAS.

**Note:** If the employee is transferring to an agency other than their current agency, credit hours **must** be paid out. ~~refer to credit hour information in their union contract.~~

359-380 (Reserved)



**\*--Part 12 Home Leave and Rest and Recuperation (R&R)--\***

**381 Home Leave for Overseas Assignments**

---

**A**

**Home Leave**

Home leave is an additional amount of **leave with pay** earned by Federal employees who are assigned outside the U.S. or its territories or possessions to an overseas position for at least **2 years** of continuous service.

\*--See 3 FAM 3430.--\*

---

**B**

**Eligibility**

Who is eligible and how much home leave they earn, depends on the employee's overseas position. The following table describes the different types of overseas positions along with the corresponding amount of home leave earned yearly.

Type	Type of Overseas Position	Home Leave Earned Yearly
1	Employee who accepts, as a condition of employment, assignments anywhere in the World.	15 days
2	Employee serving with a U.S. mission to a public international organization.	15 days
3	Employee serving at a post where payment of foreign or nonforeign differential is 20 percent or more.	15 days
4	Employee not covered by type 1, 2, or 3 serving at a post where payment of foreign or territorial differential is at least 10 percent, but less than 20 percent.	10 days
5	Employee serving overseas that is not covered by type 1, 2, 3, or 4.	5 days
6	Employee covered by type 1, 2, 3, 4, or 5, whose civilian service is interrupted by a tour of duty in the U.S. Armed Forces.	0 days

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Continued on the next page

381 Home Leave for Overseas Assignments (Continued)

**C**  
**Accruing Home Leave**

Eligible employees will earn home leave based on creditable service overseas. For each month of creditable service overseas, employees will earn home leave according to the following table.

<b>Months of Service Overseas</b>	<b>15-Day Eligibility (Days)</b>	<b>10-Day Eligibility (Days)</b>	<b>5-Day Eligibility (Days)</b>
1	1	0	0
2	1	1	0
3	1	1	1
4	2	1	0
5	1	1	1
6	1	1	0
7	1	0	0
8	2	1	1
9	1	1	0
10	1	1	1
11	1	1	0
12	2	1	1
<b>Total Days Earned Annually</b>	<b>15</b>	<b>10</b>	<b>5</b>

**D**  
**Accumulating Home Leave**

Home leave is credited to the employee's leave account starting with their first month of service overseas, but cannot be taken until the employee has continuously served 18 months overseas. Home leave can accumulate without limitation.

**382 Computing Continuous Service Overseas**

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**A****Service Overseas Begins**

For the purpose of computing home leave entitlement, service overseas begins on either of the following:

- the date the employee arrives at the overseas post
  - the employee's EOD date, if recruited overseas.
- 

**B****Service Overseas Ends**

Service overseas ends on the date:

- the employee departs from the overseas post because of separation from duty or reassignment to a position in the U.S. or its territories or possessions
  - of separation from duty, if separated overseas.
- 

**C****Computing Service Overseas**

Computing service overseas includes:

- nonpay status leave, such as LWOP, up to a maximum of 2 workweeks within each 12 months of service overseas
  - time spent in the U.S. Armed Forces, which interrupts service abroad, but only for eligibility, not leave-earning purposes
  - a period of detail
  - full credit for the day of arrival and departure.
-

**383 Granting Home Leave**

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**A****Using Home Leave**

After serving overseas continuously for 18 months, an employee may request use of their home leave from the Area Officer. Granting a period of home leave is at the discretion of the Agency. Home leave must be used in the U.S. or its territories or possessions and may be combined with other leave to extend a period of leave at home. Home leave must be requested and approved in advance of being taken.

---

**B****Charging of Home Leave**

The minimum charge for home leave is 1 day or multiples thereof. Home leave shall be charged for all days on which the employee would otherwise be scheduled to work.

Home leave shall not be charged for any day on which an employee has been authorized time for community relations and public affairs activities. Time spent on these authorized activities is considered performance of duty time.

---

**C****Limitation on Use of Home Leave**

Home leave is only for use:

- in the U.S., or if the employee's place of residence is outside the area of employment, in the Commonwealth of Puerto Rico, or a U.S. territory or possession
  - during an employee's period of service abroad, or within a reasonable period after their return from service abroad when it is contemplated the employee will return to service abroad immediately or on completion of an assignment in the U.S.
- 

Continued on the next page

**383 Granting Home Leave (Continued)**

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**D****Home Leave Not Granted**

Home leave not granted **during the period** described in subparagraph C may only be granted when the employee has completed a further substantial period of service abroad. This further substantial period of service abroad may not be less than the tour prescribed for the employee's post of assignment, except when the Agency determines that an earlier grant of home leave is warranted in an individual case.

---

**E****Refund of Home Leave**

An employee shall be indebted for home leave used, if the employee fails to:

- return to service abroad after the period of home leave
- complete 1 year of their tour after returning to service abroad
- complete, after a period of home leave, at least 6 months of an assignment in the U.S. or its territories or possessions.

However, a refund is not required when the Agency:

- determines that the employee's failure to return overseas was because of compelling personal reasons of a humanitarian or compassionate nature
  - that granted the home leave determines that it is in the public interest not to return the employee to the overseas assignment.
-

384 Other Home Leave Issues

---

**A**

**Transfer and  
Recredit of  
Home Leave**

An employee is entitled to have their home leave balance transferred and recredited to their leave account when moving between Agencies or when re-employed without a break in service of more than 90 days.

---

**B**

**Transfers  
Between Earning  
Categories**

If an employee moves between different home leave earning rates during a month of service overseas, credit the employee with the amount of home leave they were entitled to before the change in the home leave earning rate.

---

**C**

**No Lump-Sum  
Entitlement**

There is no entitlement to payment for home leave under lump-sum payment rules and home leave may not be used as terminal leave before resignation from Federal service.

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**\*--385 R&R Travel**

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**A****Purpose of R&R Travel**

R&R travel is to provide a measure of relief from onerous environmental conditions at existing posts of assignment. Service continuity at a post is important, but at certain posts, the benefits of continuity may be significantly diminished by the progressive loss of efficiency because of conditions of life at the post. At most such posts, it is impractical to expect that an employee and the employee's family travel at their own expense to the closest place that offers beneficial change of environment. See 3 FAM 3720 for detailed R&R regulations.

---

**B****Applicability**

Entitlement to R&R applies to all U.S. citizen Foreign Service employees and their eligible dependents stationed at posts abroad that have been specifically identified as R&R-eligible posts.

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**C****Designated Posts and Relief Areas**

A list of R&R-designated posts and relief areas where employee's and their dependents may go for R&R is in 3 FAH-1 H-3700. This list changes from time-to-time so employees should be sure to request the latest H-3700 information.

---

**D****Charge to Leave**

The employee's absence from post for R&R and necessary travel time is charged to annual leave, sick leave, earned compensatory time, or LWOP, as appropriate. However, an employee is **not** entitled to any local holidays which occur after departure from post on R&R travel orders.

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**E****Scheduling R&R Travel**

The respective overseas establishments of each agency are responsible for scheduling employees and families to take R&R at Government expense.

---

**F****Eligibility for R&R**

To qualify for R&R travel, an employee must be assigned to 1 or more of the posts designated as R&R-eligible for a total period at such posts of at least 2 years **unbroken by home leave.--\***

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## Reports, Forms, Abbreviations, and Redelegations of Authority

### Reports

None

### Forms

This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-1043	Leave Transfer Program - Donor Application	Ex. 17	66, 240, 241
AD-1046	Leave Transfer Program - Recipient Application	Ex. 16	238, 239, 241
FFAS-367	20XX Leave Record  <b>Note:</b> Excel version covers 2003-2009 Leave Years and has calculations.		5, Ex. 2
FFAS-956	FSA and RMA Work Schedule Request (Including all Field Offices)	2	Text
FFAS-1043	FFAS Leave Bank Program – Membership Application	344	66, 345
FFAS-1046	FFAS Leave Bank Program – Recipient Application	344	345
FSA-50	Notice of Personnel Action County FSA Committee Employees		112
FSA-358	Audit for Leave Year _____		66
FSA-958	Work Schedule Log	Ex. 5	Text
OPM-71	Request for Leave or Approved Absence	Ex. 6	Text
OPM 630-B	Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Outside Agency)		66, 240
SF-50	Notification of Personnel Action		112

## Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

## Abbreviations Not Listed in 1-CM

The following abbreviations are not listed in 1-CM.

<b>Approved Abbreviation</b>	<b>Term</b>	<b>Reference</b>
AWOL	absent without official leave	7, 111, 113
AWS	alternative work schedule	1, 2, 7, 33
CO	County Office	Text, Ex. 2
CWS	compressed work schedule	31, 33-36
EAG	Executive Advisory Group	Ex. 11
EAP	Employee Assistance Program	161
EPB	Employees Program Branch	344, 345
EML	Emergency Military Leave	138
EOD	entry on duty	51, 81, 382
FAH	Foreign Affairs Handbook	Part 12
FAM	Foreign Affairs Manual	1, 4, 381, 385
FEA	Federal Executive Association	4
FEB	Federal Executive Boards	4
FMLA	Family and Medical Leave Act	Text, Ex. 2, 11
GS	general schedule, Civil Service	66, 81, 241
KCHRO	Kansas City Human Resource Office	2, 33, 66, 238, 241
LB	Voluntary Leave Bank Program	8, 66, 291, 343-345
LTP	leave transfer program	8, 66, 84, 112, Part 10, Ex. 2
LWOP	leave without pay	Text, Ex. 11, 16
OWCP	Office of Workman's Compensation Program	112, 239, 242
R&R	rest and recuperation	Part 12
ROTC	Reserve Officers Training Corps	136
SES	Senior Executive Service	51, 60, 62, 66, 358
SFS	Senior Foreign Service	51, 60, 62, 66, 358
SLFC	sick leave for family care	8, 291, 292, 293, 344
SPO	servicing personnel office	Text, Ex. 16, 17
STAR	System for Time and Attendance Reporting	36, 345
T&A	time and attendance	Text
USERRA	Uniformed Services Employment and Restoration Rights Act of 1994	139

**Reports, Forms, Abbreviations, and Delegations of Authority (Continued)**

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**Redelegations of Authority**

The following redelegations of authority are in this handbook.

<b>Redelegation</b>	<b>Paragraph Reference</b>
An Agency's official workhours are determined by the Agency Administrator who may redelegate this responsibility to other agency officials.	3
The FSA Administrator redelegated authority to determine and approve exigencies of public business to: <ul style="list-style-type: none"> <li>• Deputy Administrators</li> <li>• SED's.</li> </ul>	66
SED's may redelegate the processing of AD-1043's for CO employees to CED's.	241

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## Definitions of Terms Used in This Handbook

### Court Leave

Court leave is an authorized absence, without charge to leave or loss of pay for **jury service** or **witness service** under certain conditions. All leave-earning employees are eligible for court leave.

### Different Leave System

\*--Federal Law considers the Federal leave system and the County Office leave system as 2 separate and unique leave systems. Thus, the term different leave system is used. This term applies to employees changing from a Federal leave earning position to a CO leave-earning position or vice versa.

**Note:** This term applies to FSA employees only.--\*

### Emergency Situation

OPM regulations define an emergency situation as 1 of the following:

- loss of life has occurred
- threat of loss of life is great
- loss of property has or threatens to occur
- \*--potential for serious health risk.--\*

### Exigency of Public Business

An exigency of public business occurs when a critical need is sudden or unexpected, an emergency, or a pressing necessity, characterized by additional work with deadlines required by statute, Executive Order, court order, regulation, or formal directive from the head of an agency or designee.

\* \* \*

### FMLA Family Members

The following are FMLA family members:

- son or daughter, who is a biological, adopted, stepchild, or legal ward
- spouse, an individual who is a husband or wife by legal union, including common law marriage between a man and a woman, where legal
- child, who is given 24-hour foster care by, or with an agreement with, the State of residence
- parent, who is a biological parent or an individual who substituted as a parent to the employee when the employee was a child. This term does not include in-laws.

## Definitions of Terms Used in This Handbook (Continued)

### \*--FMLA Serious Health Condition--\*

A serious health condition is an illness, injury, surgery, impairment, or physical or mental condition that involves:

- inpatient care in a hospital, hospice, or residence care facility
- continuing outpatient therapy or treatment by a licensed or certified health care provider
- a health recovery period
- continuing medical evaluations or examinations.

### Immediate Relative

The term immediate relative, as it relates to military funerals, means a:

- spouse
- parent, including stepparent and adopted parent
- grandchild
- grandparent
- father- or mother-in-law
- daughter- or son-in-law
- child, including stepchild and adopted child
- brother- or sister-in-law
- brother or sister, including:
  - stepbrother or stepsister
  - half brother or sister
  - adopted brother or sister.

### Leave Year

A leave year begins with the first day of pay period 1. Pay period 1 normally begins within the \*--first 10 calendar days of the new calendar year. See FFAS-367 for a pay period schedule for--\* the current leave year.

## Definitions of Terms Used in This Handbook (Continued)

### LTP Family Members

The following are LTP family members:

- employee's spouse and spouse's parents
- employee's children, including adopted children, and the children's spouses
- employee's parents
- employee's brothers and sisters, and their spouses
- any individual related by blood or affinity whose close association with the employee is equivalent to a family member.

### Medical Emergency

A medical emergency, for LTP purposes, is a medical condition:

- of an employee or an employee's family member
- that is likely to require the employee's absence from duty for a prolonged period of time and result in a substantial loss of income to the employee because of the lack of paid leave.

### Office Closure

An office closure is an act of closing an office and preventing employees from either going to work or staying at work because of an emergency or potential emergency situation.

### Party to the Proceedings

Party to the proceedings means the U.S., the District of Columbia, a State, a U.S. territory or possession, or a local government is named as either the plaintiff or defendant on the summons or subpoena.

### Same Leave System

Refers to an employee who is transferring within the same leave system, for example, from a Federal position to another Federal position or from a CO position to another CO position.

## Definitions of Terms Used in This Handbook (Continued)

### SLFC Family Member

The following are SLFC family members:

- employee's spouse and spouse's parents
- employee's children, including adopted children, and children's spouses
- employee's parents
- employee's brothers, sisters, and their spouses
- any individual related by blood or affinity whose close association with the employee is **\*--the equivalent of a family relationship; the employee **must** show how the relationship makes it equivalent to 1 of the family relationships listed in this definition.--\***

### \*--SLFC Serious Health Condition

Under Expanded Coverage, a serious health condition is an illness, injury, impairment, or physical, or mental condition that involves:

- inpatient care in a hospital, hospice, or residential medical care facility
- a regimen of continuing treatment or therapy by a health care provider
- a period of incapacity of more than 3 consecutive calendar days, including complications because of pregnancy or childbirth
- incapacity or treatment because of a chronic serious health condition
- a continuing period of incapacity because of episodic medical condition, such as asthma, diabetes, epilepsy, etc.
- a period of incapacity that is permanent, long-term, or terminal.--\*

### Terminal Annual Leave

Terminal annual leave is annual leave requested or granted after it is known that the employee is leaving Federal service or CO employment.

### Terminal Leave

Terminal leave is leave taken by an employee immediately before separation from service when it is known that the employee will **not** be returning to Federal or CO employment.



\*--FSA-958, Work Schedule Log

This form is available electronically.  
**FSA-958**  
 U.S. DEPARTMENT OF AGRICULTURE  
 Farm Service Agency

**WORK SCHEDULE LOG**

**PRIVACY ACT STATEMENT**  
 Collection of your social security number is authorized by Executive Order 9397 and will be used solely for the purpose of positive identification. Furnishing this information is voluntary.

NAME OF EMPLOYEE: JOHNSON, JOHN J.  
 SOCIAL SECURITY NO.: 7890

PAY PERIOD: 19 20XX  
 WORK SCHEDULE TYPE: STANDARD

REGULAR TIME/ PAY STATUS LEAVE	FIRST WEEK HOURS							SECOND WEEK HOURS							TOTAL HOURS WEEK ONE	TOTAL HOURS WEEK TWO		
	SUN	MON	TUES	WED	THUR	FRI	SAT	SUN	MON	TUES	WED	THUR	FRI	SAT			TC	
(01) REGULAR TIME		8	8	8	8	8				8	8	8	8		00	40	32	
(61) ANNUAL LEAVE									4						61		4	
(62) SICK LEAVE									4						62		4	
(50) CREDIT HOURS USED																		
(66)																		
( )																40	40	
<b>NONPAY STATUS</b>																		
(29) CREDIT HRS. EARNED																29		
(32) COMP. TIME EARNED																32		
(71) LWOP																71		
( )																		
<b>FIRST WEEK</b>																		
SIGNATURE OF EMPLOYEE	REGULAR TIME							OVERTIME/COMP.TIME							REGULAR TIME		OVERTIME/COMP.TIME	
	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT
SUN																		
MON	7:28	4							LEAVE									
TUES	7:30	4:02							7:30	4								
WED	7:28	4:05							7:28	4:02								
THUR	7:30	4							7:30	4:04								
FRI	7:29	4:01							7:30	4:00								
SAT																		
DATE: 9/7/20XX							DATE: 9/7/20XX							DATE: 9/7/20XX	DATE: 9/7/20XX			
SUPERVISOR'S INITIALS							SUPERVISOR'S INITIALS							TIMEKEEPER'S INITIALS	TIMEKEEPER'S INITIALS			
VUC							VUC							VUC	VUC			



**\*--OPM-71, Request for Leave or Approved Absence**

<b>Request for Leave or Approved Absence</b>						
1. Name (Last, first, middle) JOHNSON, JOHN J.			2. Employee or Social Security Number 6789			
3. Organization FFAS-FSA-HRD						
4. Type of Leave/Absence					5. Family and Medical Leave 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:  <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>	
Check appropriate box(es) and enter date and time below)	Date		Time			Total Hours
	From	To	From	To		
<input checked="" type="checkbox"/> Accrued annual leave	6/22/XXXX	6/22/XXXX	8:00	4:30		24.00
<input type="checkbox"/> Restored annual leave						
<input type="checkbox"/> Advance annual leave						
<input checked="" type="checkbox"/> Accrued sick leave	6/26/XXXX		1:30	4:30	3.00	
<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 checked="" type="checkbox"/> Other paid absence (specify in remarks)	6/26/XXXX		8:00	1:00	5.00	
<input type="checkbox"/> Leave without pay						
6. Remarks						
7. <b>Certification:</b> 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 <i>/s/ John J. Johnson</i>				7b. Date signed 6/19/XXXX		
8a. Official action on request <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved (If disapproved, give reason. If annual leave, initiate action to reschedule.)						
8b. Reason for disapproval						
8c. Signature <i>/s/ Sara S. Smith</i>				8d. Date signed 6/20/XXXX		
<b>Privacy Act Statement</b> 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.						
Office of Personnel Management 5 CFR 630		Local Reproduction Authorized		OPM Form 71 June 2001 Formerly Standard Form (SF) 71		
<b>Print Form</b>		<b>Clear Form</b>		<b>Save Form</b>		



## **FAS LWOP Policy**

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### Purpose:

This policy has been developed to provide additional consistency and transparency to FAS LWOP policy, and to add discretion for approval below the level of EAG.

Approval of LWOP, when not mandatory or contract, is contingent upon the Agency's budget situation at the time LWOP or extension of LWOP is requested.

This policy applies equally to FAS employees in the U.S., and both Foreign Service and Civil Service employees stationed at overseas posts. Terms and conditions for foreign national employees will continue to be governed by post policy and host country regulations. In considering granting LWOP requests, heads of overseas offices are required to coordinate closely with FAA/W to ensure adequate office coverage, and to keep their Deputy Chief of Mission fully apprised of the situation.

### **Reasons for LWOP**

#### Mandatory:

These entitlements are by law or contract:

- leave of absence for military training for Reservists and National Guardsman for required military training under 38 USC 2024(d)
- for FMLA eligible employees
- for disabled veterans receiving medical treatment under Executive Order 6396
- for employees receiving worker's compensation, unless permanently disabled.

Employees will be placed on the Agency target ceiling after LWOP exceeds 90 days. Up to 4 workweeks may be approved by the supervisor, up to 2 years may be approved by the program area, and over 2 years must be approved by EAG, to be reviewed by EAG annually.

**Note:** Supervisor may approve up to 12 weeks for leave authorized under FMLA.

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Continued on the next page

**FAS LWOP Policy (Continued)**

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Recommended:

In general it is the policy of the Agency to approve LWOP requests based upon the following:

- Peace Corps Service
- transfer to international organizations whose mission is similar to FAS

**Note:** Reemployment rights may be granted instead of LWOP.

- Intergovernmental Personal Agreement or training opportunity in support of FAS mission
- accompanying Foreign Service or Civil Service spouse assigned overseas by the U.S. Government
- accompanying FAS spouse assigned with the U.S.
- pending approval of disability retirement.

Employees will be placed on the Agency target ceiling at the time LWOP is approved, if LWOP is anticipated to exceed 1 year. Up to 4 workweeks may be approved by the supervisor, up to 2 years may be approved by the program area, and over 2 years must be approved by EAG. Denials by the program area are appealable to EAG.

Discretionary:

LWOP may usually be approved for:

- accompanying a non-FAS spouse or partner out of the commuting area
- receiving education in support of the FAS mission
- a physician-certified medical condition, beyond entitlement under FMLA
- a hardship related to a serious physician-certified medical condition of the employee's immediate family member, beyond entitlement under FMLA.

Employees will be placed on the Agency target ceiling **after** LWOP exceeds 2 years. Up to 4 workweeks may be approved by the immediate supervisor, up to 1 year may be approved by the program area, and over 1 year must be approved by EAG. It is anticipated that after 2 years, LWOP will be terminated.

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Continued on the next page

**FAS LWOP Policy (Continued)**

Other reasons:

LWOP may be granted for other reasons when workload permits. Up to 4 workweeks may be approved by the immediate supervisor, up to 1 year may be approved by the program area, and over 1 year must be approved by EAG. It is anticipated that after 1 year, LWOP will be terminated. Employees will be placed on the agency target ceiling only in exceptional circumstances, and this placement must be approved by EAG.

Requesting LWOP:

Requests for LWOP should be initiated by the employee, signed by the supervisor, and should indicate how the employee's work will be accomplished during the employee's absence.

In deciding whether or not to backfill behind the employee on LWOP, Deputy Administrators should assess how the work is to be accomplished and whether an undue burden will be placed upon the other employees.

Return from Extended LWOP:

FAS employees returning to duty from the Program area shall be placed within their program area.

FAS employees returning to duty from the agency target ceiling shall be placed by EAG or the Washington Placement plan somewhere within the agency.

All placement will be according to applicable Civil Service and Foreign Service regulations. The return rights of a Civil Service employee are to a position at the grade equivalent to the position vacated to go on LWOP, unless the employee is placed in a higher graded position according to the Merit Promotion Plan. The return rights of a Foreign Service employee are to a position in the agency, but the agency will encourage placement in a position equivalent to the employee's rank.

FAS employees may not bid on overseas posts while on LWOP, unless their return to duty date provides sufficient time to prepare for posting.

Effect of LWOP on Ceiling:

Employees not on the agency target ceiling will remain on the ceiling of their program areas.

While they are on extended LWOP, they will not count against the program area ceiling. However, program areas must plan for the employees return when filling positions at the grade level targeted for employee's return.

**FAS LWOP Policy (Continued)**

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Reasons for LWOP	Approval				Placed on Agency Target Ceiling
	Up to 4 Workweeks	4 Workweeks to 1 Year	1 Year to 2 Years	Over 2 Years	
Mandatory	Supervisor <u>1/</u>	Deputy Administrator	Deputy Administrator	Administrator, with recommendation of EAG.	After LWOP exceeds 90 days.
Recommended	Supervisor	Deputy Administrator	Deputy Administrator	Administrator, with recommendation of EAG.	If LWOP is anticipated to exceed 1 year.
Discretionary	Supervisor	Deputy Administrator	Administrator, with recommendation of EAG	Administrator, with recommendation of EAG.	After LWOP exceeds 2 years.
Other	Supervisor	Deputy Administrator	Administrator, with recommendation of EAG	Administrator, with recommendation of EAG.	Only in exceptional circumstances, with Administrator approval, with recommendation of EAG.

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1/ Supervisor may approve up to 12 weeks under FMLA.

In situations when LWOP is not anticipated to exceed 4 weeks, the position should not be backfilled on a permanent basis.

In situations when the employee is not placed on the agency target ceiling, the Deputy Administrator is responsible for ensuring appropriate placement for the employee at any time, should the employee request to terminate LWOP.



\*--OPM Preventive Health Services and Screenings



The U.S. Office of Personnel Management  
**Preventive Health Services and Screenings**  
**(Absence and Leave Issues)**

Questions and Answers:

- Q. Who is eligible to receive 4 hours of excused absence for preventive health screenings?
- Q. What are "preventive health screenings?"
- Q. May I use the 4 hours of excused absence for preventive health screenings if I have more than 80 hours of accrued sick leave?
- Q. May I use the 4 hours of excused absence on different days, or must I use it all on 1 day?
- Q. If, during a pay period, my sick leave balance drops below 80 hours, may I use 4 hours of excused absence for preventive health screenings?
- Q. Can my agency deny my request for time off for a preventive health screening on a particular day?
- Q. May I be granted excused absence to participate in smoking cessation activities?
- Q. May I be granted excused absence for other types of preventative health services?
- Q. May I be granted excused absence to accompany a family member receiving preventive health screenings, such as stress tests, children's immunizations, and flu shots, etc.?

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**Q. Who is eligible to receive 4 hours of excused absence for preventive health screenings?**

- A. Employees with fewer than 80 hours of sick leave to their credit are eligible to use 4 hours of excused absence each year for preventive health screenings. For purposes of this directive, "year" means "leave year."

**Q. What are "preventive health screenings?"**

- A. Examples of "preventive health screenings" include, but are not limited to, screening for prostate, cervical, colorectal, and breast cancer, and screening for sickle cell anemia, blood lead level, and blood cholesterol level. Other examples include screening for immunity system disorders such as HIV and blood sugar level testing for diabetes.

--\*

**\*--OPM Preventive Health Services and Screenings (Continued)**

**Q. May I use the 4 hours of excused absence for preventive health screenings if I have more than 80 hours of accrued sick leave?**

A. No. Employees with more than 80 hours of accrued sick leave have sufficient reserves of paid leave to use for this purpose. In addition, you may use credit hours or previously earned compensatory time off for preventive health screenings.

**Q. May I use the 4 hours of excused absence on different days, or must I use it all on 1 day?**

A. The 4 hours of excused absence may be used a portion at a time over more than 1 day during a leave year for preventive health screenings. The days on which excused absence is used do not have to be consecutive.

**Q. If, during a pay period, my sick leave balance drops below 80 hours, may I use 4 hours of excused absence for preventive health screenings?**

A. Yes, you may use 4 hours of excused absence for preventive health screenings if you have fewer than 80 hours of sick leave to your credit at the time of your request for time off from work for preventive health screenings.

**Q. Can my agency deny my request for time off for a preventive health screening on a particular day?**

A. Your agency should accommodate your request for time off from work for preventive health screenings to the greatest extent practicable. However, your agency may ask you to schedule your health screening for another day if it would adversely affect agency operations. Of course, if you had a compelling health reason for an immediate health screening or test, your agency would take that into consideration.

**Q. May I be granted excused absence to participate in smoking cessation activities?**

A. Yes, if such services are sponsored by your agency. Agencies may grant excused absence to employees to participate in agency-sponsored preventive health activities, such as smoking cessation.

**Q. May I be granted excused absence for other types of preventive health services?**

A. Yes, if such services are sponsored by your agency. Agencies may grant excused absence for programs on nutrition education, health promotion activities, and annual health fairs. Employees are encouraged to take maximum advantage of the Federal Government's leave and work schedule flexibilities to participate in preventive health services offered by outside companies and facilities.

**Q. May I be granted excused absence to accompany a family member receiving preventive health screenings, such as stress tests, children's immunizations, and flu shots?**

A. Excused absence is not appropriate for these purposes. However, Federal employees are encouraged to make maximum use of existing work schedule and leave flexibilities to allow them to accompany a family member receiving a preventive health screening.

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Continued on the next page

**Using AD-1046, Leave Transfer Program - Recipient Application**

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**A**

**Completing  
AD-1046**

Follow the instructions in this table to complete AD-1046.

Item	Instructions
<b>Part I - Application and Certification</b>	
1 through 9	The applicant or applicant's designee shall complete the items requested.  <b>Note:</b> Some versions of AD-1046, item 1 incorrectly show "donor" in the title. Enter the name of the employee who is requesting approval to receive leave donations.
10	Enter applicant's timekeeper's name.
11	Enter applicant's timekeeper's office telephone number.
12	Enter applicant's timekeeper's office address.  <b>Note:</b> National Offices shall include a STOP code.
13	Do not complete this item.
14	Enter the beginning and approximate ending dates of the medical emergency.
15	Enter the approximate dates when annual and sick leave will be exhausted.
16	Enter either of the following: <ul style="list-style-type: none"> <li>• approximate number of donated leave hours needed</li> <li>• "Unknown" for terminal medical situations</li> </ul>

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Continued on the next page

Using AD-1046, Leave Transfer Program - Recipient Application (Continued)

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A  
Completing  
AD-1046  
(Continued)

Item	Instructions
<b>Part I - Application and Certification</b>	
17	Enter the order of preference for applying donated leave, by numbering choices 1 through 4.  In the last block, enter the pay period number to which donated leave should be retroactively applied.
18	Enter "X" to indicate what level and type of information that the applicant agrees to have released about the applicant's case.
	After completing items 1 through 18 and reading the certification, the applicant or designee shall sign and date.  <b>Note:</b> Certification is that the applicant expects to be absent from duty without paid leave for at least <b>24 hours</b> . Some versions of AD-1046 inaccurately show 80 hours.

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Continued on the next page

**Using AD-1046, Leave Transfer Program - Recipient Application (Continued)**

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**A**  
**Completing**  
**AD-1046**  
**(Continued)**

Item	Instructions
<b>Part I - Application and Certification (Continued)</b>	
	<p>The supervisor shall:</p> <ul style="list-style-type: none"> <li>• review items 1 through 18</li> <li>• ensure that the medical documentation is attached</li> <li>• sign and date</li> <li>• return the signed AD-1046 to the applicant or designee</li> <li>• forward questionable requests to leave transfer coordinator in the servicing personnel office or to the State administrative officer.</li> </ul>
<b>Part II - Agency Review and Approval</b>	
	<p>The leave transfer coordinator in the <b>applicant's</b> servicing personnel office or the State administrative officer:</p> <ul style="list-style-type: none"> <li>• <b>may</b> assign and enter a case number in the upper-right corner of AD-1046</li> <li>• may use item 6 to maintain the number of LWOP hours</li> <li>• shall complete Part II.</li> </ul> <p><b>Note:</b> The approving or disapproving official may be the leave transfer coordinator or the State administrative officer.</p>

**B**  
**Distributing**  
**AD-1046**

Applicants shall send or FAX the completed AD-1046 and medical documentation to the leave transfer coordinator in their servicing personnel office or to the State administrative officer for final approval.

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Continued on the next page

**Using AD-1046, Leave Transfer Program - Recipient Application (Continued)**

**C**  
**Example of**  
**AD-1046**

This is an example of a completed AD-1046.

REPRODUCE LOCALLY. Include form number and date on reproductions.

LEAVE TRANSFER PROGRAM - RECIPIENT APPLICATION					FOR PERSONNEL USE ONLY: CASE NUMBER
					KC 9X-01
<p><b>INSTRUCTIONS:</b> Use this form to apply to be a leave recipient under P.L. 100-566. Attach to this form a brief description of the nature and severity of the medical emergency and appropriate documentation of the medical emergency; a physician's certificate, the medical prognosis and anticipated duration of the condition. After completing this form, forward through your supervisor to the office in your agency designated to approve leave recipients. Approval as a leave recipient does not guarantee that leave will be donated. Donor employees will designate the recipient of their leave.</p>					
<p align="center"><b>PART I - APPLICATION AND CERTIFICATION</b> (To be completed by the applicant or another employee on his or her behalf)</p>					
1. NAME OF RECIPIENT (Last, First, Middle Initial)		2. POSITION TITLE		3. SOCIAL SECURITY NUMBER	
Moon, Johanna K.		Clerk-Typist		111-333-2222	
4. SERIES, GRADE OR PAY LEVEL		5. DUTY STATION	6. ORGANIZATIONAL TITLE (Agency, Division, Branch Section)		
GS-322-3		Kansas City, MO	FSA, PD, HRB, COS		
7. OFFICE ADDRESS			8. OFFICE TELEPHONE NO.		9. HOME TELEPHONE NO.
Room 321, 1234 Independ. St. Kansas City, MO 12345-1234			814-447-4666		814-690-4765
10. NAME OF TIMEKEEPER		11. TELEPHONE NO. OF TIMEKEEPER	12. OFFICE ADDRESS OF TIMEKEEPER		
Jessie M. Wade		814-447-3641	Room 321, 1234 Independ. St. Kansas City, MO 12345-1234		
13. T&A CONTACT POINT NO.		14. ANTICIPATED OR ACTUAL DURATION OF MEDICAL EMERGENCY (if known)	15. DATES LEAVE EXHAUSTED		16. AMOUNT OF DONATED LEAVE REQUESTED (hours, days or months)
		Beginning Date: 5/7/9X Ending Date: 6/1/9X	Annual: 5/8/9X Sick (if applicable): 5/7/9X		132 hours
17. PLEASE INDICATE HOW YOU PREFER THE ANNUAL LEAVE DONATED TO BE APPLIED BY NUMBERING THE FOLLOWING IN ORDER OF YOUR PREFERENCE. (Donated annual leave may be applied to retroactively replace leave without pay and/or advanced sick or annual leave in connection with this medical emergency.)					PLEASE INDICATE PAY PERIOD DONATED ANNUAL LEAVE MAY BE RETROACTIVELY APPLIED
1 For current use	4 against advanced annual leave	3 against advanced sick leave	2 against LWOP		9
18. I agree to have my (please specify) <input type="checkbox"/> case number only <input type="checkbox"/> case number, and circumstances only <input checked="" type="checkbox"/> name, case number and circumstances published for the purpose of receiving donations. If I agree to have my circumstances published, the following 5 lines or less describing my medical emergency will be published exactly as I write it and will be published exactly as I write made available to employees of my agency who wish to make donations to me.					
I was informed by my physician on April 30, that I will have to undergo surgery on May 6 due to an ongoing medical problem which has to be corrected.					
CERTIFICATION (If certifying on behalf of another employee, modify as appropriate.)					
I certify that (1) I have been affected by the medical emergency described in the attachment since the date indicated above, (2) I have or will have exhausted all annual leave and any available sick leave that could otherwise be used as of date indicated above, and (3) expect to be absent from duty without paid leave at least 24 hours because of this medical emergency. I further certify that I am not receiving unemployment benefits or workers' compensation benefits in connection with this medical emergency for which I am requesting transferred annual leave.					
SIGNATURE OF RECIPIENT OR HIS OR HER DESIGNEE (please specify):					DATE
<input checked="" type="checkbox"/> Recipient	/s/ Johanna K. Moon				5/2/9X
<input type="checkbox"/> Designee					
CONCURRENCE: SIGNATURE OF SUPERVISOR		TITLE		OFFICE TELEPHONE NO.	DATE
<input checked="" type="checkbox"/> Yes		COS Head		814-447-4231	5/2/9X
<input type="checkbox"/> No		/s/ Mary Brown			
PART II - AGENCY REVIEW AND APPROVAL					
1. CURRENT ANNUAL LEAVE BALANCE (in hours)	2. CURRENT SICK LEAVE BALANCE (in hours)	3. LWOP HOURS USED IN CONJUNCTION WITH THIS EMERGENCY	4. ADVANCED SICK LEAVE HOURS TO DATE	5. ADVANCED ANNUAL LEAVE HOURS TO DATE	6. ADVANCED LEAVE CATEGORY PER PAY PERIOD
8	4	-0-	-0-	-0-	4
APPLICATION APPROVED:					
<input checked="" type="checkbox"/> Yes	(If Yes, transferred leave may be credited to the recipient's account effective Pay Period Number):				9
<input type="checkbox"/> No	(state reason for disapproval):				
SIGNATURE OF APPROVING OR DISAPPROVING OFFICIAL		TITLE		OFFICE TELEPHONE NO.	DATE
/s/ Donald Harley		LTP Coordinator, PD		814-447-1010	5/4/9X
PRIVACY ACT STATEMENT					
§ U.S.C. 6311 authorizes collection of this information. Your social security number may be disclosed to leave donors for the purpose of positively identifying leave recipients so that donated leave can be credited to the proper account.					
Electronic version designed using WordPerfect for Windows 6.0 (USDA-FSA)					
					AD-1046 (Rev. 4/89)

**Using AD-1043, Leave Transfer Program - Donor Application**

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**A**

**Completing  
AD-1043**

Donors shall follow the instructions in this table to complete AD-1043, Part I.

Item	Instructions
<b>Part I - Completed by Donor</b>	
1 through 7	The donor shall complete the items requested.
8	Enter the name of the donor's timekeeper.
9	Enter donor's timekeeper's telephone number.
10	Enter donor's timekeeper's office address. <b>Note:</b> National Offices shall include the STOP code.
11	Enter the number of annual leave hours being donated to recipient.
12	Enter the leave recipient's name.
13	Enter recipient's case number, if known.
14	Enter the recipient's Social Security number, if known.
15	Enter the recipient's organizational location, if known.
16	Enter the recipient's office address, if known. <b>Note:</b> National Offices shall include the STOP code.
17	Enter the name of the <b>recipient's</b> leave share coordinator.
18	Enter the telephone number, including area code, of the recipient's leave share coordinator.

**Note:** See distribution instructions in subparagraph B.

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Continued on the next page

**Using AD-1043, Leave Transfer Program - Donor Application (Continued)**

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**A**

**Completing  
AD-1043  
(Continued)**

The leave transfer coordinator in the **donor's** servicing personnel office shall follow instructions in this table.

Item	Instructions
<b>Part II - Agency Review and Approval</b>	
	<p>The leave transfer coordinator:</p> <ul style="list-style-type: none"><li>• shall complete Part II</li><li>• may enter a case number in the upper-right corner of AD-1043.</li></ul> <p><b>Note:</b> The approving or disapproving official may be the leave transfer coordinator.</p>

**B**

**Distributing  
AD-1043**

The donor shall FAX, mail, or deliver the completed AD-1043 to the leave transfer coordinator in the **donor's** servicing personnel office.

**Note:** Donor's must **not** send AD-1043 to recipient's leave coordinator.

The donor's servicing personnel office shall forward the approved AD-1043 to the recipient's leave coordinator, if necessary.

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Continued on the next page



**Using AD-1043, Leave Transfer Program - Donor Application (Continued)**

**C**  
**Example of**  
**AD-1043**

This is an example of a completed AD-1043.

LEAVE TRANSFER PROGRAM - DONOR APPLICATION			FOR PERSONNEL USE ONLY: CASE NUMBER
			KC 9X-01
<small>INSTRUCTIONS: Use this form to request the transfer of earned annual leave to an approved leave recipient under P.L. 100-566. You may not transfer leave to your immediate supervisor. After completion, forward it to the office in your agency designated to approve leave donations.</small>			
PART I - COMPLETED BY DONOR			
1. NAME OF DONOR (Last, First, Middle Initial) Kline, Marty Z.		2. POSITION TITLE Employee Relations Specialist	
3. SOCIAL SECURITY NUMBER 123-45-6789	4. SERIES, GRADE, OR PAY LEVEL GS-230-5	5. ORGANIZATIONAL TITLE (Agency, Division, Branch, Section) KCMO, PD, ERB, COS	
6. OFFICE ADDRESS Room 123, 1234 Independ. St., Kansas City, MO 12345-1234		7. OFFICE TELEPHONE NO. 814-447-3663	
8. NAME OF TIMEKEEPER Jessie M. Wade	9. TELEPHONE NO. OF TIMEKEEPER 814-447-3641	10. OFFICE ADDRESS OF TIMEKEEPER Room 321, 1234 Independ. St. Kansas City, MO 12345-1234	
<small>INSTRUCTIONS: Please review the information below. You may not transfer more than 1/2 of the annual leave you will earn during this calendar year unless a waiver is approved. To request a waiver, you must attach a statement as to why your situation is unusual.</small>			
<small>If you will be employed full-time by the federal government for the full calendar year, the limits are as follows:</small>			
<ul style="list-style-type: none"> <li>• 52 hours for employees in the 4-hour leave earning category.</li> <li>• 78 hours for employees in the 6-hour leave earning category, or</li> <li>• 104 hours for employees in the 8-hour leave earning category.</li> </ul>			
<small>If you are a part-time employee or if you will not be employed for the full calendar year, you may compute your transfer limit using the appropriate formula below:</small>			
<ul style="list-style-type: none"> <li>• Limit for part-time employee = 13 X <math>\frac{\text{Duty hours in Pay Period}}{80}</math> X leave earning category</li> <li>• Limit for part-year employee = <math>\frac{\text{Number of Pay Periods to be worked}}{2}</math> X leave earning category</li> </ul>			
11. NUMBER OF HOURS OF ANNUAL LEAVE TO BE TRANSFERRED 24	12. NAME OF RECIPIENT Johanna K. Moon	13. CASE NUMBER KC-9X-01	14. SOCIAL SECURITY NUMBER OF RECIPIENT (if known) 111-333-2222
15. ORGANIZATIONAL LOCATION OF RECIPIENT (Agency, Division, Branch, Section) KCMO, PD, ERB, COS		16. OFFICE ADDRESS OF RECIPIENT Room 31, 1234 Independ. St. Kansas City, MO 12345-1234	
17. NAME OF LEAVE SHARE COORDINATOR Julie McKay	18. TELEPHONE NO. OF LEAVE SHARE COORDINATOR 814-447-6664	19. OFFICE ADDRESS OF LEAVE SHARE COORDINATOR Room 400, 1234 Independ. St. Kansas City, MO 12345-1234	
<small>CERTIFICATION OF VOLUNTARY DONATION: I certify that I am making this donation entirely of my own free will and that no attempts have been made to coerce me to donate annual leave. I understand that except for any leave unused by the recipient, I have no right under my circumstances (including a medical emergency of my own) to have any of the donated leave restored.</small>			
SIGNATURE OF DONOR /s/ Marty Z. Kline			DATE 5/10/9X
PART II - AGENCY REVIEW AND APPROVAL			
1. CURRENT ANNUAL LEAVE BALANCE (in hours) 132	3. AS OF PAY PERIOD NUMBER 8	2. ANNUAL LEAVE CATEGORY PER PAY PERIOD 6	
<b>APPLICATION APPROVED:</b>			
<input checked="" type="checkbox"/> YES		(This application meets all criteria required for annual leave transfer by law, regulation and Department policy. Transferred leave may be credited to the recipient's account effective Pay Period Number): <span style="float: right;">9</span>	
<input type="checkbox"/> NO		(state reason for disapproval):	
SIGNATURE OF APPROVING OR DISAPPROVING OFFICIAL /s/ John Scott	TITLE Chief, Employee Relations Branch	OFFICE TELEPHONE NO. 814-447-0014	DATE 5/12/9X
<b>PRIVACY ACT STATEMENT</b>			
<small>§ U.S.C. 6311 authorizes collection of this information. Your social security number is requested solely for the purpose of positively identifying leave donors so that donated leave can be deducted from the proper account. Although the disclosure of this information is voluntary, failure to furnish this information may result in disapproval of this application.</small>			
<small>Electronic version designed using WordPerfect for Windows 6.0 (USDA-FSA)</small>			<b>AD-1043</b> <b>(Rev. 4/89)</b>

