

MS 635 ABSENCE AND LEAVE

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Attachments

Issuance Memo

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Attachment B	Home Leave Earning Table
Attachment C	Home Leave Travel Authorization

1.0 PURPOSE

This manual section establishes Peace Corps' policy and procedures on absence and leave.

2.0 REFERENCES

- Title 5, United States Code (USC) Chapter 61 - Sections 6101-6105 and Chapter 63 - Sections 6301-6312 and 6321-6326 (includes Annual and Sick Leave Act of 1951 as amended herein referred to as Leave Act).
- Federal Personnel Manual (FPM) Supplement 990-1 and 2 and FPM Chapters 610 and 630.
- Volume 3, Foreign Affairs Manual (FAM) Sections 420, 430, 440, 460, 470 and 490.

- Volume 5, Code of Federal Regulations, (CFR) Parts 610 and 630.

3.0 SCOPE

3.1 Employees Covered

All Peace Corps employees serving on full-time or part-time appointments, except as excluded in

3.2. Employees Excluded

The following employees are excluded:

- Employees appointed by the President whose rate of basic pay is higher than the maximum rate under the Foreign Service Schedules.
- Intermittent employees for whom a regular tour of duty during each administrative workweek has not been established in advance.
- Foreign national employees who occupy positions outside the United States. See Volume 3, FAM, Sections 910 and 914 for applicable regulations.

4.0 DEFINITIONS

The following terms commonly used for leave administration are defined for purposes of clarity:

Accrued Leave - leave earned by an employee during the current leave year that is unused at any given time in that leave year.

Accumulated Leave - the unused leave remaining to the credit of an employee at the beginning of a leave year.

Administrative Workweek - the period beginning Sunday and ending Saturday.

Advance Leave - leave (sick and annual) granted before it is earned.

Break In Service - for purposes of this manual section, a break in service is one full workday between periods of employment.

Contagious Disease - an illness or disease requiring isolation of the patient, quarantine, or restriction of movement by the patient for a specified period as prescribed by health authorities having jurisdiction.

Excused Absence - absence administratively authorized or approved which does not result in a charge to leave of any kind or in loss of basic salary.

Furlough - temporary nonpay status and absence from duty by appointing authority because of lack of work, or funds, or military duty.

Intermittent Employees - employees who work on an irregular basis for which there is no prearranged scheduled tour of duty.

Leave for Maternity Purposes - a combination of as many as three kinds of leave (sick leave, annual leave and leave without pay) granted to female employees for physical examinations, confinement, and recuperation in connection with pregnancy.

Leave for Paternity Purposes - leave (annual leave or leave without pay) granted to a male employee for purposes of assisting or caring for his minor children or the mother of his newborn child while she is incapacitated for maternity reasons.

Leave Year - the period from the beginning of the first day of the first full pay period in one calendar year to the beginning of the first day of the first pay period in the next calendar year.

Medical Certificate - written statement signed by a registered practicing physician, or other practitioner, certifying to the period of disability of an employee while under professional care and to the employee's ability to return to duty.

Part-time Employees - employees who are appointed for less than 40 hours per week but for a definite number of hours on a prearranged scheduled tour of duty made at time of appointment.

Permanent Employees - employees appointed without limitation as to length of service, with an indefinite limitation, or for a definite period in excess of one year.

Personal Certificate - a signed statement by the employee indicating the nature of the illness and the reason(s) why a medical certificate is not furnished.

Restored Leave - annual leave held in a separate account as a result of an administrative decision to permit an employee to carry forward more than the maximum permitted.

Suspension - temporary nonpay status and absence from duty required by the appointing authority for disciplinary reasons, or pending inquiry.

Temporary Employees - employees appointed either full-time or part-time for a definite period of time not exceeding one year.

Tour of Duty - the hours and days during the administrative workweek, fixed in advance, during which the employee regularly is required to be on duty.

Travel Time - time actually and necessarily occupied by an employee in going to and from an overseas post of duty and such time as may be necessarily occupied in awaiting sailing or flight, as well as time spent in change to another official station within the United States of America.

United States - the several states of the United States of America and the District of Columbia.

Unliquidated Advance (or Overdrawn Leave) - that part of advanced leave which has not been recovered by earned leave or by refund.

5.0 POLICY

5.1 Administration of Leave

5.1.1 Responsibilities

The administration of leave requires the operation of an orderly system whereby the rights of employees to earn, accumulate, and take leave are protected; and the administrative responsibilities of supervisory officials to grant, deny, credit, charge, transfer, and record leave are exercised legally and properly.

Operating offices are responsible for the payroll aspects of leave administration, including the reporting of time and attendance, the methods of posting leave, and the maintenance of employees' official leave accounts, including separate leave accounts for restored annual leave.

The Associate Directors, General Counsel, ORPS Service Center Directors, Directors of Staff Offices, and Peace Corps Country Directors are responsible for the administration of leave within these instructions, for the employees under their respective jurisdiction. The authority to approve leave and certify time and attendance records is delegated to the immediate supervisor unless otherwise determined by his or her superior. The approving official shall:

- Assure that leave granted to an individual is legal and justifiable;
- Identify problems of leave abuses, tardiness and absenteeism and establish and/or recommend corrective measures;

- Request interpretation of these instructions and seek advice of personnel specialists as needed;
- Advise employees on leave matters;
- Insure that annual (vacation) leave is scheduled for use so as to prevent loss of accrued leave at the end of the leave year and to assure that the functions of the office are not impaired; and
- Insure that restored annual leave is used as expeditiously as possible.

The employee is responsible for:

- Planning and requesting an annual (vacation) leave schedule early in the leave year for the approval of the supervisor;
- Requesting leave in advance for known time-off needs, e.g., dental, medical, and optical appointments, securing driving permit, attending conferences or conventions, etc.;
- Contacting the supervisor within two hours of the usual reporting time of the first day of absence to request leave when an emergency or illness occurs that prevents the employee from reporting to work; and
- Providing medical and personal certificates or other evidence as required by these instructions.

5.1.2 Recording of Leave

All leave will be computed and recorded in units of one hour, except that absences without leave (AWOL) will be charged in an exact amount of time to the minute. Absences on separate days are not combined, e.g., if an employee is absent a half hour on two separate days, the minimum charge for each day is one hour.

5.2 Sick Leave

Sick leave is an absence of duty with pay requested by an employee for health reasons.

5.2.1 Sick Leave Administrative Responsibility

It is the responsibility of supervisors to approve requests for sick leave for any of the reasons prescribed in paragraph 5.2.3.1. If there is doubt as to whether the employee's absence is due to any of these reasons, the supervisor will satisfy himself or herself on this point before approving the charge to sick leave. (Authorities for approving advance sick leave are described in paragraph 5.2.5.1. below.)

5.2.2 Accrual of Sick Leave

Under the provisions of the Annual and Sick Leave Act of 1951, as amended, sick leave accrues as follows:

5.2.2.1 Full-Time Employees

Full-time employees, both within and outside the continental United States, including permanent, Indefinite, limited, and temporary employees, accrue sick leave at the rate of one half day (four hours) for each full biweekly pay period while in pay status or combination of pay and non-pay status, provided non-pay status totals less than 80 hours.

5.2.2.1.1 Crediting of Sick Leave Accruals

Sick leave is credited at the beginning of the biweekly pay period in which it is earned and is available for use during or after that pay period. The credit for the current pay period is not considered as "advance" leave unless the employee is separated before the end of the pay period.

5.2.2.2 Employees Other Than Full-Time

5.2.2.2.1 Part-time Employees

Part-time employees (employees having a regular prearranged tour of duty of specific hours or days in the administrative workweek, but less than a full workweek) accrue sick leave at the rate of one hour each 20 hours in pay status.

5.2.2.2.2 Intermittent Employees

Intermittent employees (employees not having a regular prearranged tour of duty) are excepted from the provisions of the Leave Act and, therefore, are not entitled to earn sick leave.

5.2.2.3 Pay Status of Less Than a Full Biweekly Pay Period

Sick leave will not be earned for periods in pay status of less than a full biweekly pay period where the employee enters or leaves the service during a biweekly pay period.

Sick leave will be prorated for fractional pay periods occurring within the continuity of employment when the service of the employee is interrupted by a nonleave earning period. An employee is entitled to such a credit when he or she transfers between positions with different pay periods or under circumstances such as immediately prior to or following a pay period when the employee:

- Is receiving disability compensation under the employee's compensation act;
- Exercises regulatory or statutory restoration rights after military service in the Armed Forces; or
- Is returned to a position after a period of unwarranted suspension or removal for which retroactive compensation is paid.

5.2.2.4 Accrual While in Nonpay Status

A full-time employee earns sick leave while in a nonpay status provided the nonpay status totals less than 80 hours. When the aggregate of nonpay status equals the number of hours in one pay period (80 hours) or multiples thereof within the leave year, the credits for sick leave will be reduced by the amount earned during one pay period (four hours) at the time the 80 hour total is reached. In determining the reduction of sick leave accruals, when an employee has one or more breaks in service during the year, all hours in nonpay status must be included for each period of service during the leave year in which leave accrued. Leave without pay during fractional pay periods at the beginning or end of employment, when the employee does not accrue leave, is disregarded when computing the reductions described above.

5.2.2.5 Periods of Disability Compensation

An employee who is absent, on leave without pay, because of injury received in the line of duty does not accrue sick leave for the Period for which he or she is paid disability compensation by the Office of Workers Compensation Programs.

5.2.2.6 Accumulation of Sick Leave

Sick leave not used in the year in which it accrues shall accumulate without limitation and be available for use in succeeding years. Also, an employee's total accrual of unused sick leave is creditable time toward the length of service for retirement in annuity computation and therefore may increase the amount of the employee's monthly retirement benefit. The days of unused sick leave cannot be added for the purpose of meeting length of service required for retirement eligibility.

5.2.3 Granting Sick Leave

Sick leave may be granted:

- When an employee is incapacitated for the performance of his or her duty by sickness, injury, or pregnancy and confinement. (Employees who are injured in the line of duty and who are eligible for injury compensation may not be granted sick or annual leave if they elect to receive injury compensation during the period of absence. Such employees will be retained in a leave without pay status for the period of absence during which they are receiving injury compensation.)
- For medical, dental, or optical examination or treatment.
- When an employee is required to give care and attendance to a member of the employee's immediate family who is afflicted with a contagious disease (as defined by the attending physician) or when through exposure to a contagious disease, the presence of the employee at his or her post of duty would jeopardize the health of others.
- When an employee who was sick dies before receiving administratively approved sick leave, the agency may grant (without a sick leave application) sick leave in accordance with existing regulations. Such leave may be approved only for the period of absence immediately prior to the employee's death.
- To a disabled veteran in order that the veteran may receive medical treatment. If the veteran has no sick or annual leave, leave without pay must be granted.

The granting of leave is obligatory if all the following conditions are met:

- The veteran presents an official statement (that treatment is necessary) from a properly licensed medical practitioner or an official of a government hospital;
- He or she notifies the supervisor far enough in advance to permit arrangements for carrying on the work in the employee's absence; and
- He or she states in the notice to the supervisor the days on which he or she expects to be absent and the number of hours that will be required.

5.2.3.2 Notification to Supervisor

An employee who is absent on account of sickness is personally responsible for contacting the supervisor to request leave or having the supervisor notified within two hours of the usual reporting time on the first workday of such absence. Absence for any of the sick leave purposes, when known to the employee sufficiently in advance (such as in most cases of medical, dental, or optical treatment or examinations) must have approval prior to the beginning of the leave.

5.2.3.3 Request and Approval of Sick Leave

A medical certificate is required:

- For any advance sick leave.
- For the use of earned sick leave in excess of three consecutive workdays. However, when the employee is unable to obtain the services of a physician or the illness does not require such services, the employee's written explanation of the facts, together with his or her personal certificate is sufficient if acceptable to the approving officer. In any case, the approving officer's signature is required on the SF-71 which is forwarded to the timekeeper to be maintained and filed with the employee's PC-1547 form during the pay period in which the employee returns to work. (Paragraph 5.2.4. below addresses suspected abuse of sick leave.)

- When an employee has been granted sick leave to care for a member of the immediate family who is ill at home with a disease requiring isolation, quarantine, or restriction of movement for a specified period of time, the total period for which sick leave may be charged will be the period prescribed by the local health regulations for such isolation, quarantine, or restriction. If a length of time is not prescribed by the local health regulations, the period which may be charged to sick leave is the period prescribed and certified to by the attending physician. The medical certificate should indicate: the sick leave was used to care for a Particular member of the family; the disease of such member; the period of isolation or restriction cited by health regulations or prescribed by the physician for such disease; and certification by the physician that the statements on the medical certificate are true and correct.
- When an employee is granted sick leave because of exposure to a contagious disease and presence at the post of duty would jeopardize the health of others, an explanatory medical certificate from a doctor shall be required.

Standard Form 71 shall be submitted within the pay period when the employee returns to duty except in the case of a request for advance sick leave which shall be submitted in accordance with paragraph 5.2.5.1. below. After approval by the leave approving supervisor, the SF-71 shall be sent to the timekeeper responsible for keeping the employee's time, in the case of advance sick leave the routing prescribed by paragraph 5.2.5.1. below shall be followed.

5.2.3.4 Amount of Leave Charged

The minimum charge for sick leave is one hour; additional leave is charged in multiples of one hour.

Sick leave absence may not accumulate from day to day for the purpose of charging units of hours. (See example in 5.1.2. above.) However, if an employee is absent one and one-half hours in the morning and one half hour later the same day, he or she also will be charged two hours sick leave for that day.

5.2.3.5 Sick Leave During Official Travel

In the event an employee becomes ill while in official travel status, the period of time for which the travel status is interrupted because of illness will be charged to sick leave.

5.2.3.6 Sick Leave During Hazardous Weather Dismissals

In the event of hazardous weather dismissals, an employee on scheduled sick leave with no expectation of return to duty before the close of workday will be charged sick leave as if the dismissal had not occurred.

5.2.3.7 Substitution of Sick Leave for Annual Leave

Sickness which occurs while an employee is in annual leave status may be charged to accrued sick leave and the charge against annual leave reduced accordingly.

5.2.4 Abuse of Sick Leave

5.2.4.1 Responsibility of Approving Officials

Approving officials are responsible for reviewing the circumstances surrounding indiscriminate or seemingly excessive use of sick leave to determine whether there is a proper use of sick leave. If a leave approving official determines that there is an abuse of sick leave, that official is responsible for correcting the situation.

5.2.4.2 Action by Approving Officials

Leave approving officials who suspect abuse of sick leave should first counsel the employee about the proper use of sick leave (see paragraph 5.2.3.1. of this manual section). If excessive and indiscriminate use of sick leave continues, the leave approving official may require the employee to provide a medical certificate

for all future sick leave absences. Such requests must be based on sound judgment and reasonableness. Advance notice in writing will be given to an employee when such a certificate is required. The notice must contain, as a minimum, the following:

- The specific reason(s) for requesting the medical certificate;
- The duration of this requirement (not more than four months);
- A statement that requests for approval of sick leave not supported by a medical certificate will not be approved, and will be charged to absence without leave (AWOL) or annual leave, as appropriate; and
- A statement that repeated instances of AWOL may lead to disciplinary action.
- The Employee Relations Specialist, Office of Personnel Management will provide advice and guidance to supervisors concerning matters covered by this paragraph.

5.2.5 Advance Sick Leave

In cases of serious disability or ailment, sick leave may be advanced after the employee's sick leave accrual is exhausted. Advance sick leave may be granted for any number of hours or days but it can not exceed 30 days (240 hours). Subject to the limitations listed below, sick leave may be advanced to employees who plan to return to duty:

- Advance sick leave for an employee on a time limited appointment shall not exceed the amount of sick leave that would accrue during the remaining period of the appointment.
- Requests for advance sick leave may not be approved after an employee has received notice of separation or furlough by reduction-in-force. However, if an advance has been approved prior to receipt of such notice, the leave approving official may decide whether further use of advance sick leave should be curtailed when the notice is received.
- A request for advance sick leave should be made in advance of the absence, if possible. Failure to request advance sick leave prior to exhaustion of accrued sick leave may result in the absence being charged to annual leave or leave without pay.
- Sick leave will not be advanced to employees serving probationary or trial periods.
- Sick leave indebtedness, as a result of a grant of advance sick leave, will be reduced by the employee's subsequent sick leave accruals. Any additional sick leave granted while an outstanding sick leave indebtedness exists must be treated as a further advance and not as a grant of "earned" sick leave toward current accrual.

5.2.5.1 Approval

Within the restrictions set forth in paragraph 5.2.5.2 below, Associate Directors, Heads of Staff Offices, and the General Counsel may approve requests for advance sick leave for employees under their respective jurisdiction. This authority may be redelegated.

Requests for advance sick leave must be supported by Standard Form 71 "Application for Leave", signed by the employee and a medical physician. Employees will be granted advance sick leave provided they have not been under an abuse of sick leave notice during the six months preceding the request for advanced sick leave.

5.2.5.2. Refunds for Advance Sick Leave

Except as set forth in the following paragraph, an employee granted advance sick leave who is separated before he or she earns sufficient sick leave to repay the sick leave indebtedness is required to make a refund for the unearned portion. The refund should be made in accordance with the leave regulations in effect at the time the advance leave was used, and at the salary rate or rates at which the employee was paid for the leave.

No refund is required for sick leave which has been advanced and is unliquidated at the time of separation by death, retirement for disability, or in case the employee is unable to return to duty because of disability (if evidence is furnished in the form of an acceptable medical certificate).

5.2.5.3 Annual Leave in Lieu of Sick Leave

Approved absence otherwise chargeable to sick leave may be charged to annual leave if requested by the employee before the time the employee has exercised the right to have sick leave charged for an absence and approved by the agency. The Comptroller General has held that substitution of annual leave for sick leave previously granted may not be made retroactively, except for the liquidation of advanced sick leave, and even then only when the substitution is made before the time the annual leave would otherwise have been forfeited and the agency, if requested, would have granted time off for leave Purposes.

5.2.6 Fitness for Duty After Extended Sick Leave

Some employees, although under the care of their doctor, may knowingly or unknowingly return to duty before they are physically able to perform their duties. In the interests of such employees, depending on the nature of their disability, the employee should submit to a fitness-for-duty medical examination and/or complete a Standard Form 177 "Statement of Physical Ability for Light Duty Work", as appropriate. In such cases, the employee should normally be requested to undergo the fitness-for-duty examination prior to returning to duty, and have his or her doctor certify to physical ability to perform the duties of the position under the "Remarks" section of the SF-7 1. If the employee fails to comply with the supervisor's request, he or she may be directed to have a fitness-for-duty medical examination at Peace Corps' expense. When the supervisor requests or directs the employee to take a medical examination he or she must explain to the employee in writing the basis for this request. The Employee Relations Specialist, Office of Personnel Management, will provide advice and assistance to supervisors concerning employee fitness-for-duty medical examinations.

5.2.7 Recredit and Transfer of Sick Leave

5.2.7.1 Reemployment After Separation From Duty

Upon federal reemployment of a former employee who was subject to the Leave Act and who previously separated without either a break in federal service or a break in service, not in excess of three years, the employee's leave balance will be credited to the new employing agency for credit or charge to the employee's account.

When sick leave is transferred between different leave systems, without a break in service, seven calendar days of leave are considered equal to five workdays.

When an employee transfers to a position under a different leave system, to which he or she can transfer only a part of the sick leave, the untransferred leave will be recredited if the employee returns within three years to the leave system under which it was earned.

5.2.7.2 Reemployment as a Result of an Appeal

An employee who is restored to a position as a result of an appeal will have the sick leave in his or her account at the time of separation certified for credit or charge.

5.3 Annual Leave

Annual leave is an absence from duty with Pay requested by an employee for vacation, personal reasons, or emergency, and chargeable against annual leave credits.

5.3.1 Administrative Responsibility

Leave planning and the approval of annual leave is an administrative responsibility of supervisors. Supervisors will provide employees with the opportunity during the month of January--with quarterly updates during the months of April, July, and October--to schedule their vacation annual leave for the entire year. Because annual vacations are important in maintaining health, morale, and efficiency, every reasonable effort, consistent with the needs of the office and equity to other employees, shall be made to Permit employees a scheduled vacation period. In addition to approving annual leave for vacations, supervisors should be liberal in granting requests for annual leave to attend conventions of veterans, scientific, professional and technical societies, and fraternal and other organizations which may be of benefit to the wide and varied interests of Peace Corps employees. Generally, it is the policy of Peace Corps to grant earned annual leave as requested, when workload and equity permit.

5.3.2 Accrual of Annual Leave

5.3.2.1 Full-time Employees

Full-time employees inside or outside the continental United States (including permanent, limited, unlimited, indefinite, and temporary employees) accrue annual leave as provided in the paragraphs below, depending on length of creditable federal service. A change to the next higher rate of accrual as noted below will take effect at the beginning of the pay period following that in which the employee completes the prescribed period of service.

- Service from date of appointment but less than three years --one half day (four hours) for each full biweekly pay period.
- Total service of three or more but less than 15 years --three fourths of a day (six hours) for each full biweekly pay period until the last full pay period of the calendar year, when the accrual will be one and one-fourth days (ten hours).
- Total service of 15 years or more - one day (eight hours) for each full biweekly pay period.

5.3.2.2 Employees Other Than Full-Time

Intermittent and WAE (when actually employed) employees (i.e., employees who do not have a regular prearranged tour of duty) are excepted from the provisions of the Leave Act and, therefore, are not entitled to earn annual leave.

- Part-time employees (i.e., employees having a regular prearranged tour of duty of specific hours of days in each administrative workweek but less than a full 40-hour workweek) if appointment is for 90 days or longer, accrue annual leave as follows:
- Service from date of appointment, but less than three years--one hour for each 20 hours in pay status.
- Total service of three or more but less than 15 years--one hour for each 13 hours in pay status.
- Total service of 15 or more years--one hour for each 10 hours in pay status.

5.3.2.3 Qualifying Period

An employee whose appointment is for 90 days or longer earns and may be granted annual leave beginning with the first day of the first full biweekly pay period following appointment. If an appointment of less than 90 days is extended for an additional 90 days or more, without a break in service, the extension is considered to be a new appointment and the employee earns and may be granted leave beginning immediately with the extension. However, leave earned under the initial appointment may be credited retroactively only after a total of 90 days service under the combined appointments has been completed. If an appointment of less than 90 days is extended for another period of less than 90 days, leave earned during the initial appointment of less than 90 days is credited retroactively and may be used upon completion of 90 days service under the combined appointments.

Examples:

Type of Appointment	Leave Entitlement	Retroactive Credit
Temporary NTE 60 days	None	N/A
Extension of 60 day appointment for 60 additional days	On completion of 90 consecutive days of service	Leave is credited from the date of the initial appointment may be used upon the completion of 90 consecutive days of service.

An employee who must complete a 90 day qualifying period to be entitled to leave under the provisions of paragraph 5.3.2.3. may not substitute annual leave for leave without pay granted during the qualifying period.

5.3.2.4 Pay Status of Less Than a Full Biweekly Pay Period

Annual leave may not be earned for periods in pay status of less than a full biweekly pay period when an employee enters or leaves Peace Corps service.

Annual leave will be credited on a pro rata basis for fractional pay periods occurring within the continuity of employment when the employee's biweekly pay period is interrupted by a nonleave earning period for the following reasons:

- Transferred between positions with different pay periods;
- Disability compensation under the Employee's Compensation Act;
- Exercised regulatory or statutory restoration rights after service in the Armed Forces; and
- Restoration to pay status after a period of unwarranted suspension or removal for which retroactive compensation is paid.

5.3.2.5 Accrual While in Leave Status

An employee earns leave while in any type of leave with pay status except that leave does not accrue on a period covered by lump-sum payment for annual leave.

5.3.2.6 Accrual While in Nonpay Status

A full-time employee earns leave while in a nonpay status in the following situations:

- If the total nonpay status is less than 80 hours. When the aggregate of nonpay status equals 80 hours or multiples thereof within the leave year, the credits for annual leave will be reduced by the amount earned during one pay period at the current accrual rate. In computing the 80 hour total(s), do not include any leave without pay charged during pay periods when leave accruals were not allowed, e.g., when an employee enters or leaves the service during a biweekly pay period.
- If the employee is not receiving injury compensation. An employee does not accrue leave for any time on leave without pay (LWOP) which is covered by payments from the Office of Workers Compensation Programs.

5.3.3 Limitations on Accumulation of Annual Leave

5.3.3.1 Employees Stationed in the United States

The maximum amount of annual leave an employee may accumulate and carry forward from one leave year into a succeeding leave year may not exceed a ceiling of 240 hours (30 days). Employees with a “personal ceiling” who accumulated annual leave in excess of 240 hours (30 days) at the end of the 1952 leave year, and have not reduced or liquidated such accumulation, may carry over this leave into succeeding years until used. Any leave earned in the current leave year, which may not be carried forward to the new leave year because of the above ceiling restrictions, must be used before the new leave year, or be forfeited.

When an employee leaves a post in which he or she has been eligible for a maximum accumulation of 45 days (360 hours) of annual leave, the maximum amount of annual leave that may be carried forward into the next leave year shall not exceed 45 days (360 hours) or the personal ceiling if it exceeds 45 days. The determination as to the amount which may be carried forward shall be made as of the end of the pay period which includes the date:

- On which the employee departs from the post of duty, except when required to perform duty enroute to a post in which he or she would be subject to the 45 day maximum accumulation Provisions, then the date shall be the date he or she ceases to perform such duty; or
- On which final administrative approval is given to effect a change in the employee’s duty station when on detail or on leave in the United States, the Commonwealth of Puerto Rico, or a possession of the United States and originally recruited or transferred from these locations.

5.3.3.2 Employees Stationed Outside the United States

An employee serving outside the United States may accumulate 45 days (360 hours) of annual leave unless he or she is entitled to a greater accumulation under the savings provisions of the Leave Act if he or she is in one of the following categories:

- Recruited directly or transferred by the federal government from the United States, the Commonwealth of Puerto Rico, or possessions of the United States to a Peace Corps overseas post.
- Hired locally overseas by Peace Corps but originally recruited from the United States, Puerto Rico, or a United States possession. In addition the person was in substantially continuous employment by federal agencies, United States firms, international organizations in which the United States participates, or foreign governments; and the conditions of employment provided for the return transportation to the place from which recruited.
- Hired locally, but at the time of overseas Peace Corps employment, was temporarily absent from the United States (or Puerto Rico and United States possessions) for the purpose of travel or formal study; and has maintained residence in the United States or Puerto Rico, or its possessions, during the temporary absence.

- Hired locally overseas by Peace Corps and did not normally live in the foreign area involved but was discharged from the United States Armed Forces there to take a civilian position in a federal agency.

5.3.4 Granting Annual Leave

5.3.4.1 Approval

Granting annual leave in Peace Corps is subject to approval as follows:

- All employees must secure advance approval of annual leave from their supervisor except when, because of unforeseen circumstances, it is necessary for an employee to be absent for reasons chargeable to annual leave and it is not possible to obtain approval in advance. In such cases, the employee must normally contact or transmit notice to the supervisor within two hours of the usual reporting time of the beginning of the first workday of absence to request leave. The employee is personally responsible for the delivery of such messages and obtaining leave approval. Upon returning to work, the employee will submit to the supervisor an appropriate leave request on the SF- 71 unless the employee's return to duty is in the same pay period for which the employee and the supervisor both certify the PC-1547.
- All annual leave of three or more days must be requested in advance using Standard Form 71 "Application for Leave", except as provided in the paragraph above. The employee will be notified of approval or disapproval of the request.
- After approval by the leave approving officer, the Standard Form 71 will be sent to the timekeeper maintaining the employee's PC-1547 "Individual Time Certification Sheet".

5.3.4.2 Leave in Connection with Official Travel

An employee who Plans to take annual leave in excess of three (3) days while on international travel must have the leave approved in advance by the appropriate Associate Director or by the Director of the Peace Corps (for travel by Associate Director or employees in staff offices reporting to the Director). The employee's immediate supervisor may approve annual leave of three days or less.

5.3.4.3 Employees Receiving Injury Compensation

Employees disabled in the line of work who are eligible for workers compensation payments and who elect to receive such compensation may not be granted annual and/or sick leave for any time covered by such payments. In such cases, employees will be in a leave without pay status for the period of absence during which they are receiving injury compensation.

5.3.4.4 Substitution of Annual Leave

Annual leave may be substituted in a number of ways.

5.3.4.4.1 Substitution of Annual Leave for Sick Leave

Advance sick leave may be liquidated by a charge against annual leave, provided:

- Annual leave is charged prior to the time it would be forfeited, and
- The annual leave would have been granted to the employee.

NOTE: Where a proper charge of sick leave has been made, annual leave may not be substituted later for the purpose of avoiding forfeiture of annual leave.

5.3.4.4.2 Substitution of Annual Leave for Leave Without Pay

Annual leave may be substituted for leave without pay when:

- An employee is placed in a leave without pay status because the leave balance had not been transferred in from another federal agency at the time the employee took leave.
- An employee is placed in leave without pay status because of an error on leave balance or misunderstanding, and annual leave could have otherwise been granted.

5.3.4.5 Terminal Annual Leave Payment

Employees are entitled to payment, on separation, for all annual leave credited to the employee. In cases of separation, e.g., resignation or retirement, an employee will not be allowed to use annual leave for which a lump-sum payment can be made (see paragraph 5.3.7.).

5.3.4.6 Annual Leave While on Home Leave or Transfer Orders

Employees on home leave or transfer orders may, following completion of their overseas tour, take annual leave during the course of travel without obtaining concurrence of the Director of Peace Corps or the Country Director. Such leave, however, must be approved in advance by the director of the office to which the employee reports, with notification to the Directors, Office of Personnel Management (M/PM) and the Accounting Division (M/FM/A). Approval of the Director of the Peace Corps is required if more than two days leave is requested during travel on midtour transfer orders, i.e, when the employee is transferring to Peace Corps/W or to another overseas post prior to the completion of the prescribed tour of overseas duty.

5.3.5 Granting Annual Leave in Advance of Accrual

An employee may be granted annual leave up to the amount he or she will earn by the end of the appointment or the leave year, whichever occurs first. However, in granting an employee annual leave in excess of the amount actually earned, the supervisor authorized to approve leave must have reasonable assurance that the employee will be in a duty status long enough to earn the leave granted before the end of the leave year.

5.3.6 Repayment of Annual Leave Used in Excess of Entitlement

Employees are required to refund the full amount of any annual leave that may have been credited and/or used in excess of entitlement because of administrative error.

In order to provide for repayment without imposing a significant financial hardship on employees, repayment of such leave may be made under the following options:

- Lump-sum payment in dollars equivalent to the dollar value of the leave at the time it was used;
- Lump-sum payment in an equivalent amount of accrued annual leave;
- Installment payments in dollars equivalent to the dollar value of the leave at the time it was used; or
- Installment payments in annual leave, that is, a charge against later- accruing annual leave.

Employees who are requested to make refunds because of administrative error will be granted the right to choose from among the above options, provided that repayment is made within a reasonable period of time, as determined by the Director, Accounting Division (M/FM/A). In all cases, leave or dollars must be repaid from employee entitlements, either before or after separation.

5.3.7 Lump-sum Payment for Annual Leave

Under the provisions of 5 USC 5551, and 5552, a lump-sum payment is made for unused annual leave upon separation of an employee in certain cases.

5.3.7.1 Circumstances Governing Lump-sum Payment

Lump-sum payment is mandatory in the following instances:

- Separation from the federal service, either voluntary or involuntary (terminal annual leave may not be granted after it is known that the employee is to be separated).
- Transfer to a position to which leave is not transferrable.
- Death while in the federal service (upon proper claim by the person entitled to receive payment).

Lump-sum payment is made at the employee's election upon furlough for military service. The Personnel Staffing Specialist will give employees being furloughed or separated for military service a full statement of the options with respect to the disposition of annual leave. This option applies only to leave in a regular account. Unused restored annual leave in a separate account must be liquidated by lump-sum payment.

For positions under the Annual and Sick Leave Act of 1951, as amended, lump-sum payment for annual leave is not made when an employee goes without a break in service of as much as one workday from a permanent to a temporary appointment or vice versa, or between two temporary or two permanent appointments. The leave is transferrable and is available for use in the new Position even though the new appointment is for less than 90 days.

Survivors of employees who die while in federal service will be entitled to lump-sum payments for all accumulated and current accrued annual leave to the credit of the employee at the time of death.

5.3.7.2 Computation of Lump-sum Payment

An employee is entitled to receive a lump-sum payment for accumulated leave to his or her credit as of the effective date of the action which governs payment. For the purpose of this paragraph accumulated leave means:

- Regular carry-over balance from the previous leave year; if any, plus
- Accrued and unused annual leave during the current leave year; if any, plus
- Any unused restored annual leave maintained in a separate account as explained in paragraph 5.3.8.6.

5.3.7.2.1 Rate of Pay Used in Computing Lump-sum Payment

Lump-sum payment will be made at the salary rate shown on the separation action, except that the payment or a portion of it will be increased or decreased in rate by any pay change due within the period covered by the payment if, on or before the effective date of the action on which lump-sum payment is based, (a) such change was provided by law or regulation, and (b) the employee had become subject to such provision.

5.3.7.2.2 Retirement Deductions

No retirement deductions are made from lump-sum payments.

5.3.7.2.3 Taxes

The lump-sum payment is separate from the last salary payment but federal income tax and local income tax, where applicable, are withheld as if this payment represented the biweekly salary. F.I.C.A. (Social

Security) taxes will be withheld on any portion of the lump-sum settlement that is taxable under the Federal Insurance Compensation Act.

5.3.7.2.4 Refund of Lump-sum Payment Upon Reemployment

When an employee who has received a lump-sum payment for annual leave re-enters the federal service, he or she is required to pay a refund for any unexpired portion of the period covered by lump-sum payment (at the salary rate at which the lump-sum payment was paid) and a corresponding amount of leave is credited to the employee in the new position, regardless of the duration of the new appointment. This requirement also applies where the new appointment is for part-time (with a regular tour of duty) but does not apply where the new appointment is on an intermittent (“when actually employed, WAE”) basis (without a regular tour of duty) since the latter type of appointment is not subject to the Leave Act.

Restored annual leave included in lump-sum payments is not subject to refund and may not be reccredited upon reemployment.

5.3.8 Restoration of Forfeited Annual Leave

Public Law 93-181, effective December 14, 1973, authorizes the temporary restoration of annual leave in excess of the maximum permissible carry-over, as defined in Paragraph 5.3.4., to employees who forfeited their annual leave due to administrative error, exigencies of the public business, or sickness.

5.3.8.1 Administrative Error

5.3.8.1.1 Current Employees

In order for annual leave to be restored to current employees because of administrative error, it must have been accruable after June 30, 1960, even though the error may have occurred before this date.

For the purpose of this manual section, an employee found to have undergone an unjustified or unwarranted personnel action entitling the employee to back Pay under U.S.C. Title 8, Section 5596 is not entitled to exceed the normal maximum amount of annual leave permitted. Unjustified and unwarranted personnel actions are not considered administrative errors.

5.3.8.1.2 Former Employees

Former employees are not entitled to restoration of their leave, but may receive payment for annual leave which was forfeited due to administrative error. The administrative error may have occurred at any time during the employment period, but the leave accumulation for error correction purposes is limited to that which otherwise would have been earned after June 30, 1960.

Former employees, who separated prior to December 14, 1973, may receive lump-sum payment for forfeited annual leave even when the error is not discovered until after separation was effected. However, a claim must be filed within three years of discovery of the error.

Former employees, who separated on or after December 14, 1973, are entitled to a lump-sum payment for annual leave forfeited due to administrative error.

The claim for payment must be filed within three years immediately following the date of discovery of the error with the last agency of employment. The claim may be filed by the former employee, or someone acting on his or her behalf. Payment for leave forfeited under this provision is to be made by the last agency of employment at the salary rate in effect when the lump-sum payment provisions on Section 5551 of Title 5 U.S.C. last became applicable to the former employee. Payment is made by the last employing agency even though the error and forfeiture of leave may have occurred while the former employee was employed by another agency.

5.3.8.1.3 Notification

If the error is discovered by an agency, that agency must notify the former employee of his or her entitlement to payment along with instructions on how to file the claim. Sending a notice to the employee's last known address, or when it is known that the employee has died, fulfills the agency's obligation regarding notification.

5.3.8.1.4 Submission of Claims

Submission of claims by former employees, separated before or after December 14, 1973, will be made to the Director, Accounting Division and requires the approval of the Associate Director for Management prior to payment.

5.3.8.2 Exigencies of the Public Business

In order for annual leave which has been forfeited because of exigencies of the public business to be considered for restoration, a decision that an exigency exists and that it is of such importance that employees cannot be excused from duty must be made in advance of the cancellation of scheduled leave; the annual leave must have been scheduled in advance of the third biweekly pay period prior to the end of the leave year.

The employee's supervisor must clearly demonstrate the importance of the operational demands precluding the use of scheduled leave, and that there is no reasonable alternative to the cancellation of scheduled leave for the affected employee. The documentation requirements outlined in paragraph 5.3.8.4. must be met.

A specific beginning and ending date of the exigency must be fixed, in advance, unless the suddenness or uncertainty of the circumstances prevent advance decisions. Generally, the next management official above the employee's supervisor will decide on the request to cancel leave. However, decisions regarding the exigency or the cancellation of leave must be made outside the immediate organizational unit affected by the exigency and may not be made by any employee whose leave would be affected by the decision.

After this approving official has reviewed the documentation and approved the request for permission to cancel the scheduled leave, the supervisor who submitted the request is notified. The supervisor must then follow the provisions listed in 5.3.8.5. in order to have the employee's forfeited leave considered for restoration.

5.3.8.3 Illness or Injury

An employee who, because of illness or injury, is unable to use pre-scheduled annual leave before forfeiture, may have the leave restored if it is shown conclusively that the injury or illness interfered with using the annual leave.

The employee's supervisor must clearly demonstrate that:

- The period of absence due to the illness or injury occurred at such a time late in the leave year or was of such duration that the annual leave could not be rescheduled for use before the end of the year to avoid forfeiture; and
- The annual leave was scheduled in advance, in writing (see documentation requirements outlined in paragraph 5.3.8.4).

Illness or injury; i.e., a medical or physical condition for which a grant of sick leave would be approved, is not in itself a basis for permitting annual leave to be forfeited and subsequently restored for later use. Supervisors still have the responsibility to schedule or reschedule the use of annual leave to avoid forfeiture

even though an absence period of sickness occurs during the year. This is especially true where it is known in advance that a medical or physical condition will require an absence prior to the end of the leave year.

5.3.8.4. Documentation Required to Restore Annual Leave

5.3.8.4.1 Administrative Error

If official records are not available to substantiate the amount of annual leave to be restored, an estimate of the employee's leave account is acceptable when accompanied by official statements clearly reflecting the factors which form the basis for the estimate. A leave audit will be performed subsequent to approval of the restoration, but before an actual restoration is accomplished.

5.3.8.4.2 Exigency of the Public Business or Sickness

In order to meet the statutory requirement that annual leave be restored because of the urgency of public business or illness or injury to the employee, the leave must have been scheduled in advance, and the scheduling and rescheduling must be in writing and must include the following:

- The calendar date leave was scheduled, i.e., approved by the official having authority to approve leave;
- The date(s) during which the leave was scheduled for actual use and the amount of leave (days/hours) that was scheduled for use;
- Reason(s) for subsequent cancelling of approved leave (e.g., if because of an exigency of the public business, documentation must include the beginning and ending dates of the exigency and a copy of the approval actions outlined in 5.3.8.2.);
- The calendar date the cancelled leave was rescheduled for use; and
- The date(s) during which the leave was rescheduled for use and the amount of leave (days/hours) that was rescheduled for use.

The Standard Form 71 "Application for Leave" may be used to document the actions supplemented as required.

5.3.8.5 Restoration Request and Approval Authorities

In order to have annual leave restored which may be forfeited through exigencies of the public business or illness or injury, the affected employee's supervisor must submit the appropriate documentation listed in 5.3.8.4. to the Director of Peace Corps, through the Office of Personnel Management. Only the Director or his or her Deputy may approve the restoration of annual leave for Peace Corps employees. A copy of all approvals of restored leave made under the authority of this manual section must be sent to the Director, Accounting Division, (M/FM/A). A copy of all documentation on which the decision to restore leave was made must also be forwarded.

5.3.8.6 Separate Leave Accounts

Restored annual leave must be credited to a separate leave account. The amount of restored leave does not in any way increase or change the employee's normal maximum permissible carry-over of annual leave into a new leave year as set forth in paragraph 5.3.3. of this manual section. The timekeeper for the employee's unit will maintain a separate leave account for each employee whose annual leave has been restored under the provisions of this manual section.

5.3.8.7 Time Limitation for Use

The maximum time limit for use of restored leave, is the end of the leave year in which the second anniversary date of restoration occurs.

Example:

Date Leave Restored
September 11, 1975

Time Limit for Use of Restored Leave
End of 1977 leave year

Leave not used within the required time limit will be forfeited with no further right to restoration.

5.3.8.8 Use of Restored Annual Leave

The procedures outlined in paragraph 5.3.4 of this order regarding the request and approval for the use of annual leave will be followed, except that leave approving officials and employees have a mutual obligation to plan and schedule the use of restored leave as expeditiously as circumstances permit, but not longer than the specified two year limit. Annual leave of employees with restored unused leave should be charged first against the restored leave account. Thus, annual leave taken by an employee with a restored leave account of 10 days, will be charged against the 10 days first. Leave approving officials are responsible for ensuring that approved annual leave is charged accordingly.

5.4 Leave Without Pay

Leave without pay (LWOP) is temporary nonpay status and absence from duty approved upon the employee's request. Normally leave without pay is requested when other leave such as sick leave or annual leave is exhausted or not available for use.

5.4.1 Administrative Responsibility

The approval of leave without pay is a matter of supervisory administrative discretion and may not be demanded as a right by an employee, except that:

- Employees accepted as Volunteers shall be granted leave without pay if they request it;
- Disabled veterans are entitled to leave without pay for the purpose of medical treatment (Executive Order 5396); and
- Reservists and National Guardsmen are entitled to leave without pay if necessary to perform military training duties (38 USC 2021-2024).

5.4.1.1 LWOP for Thirty (30) Days or Less

Leave without pay for 30 days or less may be granted for medical or emergency reasons by supervisors with delegated authority to approve such leave.

5.4.1.2 Extended Leave Without Pay

Extended leave without pay for periods exceeding 30 days may be granted by Associate Directors, the General Counsel, and Office of Recruitment, Placement and Staging Service Center Directors, Country Directors, Heads of Staff Offices, or higher authority. The initial period of extended leave without pay should be limited to a period not to exceed six months. All requests for extended leave without pay must be accompanied by Standard Form 71 "Application for Leave" and a written statement justifying the request. Each request for leave without pay should be examined closely to as sure that value to the Government or serious needs of the employee are sufficient to offset certain agency costs and administrative inconveniences such as: encumbrance of a position, loss of needed services, obligation to provide employment at the end of the leave period, full credit for six months of each year of absence toward retirement, and 12 months coverage on group life insurance and health benefits. As a basic condition for approval of extended leave without pay, there should be reasonable expectation that the employee will return to duty at the end of the approved period. In addition, it should be apparent that one or more of the following benefits should result:

increased job ability, protection or improvement of employee's health, retention of a desirable employee, or furtherance of a program of interest to the Government (e.g., Peace Corps Volunteer).

5.4.2 Requesting Leave Without Pay

Leave without pay for 30 calendar days or less must be requested by submitting Standard Form 71 "Application for Leave". Except for emergency situations, all applications for leave without pay for more than 30 days must include a completed Standard Form 71 "Application for Leave" and a statement from the employee justifying the request for such leave. If leave without pay for more than 240 hours (30 days) is approved, the approving official must submit an SF-52 "Request for Personnel Action" to the Office of Personnel Management whereupon an SF-50 "Notification of Personnel Action" will be processed.

5.4.3 Charging Leave Without Pay

5.4.3.1 Minimum Time Allowed

One hour is the minimum charge for leave without pay, and additional time is charged in multiples of one hour.

5.4.3.2 Holiday Pay

An employee granted leave without pay for a definite period approved in advance who reports for duty on the next workday following expiration of the leave without pay, is entitled to compensation for a holiday occurring between the date leave without pay expires and the date of return to duty. However, if leave without pay is approved through a date which is a holiday, the employee is not entitled to compensation for the holiday even though he or she reports for duty on the first workday thereafter (13 Comp. Gene 206).

5.5 Absence Without Leave (AWOL)

An absence from duty which was not authorized or for which a leave request has been denied is charged on the leave record as absence without leave. An employee who is absent without leave must explain to the immediate supervisor, at the earliest practicable time, the cause of the absence and the reason for failure to properly request permission to be absent. At the supervisor's discretion, an employee may be requested to explain in writing the reason(s) for the unauthorized absence and failure to properly request leave. If it is determined that an employee was absent from duty for insufficient cause, that period of absence will be charged as absence without leave (AWOL), and pay will be forfeited for the entire period. Further, the employee may be disciplined through a reprimand, a suspension, or removal if the absence from duty was for insufficient cause or the employee fails to satisfactorily account for the failure to properly request permission to be absent. The Employee Relations Specialist, Office of Personnel Management (M/PM), will provide advice and guidance to supervisors concerning such disciplinary matters.

5.6 Maternity/Paternity Leave

5.6.1 Absence for Maternity Reasons

The employee should submit notice, at least 6 weeks in advance, of the first day of planned leave for maternity reasons. In requesting leave (sick leave, annual leave, or LWOP) for maternity reasons, an employee must present a statement from her medical doctor stating the date the employee is determined to be incapacitated for duty, her expected date of delivery, and the expected date of her return for duty. Pregnant employees planning to resign may be granted sick leave provided the requirements as stated in this chapter are adhered to. The employee's resignation would be effective at the expiration of her sick leave. If the pregnant employee, after consulting her physician, asks for modification of her duties or a temporary reassignment to other available work for which she is qualified, every reasonable effort should be made to grant her request.

5.6.2 Length of Absence for Maternity Reasons

The length of absence for leave for maternity purposes is determined by the individual employee, her physician and her supervisor. No arbitrary cutoff date requiring an employee to cease work or to prevent an employee from returning to work will be established. If cutoff dates are established they must be based on physical capability of the employee to perform the duties of the job after a determination by competent medical authority.

5.6.3 Supervisor's Responsibility

When an employee reports her pregnancy, a determination should be made with the concurrence of the Office of Medical Services, (M/MS) as to whether her duties or work environment involve exposure to hazards or exposure which may be injurious to her health, e.g., extensive travel or overtime, lifting of heavy objects, etc., and whether they can be reduced. If the duties of the employee require activity or exposure which may be injurious to her health, an effort should be made to detail her to other work which she is qualified to perform, and which is not arduous or injurious. The objective should be to provide the employee with gainful employment and make use of her skills for as long as she is not incapacitated for duty. If another assignment is

not available and a physician's certificate is presented by the employee stating her incapacity for the duties of her position, she should be placed immediately on leave. At no time shall a supervisor (at his or her sole discretion without the approval of the employee, the employee's physician, or the Director, Office of Medical Services) place the employee on leave or detail her to another job due to "hazardous" working conditions. The Office of Medical Services or the employee's physician will determine "hazardous" working conditions which might affect a woman's employment.

5.6.4 Advance Sick Leave for Maternity

Advance of sick leave for maternity reasons is subject to the same policies, regulations, and procedures as are applicable to other requests for such leave. (See paragraph 5.2.5.)

5.6.5 Absence for Paternity Reasons

A male employee may request either annual leave or leave without pay for purposes of assisting or caring for his minor children or the mother of his newborn child while she is incapacitated for maternity reasons. Approval of leave for this reason should be consistent with Peace Corps' policy for granting leave in similar situations, and each leave request, will be considered on its own merits.

5.7 Military Leave

Military leave is approved absence with pay from official duty, not to exceed 15 calendar days in any one calendar year, authorized for those employees who are members of the U.S. National Guard or reservists with the U.S. Armed Forces on active duty or engaged in field or coast defense training under Sections 502-505 of Title 32 (5 USC 6323).

5.7.1 Eligibility

Employees serving on permanent, full-time or part-time appointments are entitled to military leave. Temporary, intermittent or when-actually-employed (WAE) employees are not entitled to military leave.

5.7.2 Types of Military Duty Covered

Military leave shall be granted in connection with appropriate duty in organizations listed below:

- The Army National Guard of the United States

- The Army Reserve
- The Naval Reserve
- The Marine Corps Reserve
- The Air National Guard of the United States
- The Air Force Reserve
- The Coast Guard Reserve
- The National Guard of the District of Columbia

Federal Personnel Manual Chapter 630 and Federal Personnel Manual Supplement 990-2 provide specific information on the type of duty and amount of military leave authorized in connection with duty in these organizations.

5.7.3 Requesting Military Leave

An employee must furnish a copy of the military orders calling him or her to duty in order for military leave to be approved. Upon return from duty, the employee must furnish official evidence of the days of military duty performed. An employee called to extended military duty must furnish in writing an appropriate certification from a military superior that the 15 days of military duty have actually been performed.

5.7.4 Granting Military Leave

Military leave is limited to a maximum of 15 calendar days during each calendar year and may be taken intermittently, a day at a time, or as otherwise directed under orders Issued by competent military authority. Non-workdays falling within a period of absence on military training are charged against the 15 days of military leave allowed during the year; however, non-workdays occurring at the beginning or end of the training period are not charged.

5.7.5 Rescheduling Military Leave

Whenever the number of employees ordered to active duty threatens to deplete the staff of an office to the point where it would be extremely difficult or impossible to operate, this matter should be brought to the attention of the Director, Office of Personnel Management. The Director, Office of Personnel Management will explore with appropriate military authority the possibility of rescheduling enough employees to maintain adequate operation of the office.

5.8 Court Leave

Court leave Is the authorized absence, without charge to leave or loss of pay, of an employee from work status for jury duty, or for attending judicial proceedings in a non-official capacity as a witness on behalf of a state or local government. The court or judicial proceeding may be located in the District of Columbia, a state, territory or possession of the United States. The term “judicial proceeding” contemplates any action, suit, or other proceeding of a judicial nature but does not include an administrative proceeding.

5.8.1 Eligibility

Court leave for jury duty or witness service may be granted to both permanent and temporary employees either full-time or part- time, except that, employees serving in a when-actually-employed, intermittent, or leave without pay status are not eligible.

5.8.2 Jury Duty

Jury duty is an important civic responsibility. It is Peace Corps' policy not to request a court to excuse an employee from jury duty, except in cases of necessity. Requests by a supervisor for excused absence from jury duty must be fully justified in writing and forwarded to the Director of Personnel Management via the appropriate office director. The request must clearly show how the absence of the employee will affect the efficiency of the office. The Director of Personnel Management is responsible for contacting the appropriate court to obtain excused absence if the situation warrants doing so.

5.8.3 Witnesses

Attendance at court in an official capacity is considered official duty and no leave of any kind is charged. Attendance at court by an employee who is summoned or assigned by Peace Corps to testify in a non-official capacity on behalf of the United States government or that of the District of Columbia is also considered official duty.

5.8.4 Granting Court Leave

An employee eligible for court leave, who serves on jury duty or as a witness in a non-official capacity on behalf of a state or local government at judicial proceedings, may be granted leave with pay for the entire period of such service, without charge to annual leave. Court leave will be granted upon submission of a summons and will cover the period from the reporting date specified on the summons until the time the employee is discharged by the court, regardless of the number of hours per day or days per week he actually serves on a jury or is required to be in court as a witness. Upon completion of court attendance, the employee must submit to the supervisor a certificate of attendance signed by an official of the court. An employee when discharged or excused by the court for one-fourth day or more must return to duty provided the place of employment is located in the same area as the court. The employee may not, however, be required to return to duty if he or she lives or works more than an hour from the place the court is held.

5.8.5 When Court Leave Will Not Be Granted

Court leave cannot be granted to an employee subpoenaed in private litigation to testify, not in an official capacity, but as a private individual. Absence for this purpose must be charged to annual leave or leave without pay.

5.8.6 Fees

5.8.6.1 Jury Service

An employee called to jury service in a state or local court should collect all fees and allowances payable as a result of the jury service. Except for mileage, parking allowances, and fees in excess of normal salary compensation, all fees (checks) collected should be made payable to Peace Corps and forwarded to the Accounting Division, Office of Financial Management (M/FM). Should the employee fail to do so, payroll deduction should be made for the amounts involved from compensation due the employee.

5.8.6.2 Witness Service

Employees are not entitled to witness fees when testifying on behalf of the United States or the government of the District of Columbia, except when such witness service is performed while absent on leave without pay. If an employee testifies in an official capacity or produces official records on behalf of a state or local government or a private party, or if he or she is summoned as a witness in a nonofficial capacity on behalf of a state or local government, he or she is required to collect the authorized witness fees and allowances for expenses of travel and subsistence. All witness fees so collected are to be forwarded to the Accounting Division, Office of Financial Management (M/FM) to be credited against amounts payable to him by the employing agency. An employee who testifies in a nonofficial capacity on behalf of a private party is entitled

to the usual fees and expenses related to such witness service. Absence for this purpose must be charged to annual leave or leave without pay.

5.8.6.3 Leave Without Pay Status

An employee called for jury service in a Federal or State Court while in a leave without pay status may retain jury fees and per diem. In addition, an employee serving as a witness for the United States or the District of Columbia while absent from his or her duties on leave without pay may accept and retain witness fees.

5.8.6.4 Travel

An employee is entitled to travel expenses in connection with any judicial or agency proceeding to which he or she has been summoned (and is authorized by the agency to respond to such summons) or is assigned by the agency (1) to testify or produce official records on behalf of the United States or (2) to testify in his or her official capacity or produce official records on behalf of a party other than the United States.

5.9 Home Leave

It is Peace Corps policy to provide Home Leave to Peace Corps direct hire employees who qualify for the leave. Home Leave is earned by service abroad for use in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States.

5.9.1 Authorities

5 USC 6305; 5 CFR 630.601 to 630.606

5.9.2 Definitions

- (1) Home Leave is leave authorized by 5 USC 6305, and earned by service abroad for use in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States. Home Leave authorized under this section includes accrued days of paid Home Leave as well as travel and transportation costs to and from the Home Leave destination for the employee and authorized dependents accompanying the employee in the country of service.
- (2) Service Abroad is service which begins with the date of the employee's arrival at a post outside the United States, or on the date of his or her entrance on duty if recruited abroad, and ends on the date of departure from the post for separation or assignment in the United States. Service abroad also includes:
 - (a) Up to two weeks of absence in a non-pay status within each 12 months of service abroad;
 - (b) Authorized leave with pay;
 - (c) Time spent in the Armed Forces which interrupts otherwise creditable service; and
 - (d) Periods of detail.

5.9.3 Eligibility

U.S. direct hire employees posted overseas are eligible to earn Home Leave.

5.9.4 Earning Home Leave

For each twelve (12) months of service abroad, an employee earns five (5) days of Home Leave which shall be credited to his or her account monthly as earned. (See Attachment B, Home Leave Earning Table and Attachment C, Home Leave Travel Authorization.) Unused Home Leave may be added to future accruals and used when the employee again becomes eligible and is authorized Home Leave. Home Leave may be

accumulated for future use but may not be advanced and may not be made the basis for a lump-sum payment.

5.9.5 Granting Home Leave

Home Leave is granted at Peace Corps' discretion and may be granted in combination with other leaves of absence. Home Leave is authorized by the Peace Corps Director, or his or her designee, and may be used only in the United States, the Commonwealth of Puerto Rico, or a possession of the United States. An employee may be granted Home Leave each time he or she has completed at least twenty-four months of a thirty month tour of duty abroad and has accepted an extension tour of overseas duty of at least an additional eighteen months. In addition, an employee who has completed a sixth year pursuant to Section 7(a)(6) of the Peace Corps Act may be granted home leave prior to or during a third 30-month tour granted pursuant to Section 7(a)(5) of the Peace Corps Act.

It is preferred that Home Leave be taken between tours of duty, but leave may be taken at a different time if it is determined to be more convenient to the Peace Corps, or if requested by the employee and agreed to by the Peace Corps. Days of accrued Home Leave may only be used in conjunction with approved Home Leave travel or official travel.

Home Leave that is not taken within an employee's service with the Peace Corps will be forfeited at termination unless the employee transfers to another federal agency. An employee's Home Leave account may be transferred or recredited to the account when the employee moves between agencies or is reemployed in the federal service without a break in service in excess of 90 days.

5.9.6 Repayment of Home Leave Costs

A refund to the Peace Corps by the employee for the cost of Home Leave travel and transportation is required, and the amount of Home Leave taken shall be charged to the employee's annual leave balance when the employee fails to complete at least 12 months of his or her extension tour unless:

- (1) The failure to complete the 12 months of service is due to involuntary separation initiated by the Agency;
- (2) A resignation is precipitated by the Agency in lieu of termination for reasons convenient to the Agency;
- (3) The employee's departure is otherwise determined by the Director or his/her designee to be for reasons beyond the employee's control; or
- (4) The employee has completed not less than 6 months of service in an assignment with the Peace Corps in the United States following the period of Home Leave.

See also MS 642.9.3 (Conditions of Overseas Service) for additional terms and conditions of overseas employment.

5.10 Funeral Leave

Funeral leave is an authorized absence, with pay of not more than three workdays, from official duty for an employee to make arrangements for, or to attend, the funeral or memorial service of an immediate relative who died as a result of wounds, disease, or injury incurred as a member of the Armed Forces while serving in a combat zone.

For purposes of entitlement to Funeral Leave, immediate relative means the following relatives of the deceased member of the Armed Forces:

- Spouse and parents thereof;
- Children, including adopted children, and spouses thereof;
- Parents;
- Brothers and sisters and spouses thereof; and
- Any person related by blood or affinity whose close association with the deceased was such as to have been equivalent of a family relationship.

5.10.1 Restriction

Entitlement to funeral leave is restricted to those situations in which death results from service in a combat zone, thus excluding from coverage those deaths of servicemen incurred in line of duty elsewhere in the world.

5.10.2 Granting of Funeral Leave

An eligible employee must request funeral leave in advance and will be granted such leave as needed, not to exceed three (3) workdays. The three (3) workdays need not be consecutive; however, any request for nonconsecutive days of funeral leave must be justified in writing by the requesting employee and presented to the supervisor responsible for approving leave. All requests for funeral leave must be requested on Standard Form 71.

5.11 Excused Absence

An excused absence is an absence from duty administratively authorized without loss of pay and without charge to leave. Ordinarily excused absences are authorized on an individual basis; however, groups of employees may be excused under certain conditions as determined by the Director of Peace Corps or by such official to whom this authority is delegated.

5.11.1 Group Dismissals

The Director of Peace Corps, with authority to redelegate, has the authority to administratively excuse groups of employees from duty for such reasons as:

- Observance of a local holiday,
- Weather conditions,
- Emergency conditions (fires, explosions, etc.), and
- Managerial reasons (power failures, breakdown of equipment, etc.).

5.11.2 Individual Dismissals

Individual employees may be excused from duty by officials who have been delegated such authority, normally immediate supervisors, for such reasons as:

- Registration and voting,
- Civil defense activities,
- Participation in military funerals,
- Blood donation,

- Tardiness and brief absence,
- Representing employee organizations,
- Taking a Civil Service Examination, and
- Conferences and conventions.

5.11.3 Eligibility for Excused Absence

5.11.3.1 Per Annum Employees

Employees paid on an annual salary basis may be administratively excused from duty by the immediate supervisor with such authority irrespective of whether they hold permanent or temporary appointments.

5.11.3.2 Per Diem and Per Hour Employees

Employees paid on a daily or hourly basis may be administratively excused from duty by the immediate supervisor with such authority in accordance with the following conditions (unless there are specific provisions of law that do not require that they be met):

- The employee has a regular tour of duty, or
- The employee's appointment is not limited to 90 days or less, or
- The employee has been currently employed for a continuous period of 90 days under one or more appointments without a break in service.

5.11.3.3 Experts and Consultants

Unless provision is made in the appointment action, the provisions of this chapter shall not apply to experts and consultants.

5.11.4 Holidays

5.11.4.1 U.S. Holidays

All employees, except those required to remain on duty to carry out essential operations, are excused without charge to leave on all U.S. legal holidays as specified below. The following are legal public holidays:

- New Year's Day, January 1.
- Washington's Birthday, the third Monday in February.
- Memorial Day, the last Monday in May.
- Independence Day, July 4.
- Labor Day, the first Monday in September.
- Columbus Day, the second Monday in October.
- Veterans Day, November 11.
- Thanksgiving Day, the fourth Thursday in November.
- Christmas Day, December 25.
- Any other day designated as a holiday by Federal statute or Executive Order of the President.

5.11.4.2 Host Country Holidays

Host country holidays are recognized only if:

- Such days are customarily observed as holidays by the local government, local business firms, and the diplomatic and consular offices of other countries; or
- Failure to observe such days would be contrary to the interests of the United States, or it would be impractical to keep the office open because of drastic curtailment of normal services, such as transportation or building maintenance. (For further information see 2 FAM111.)

5.11.5 Inauguration Day

January 20 of each fourth year after 1965 is a legal public holiday in the metropolitan area of the District of Columbia. The metropolitan area of the District of Columbia includes in addition to the District of Columbia, Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties and the cities of Alexandria and Falls Church in Virginia. The holiday benefits for Inauguration Day apply only to employees employed in the metropolitan area of the District of Columbia. Employees in a travel status or performing duties away from the metropolitan area on Inauguration Day are not entitled to holiday benefits for that day.

5.11.6 Registration and Voting

Employees are encouraged to carry out their civic responsibilities by voting in all elections. It is government policy to excuse employees for a reasonable time to register or vote in any elections or in referendums on a civic matter in their community when such excused absence does not seriously interfere with operations. The granting of excused time will be based on the following considerations:

- When the polls are not open at least three hours either before or after an employee's regular hours of work, he or she may be excused from duty so as to permit him or her to report for work three hours after the polls open or leave work three hours before the polls close, whichever requires the lesser of time off.
- Under exceptional circumstances where the rule above does not permit sufficient time, an employee may be excused for such additional time as may be needed to enable him or her to vote. Each supervisor responsible for approving leave will review the particular circumstances in individual cases and approve an appropriate amount of additional excused time required, but not to exceed a full day.

5.11.6.1 Time Allowed for Voting

If an employee's voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, the employee may be granted sufficient time off in order to be able to make the trip to the voting place to cast a ballot. Where more than one day is required to make the trip to the voting place, time off in excess of one day shall be charged to annual leave or if annual leave is exhausted, then to leave without pay.

5.11.6.2 Time Allowed for Registration

For employees who vote in jurisdictions which require registration in person, time off to register may be granted on substantially the same basis as for voting, except that no such time shall be granted if registration can be accomplished on a nonworkday and place of registration is within reasonable one-day round-trip travel distance of the employee's place of residence.

5.11.6.3 Service Centers

Officials in charge of Service Centers are responsible for obtaining the necessary information concerning the hours during which polls are open in all political subdivisions in which employees reside and for

determining, in accordance with the above policy, the amount of excused absence that may be granted. Employees should be notified of the determination made and the local procedure to be followed.

5.11.7 Absence for Physical Examination

An employee may be granted necessary administrative time off, not to exceed one day, for the purpose of taking a medical examination determined to be necessary in connection with employment status in Peace Corps. In addition, necessary time off may also be given to employees who participate in Peace Corps employee health maintenance examination programs, normally not to exceed one-half day depending on the employee's reaction effects, accessibility of facilities and other variables. Supervisors should exercise reasonable judgment in their decisions as to how long each individual employee needs for health examinations. Medical and health aspects of examinations should always be evaluated by the attending physician or nurse.

5.11.8 Absence for Blood Donations

As an incentive to stimulate participation in Peace Corps' blood donation program, employees who donate one unit of blood during a planned Blood Drive may be given four hours of administrative leave. This leave must be used on the day of the donation and must be approved by the supervisor. Supervisors are encouraged to approve such leave requests.

5.11.9 Treatment for Injury

An employee injured in the performance of duty will not be charged leave for initial examination or out-patient treatment by a Government physician or by a facility officially authorized to treat employees injured on duty. Additional excused absence may be approved by the employee's supervisor provided that the employee performs duty during some part of the day on which examination or treatment is received. A deduction from the leave charge for a day on which no work is performed All not be made for the time required for treatment or examination of a work-connected injury. When an employee's post of duty is outside the continental United States and local treatment is not available, the injured employee may be excused, without charge to leave, for whatever period is required for travel to and from the nearest approved medical facility. Travel time under these circumstances shall be allowed both for initial and later treatment at a medical facility.

5.11.10 Treatment for Illness

An employee who becomes ill during working hours may be excused by the immediate supervisor for brief periods for consultation and treatment in the Health Unit.

5.11.11 Travel Time

Employees who are serving outside the United States or serving, if their residences are elsewhere, in the Commonwealth of Puerto Rico or the possessions of the United States may be granted travel time, without charge to leave, for purposes of going from their duty posts to their places of residences and for returning to those posts under the following conditions:

- They are authorized to accumulate up to 45 days of annual leave.
- The travel time without charge to leave is limited to one return visit on leave during a prescribed tour of duty.
- The leave-free travel time Is limited to that required for travel by common carrier over the most direct route, but may include time necessarily occupied awaiting transportation.

5.11.11.1 Taking Leave Other than at Place of Residence

An employee who is eligible for leave to return to the place of residence may take leave at a location other than the place of actual residence but the other location must be within the country, territory, or possession in which such place of actual residence is located.

5.11.12 Other Excused Absences

Under certain conditions employees may be excused to participate in specifically approved activities, e .g., certain labor-management relations activities and under certain circumstances as specified In MS 655 "Employee Grievance Procedure". Peace Corps officials and employees having questions about absences or specific details not covered by this manual section should consult with the Personnel Staffing Specialist assigned to service their respective area.

5.11.13 Hazardous Weather Dismissal

Upon an official determination that hazardous weather conditions justify the closing of offices in a particular locality, employees will be excused from duty without charge to leave for the period during which their offices are closed.

5.11.13.1 Responsibilities

5.11.13.1.1 Director of Personnel Management (M/PM)

The Director of Personnel Management (M/PM) in coordination with the U.S. Office of Personnel Management will determine when weather conditions are such in the Washington, D.C. Metropolitan area as to warrant granting of administrative leave, and will notify the Associate Directors, the General Counsel, and Directors of Staff Offices.

5.11.13.1.2 Offices Directors

Office Directors will determine those employees who are required to maintain emergency operations during Inclement weather closedowns or early dismissals and will notify those employees of their requirements to be present regardless of weather conditions. Employees so designated will report to work and may not be dismissed in accordance with the policy statement in paragraph 5.11.13. above. Office Directors will notify the Director of Personnel Management of the names and job titles of employees designated in accordance with this provision.

5.11.13.1.3 Service Center Directors

Service Center Directors, in coordination with the Federal Executive Board in their area, are responsible for determining when inclement weather conditions exist in their local areas sufficient to warrant the granting of administrative leave to Peace corps employees within their Service Center. Those Service Centers and areas that do not have Federal Executive Boards should coordinate any planned dismissal with the nearest United States Office of Personnel Management and the appropriate parent organization in headquarters.

Service Center Directors are also responsible for designating emergency personnel in accordance with paragraph 5.11.13.1.2. above. They will notify the Director of Personnel Management of the names and job titles of employees designated in accordance with that provision.

5.11.13.1.4 Country Directors

Country Directors in coordination with the Embassy of Consulate General in their country are responsible for determining when inclement weather conditions exist in their local areas sufficient to warrant the granting of administrative leave to Peace Corps employees within their areas.

Country Directors are also responsible for designating emergency personnel in accordance with paragraph 5.11.13.1.2. above. They will notify the Director of Personnel Management of the names and job titles of employees designated in accordance with provision.

5.11.13.1.5 Supervisors

Supervisors are responsible for administering the policy set forth in paragraph 5.11.13. above when notified by the cognizant Office Director or Service Center Director that a determination has been made that weather conditions are such as to warrant granting of administrative leave.

5.11.13.2 Procedure and Authority

Severe and hazardous weather, e.g., heavy snow storm, floods, icing conditions, etc., can make streets and highways impassable or unusually dangerous to the health and safety of employees. Uncoordinated decisions by individual departments, agencies or offices not to open for business or to dismiss employees early because of severe and hazardous weather conditions may serve only to aggravate traffic congestion and hazards.

5.11.13.2.1 Hazardous Weather During Duty Hours

When a determination has been made that there is a need for early dismissal due to hazardous weather conditions, employees will be excused from duty without charge to leave. Early dismissal of employees without charge to annual leave will apply only to employees who are in a duty status at the time of the early dismissal. Employees desiring to leave work early due to hazardous weather conditions before an early dismissal is authorized must request annual leave.

5.11.13.2.2 Hazardous Weather Before Regular Work Hours

In rare instances, extremely severe weather conditions result in the closing down of federal departments and agencies in the affected local area. Reports of such closures and excused absences of employees without charge to leave are carried by most local radio and television stations. In the case of employees who do not report for duty during hazardous weather when the closing down of federal departments and agencies has not been authorized, annual leave will normally be charged unless the appropriate Associate Director (includes General Counsel), Country Director, or Service Center Director, determines that the employee made every reasonable effort to get to work but was unable to do so because of severe weather conditions. In such cases, administrative leave may be approved in amounts up to eight hours. Factors which should be taken into consideration before administrative leave is approved include: distance between employee's residence and place of work, severity of weather conditions in employee's area of residence, mode of transportation used to get to work.

5.11.13.2.3 Tardiness as a Result of Hazardous Weather

The Director of Personnel Management is responsible for informing headquarters personnel when weather conditions are such as to warrant granting administrative leave for tardiness (arriving after 9:30 am). Service Center Directors and Country Directors are responsible for such determinations in their respective areas. Normally, tardiness not in excess of two hours may be charged to administrative leave. However, tardiness in excess of two hours may also be charged to administrative leave only after the facts and circumstances in each case are personally reviewed by the appropriate supervisor and he or she authorizes approval of administrative leave for such tardiness. The facts and circumstances in each case must clearly demonstrate that the tardiness resulted from unavoidable delay following adverse weather or disruption of public or private transportation.

5.11.14 Hot Weather Dismissal

Although dismissals due to excessive heat in most United States work sites should be nonexistent or rare, some offices may have power failures which result in extreme heat. Individuals who suffer from the heat and who think that their health may be endangered should go to the nearest emergency room for consultation. Supervisors must grant them sick or annual leave on the recommendation of medical or nursing officials. Extreme emergency conditions must be determined and approved by the Director of Peace Corps or his or her designee. Dismissals without charge to leave in the Service Centers and Area Offices will be governed by guidance from the local U.S. Office of Personnel Management or General Services Administration (GSA).

5.11.14.1 Supervisory Instructions

In conditions of hot weather or extreme heat, supervisors should be instructed to be cautious with regard to employees' health and safety as follows:

- Avoid and eliminate potential or actual situations of extreme heat through appropriate improvement of work facilities;
- Be observant of individuals who might be affected by the heat and take special precautions with them on days of extreme heat such as assignment to a cooler, better ventilated work area;
- Suggest consultation with medical and nursing service, where indicated; and
- Be liberal in granting of annual leave to employees who are suffering or uncomfortable from the heat, provided that they can be spared.

6.0 EFFECTIVE DATE

This manual section takes effect on the date of issuance.