



DEPARTMENT OF DEFENSE
EDUCATION ACTIVITY
PERSONNEL CENTER
4040 NORTH FAIRFAX DRIVE
ARLINGTON, VIRGINIA 22203-1634

APR 2 1999

PERSONNEL CENTER

DoDEA REGULATION 5630.9

DEPARTMENT OF DEFENSE EDUCATION ACTIVITY
LEAVE ADMINISTRATION

- References: (a) Section 5551 of title 5, United States Code
(b) DoD Directive 5500.7, "Standards of Conduct," August 30, 1993
(c) Section 451-473 of title 50, United States Code, "Military Selective Service Act" 1971
(d) Chapter 63 of title 5, United States Code

A. PURPOSE

This Regulation establishes the policy and procedures to be used in the administration of leave for employees covered by 5 U.S.C. employed by the Department of Defense Education Activity (DoDEA).

B. APPLICABILITY

This Regulation is applicable to all DoDEA employees covered by the leave provisions of 5 U.S.C., and serviced by the Headquarters, DoDEA Personnel Center. Excluded from coverage are educators in the Teaching Position (TP) pay plan, local national and Department of Defense Domestic Dependent Elementary and Secondary School employees.

C. POLICY

It is the DoDEA policy that leave shall be administered uniformly and equitably within the scope of applicable laws and regulations. Employees shall be given the opportunity to use leave to which entitled.

D. DEFINITIONS

See Enclosure 1.

E. RESPONSIBILITIES

1. The Director, DoDEA shall:

a. Request that the Chief, Personnel Center, inform all employees of their rights and responsibilities and the administrative requirements for the use of leave.

b. Request that the Chief, Personnel Center, provide advice and assistance to supervisors and management officials concerning the provisions of this Regulation to ensure proper management and documentation of leave.

c. Request that the Chief, Personnel Center, approve requests for restoration of annual leave.

2. The Area and District Superintendents, Area Service Center Chiefs, and DoDEA Division Chiefs, shall:

a. Ensure that leave is administered in accordance with this Regulation.

b. Establish internal leave policies and appropriate administrative procedures for the request and approval of leave in accordance with the policies and procedures of this Regulation.

c. Ensure that employees are given an opportunity to use all current accrued annual leave that would otherwise be forfeited at the end of the leave year (Enclosure (2)).

d. Determine that exigencies of the public business are of major importance and, therefore, annual leave may not be used by employees to avoid forfeiture. The determination may not be made by any official whose leave would be affected by the decision.

3. Immediate Supervisors shall:

a. Inform employees of the procedures for requesting and using leave.

b. Approve or disapprove employee requests for leave in a timely manner.

c. Ensure that absences from duty are charged to leave in accordance with this Regulation.

d. Ensure that employees schedule, reschedule, and use all accrued annual leave that would be forfeited at the end of the leave year, unless precluded by exigencies of

public business or illness of the employee. Establish leave schedules early in the year to ensure that all employees are given an opportunity to schedule vacations and use excess annual leave.

e. Ensure that sick leave is used only for the purposes stated in Enclosure 3.

4. Employees shall obtain approval from the immediate supervisor in advance for any annual leave, Leave Without Pay (LWOP), and sick leave for medical, dental, or optical examinations or treatment, except in cases of an emergency or illness when the absence could not be requested or approved in advance. In those circumstances, supervisors shall be informed promptly of the reason for the absence, normally within 2 hours of the beginning of the workday.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Regulation is effective immediately. It may not be amended or changed without prior written approval of the Director, DoDEA.



Lillian Gonzalez
Director

Enclosures - 12

1. Definitions
2. Annual Leave
3. Sick Leave
4. Leave Without Pay (LWOP)
5. Absence Without Leave (AWOL)
6. Substitution of Leave
7. Court Leave
8. Military Leave
9. Funeral Leave
10. Home Leave
11. Administrative Leave
12. Voluntary Leave Transfer Program

DISTRIBUTION: E, N, O

DEFINITIONS

1. Absence Without Leave (AWOL). An absence from duty that is not authorized, including leave that is not approved until required documentation is submitted, or for which a leave request has been denied. Recording an absence as AWOL may serve as the basis for disciplinary action but is not, in itself, a disciplinary action.
2. Accrued Leave. The leave earned by an employee during the current leave year that is unused at any given time in that leave year.
3. Accumulated Leave. The unused leave remaining to the credit of an employee at the beginning of a leave year.
4. Administrative Leave. An absence that is without charge to leave or loss of compensation that is approved by the appropriate management official.
5. Annual Leave. Accrued leave designed to give periods of vacation for rest and relaxation and to provide time off for personal business or family needs.
6. Contagious Disease. A disease that is subject to quarantine or that requires isolation or restriction of movement of the patient for a specified period, as prescribed by health authorities having jurisdiction. Diseases subject to quarantine worldwide include plague, typhus, smallpox and cholera. Other diseases may be officially recognized as subject to quarantine in specified geographic locations.
7. Exigency of the Public Business. A specific kind of operational demand or requirement that is of such magnitude or significance that the employee cannot be excused from duty.
8. Family Member. For the purpose of Leave Without Pay (LWOP), a family member includes the sponsor's/employee's spouse or unmarried child. Unmarried children must be under age 22 and residing with the sponsor at the time of the sponsor's relocation.
 - a. For purposes of the Voluntary Leave Transfer Program (VLTP) and sick leave to care for a family member or bereavement purposes, a family member includes: the employee's spouse and the spouse's parents; children including adopted children, and their spouses; parents; brothers and sisters and their spouses; and any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship. (For example: stepchildren and foster children) Determination of a qualifying relationship is to be made on a case-by-case basis.

b. For the purpose of the Family and Medical Leave Act (FMLA), a family member includes a spouse, son, daughter, or parent.

1. Spouse - an individual who is a husband or wife, pursuant to marriage that is a legal union between one man and one woman, including common law marriage between one man and one woman in States where it is recognized.

2. Son or Daughter - a biological, or adopted or foster child; a stepchild; a legal ward; or a child of a person standing *in loco parentis*, who is; under 18 years of age; or 18 years or older and incapable of self-care because of a mental or physical disability.

3. Parent - the biological or adoptive parent or an individual who stands or stood *in loco parentis* to an employee when the employee was a child.

9. Fiscal Year. From October 1 through September 30.

10. Health Care Provider. For the purposes of the FMLA, a health care provider is defined as:

a. A licensed Doctor of Medicine, or Doctor of Osteopathy, or a physician who is serving on active duty in the uniformed services and is designated by the uniformed service;

b. Any health care provider recognized by the Federal Employees Health Benefits Program or who is licensed or certified under Federal or State law to provide the service in question;

c. A health care provider as defined in paragraph (b) above who practices in a country other than the United States, who is authorized to practice in accordance with the laws of that country, and who is performing within the scope of his or her practice as defined under such law;

d. A Christian Science practitioner listed with the First Church of Christ, Scientist, in Boston, Massachusetts; or

e. A Native American, including an Eskimo, Aleut, and Native Hawaiian, who is recognized as a traditional healing practitioner by native traditional religious leaders who practices traditional healing methods as believed, expressed, and exercised in Indian religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, consistent with Public Law 95-3 14, August 11, 1978 (92 Statute 469) as amended by Public Law 103-344, October 6, 1994 (108 Statute 3125).

f. Providers who are recognized by the Federal Employees Health Benefits Program, certified under Federal or State law, recognized as a Native American “traditional healing practitioner,” or who practice in a foreign country.

11. Incapacity. For the purpose of the FMLA, incapacity means the inability to work, attend school, or perform other regular daily activities because of a serious health condition or treatment for, or recovery from, a serious health condition.

12. Intermittent leave or leave taken intermittently. For the purpose of the FMLA, leave taken in separate blocks of time, rather than for one continuous period of time, and may include leave periods of 1 hour to several weeks.

13. Leave Donor: An employee who has volunteered (in writing) to transfer annual leave to the annual leave account of an approved leave recipient.

14. Leave Recipient. A current employee whose application to receive annual leave from the annual leave accounts of one or more leave donors has been approved by the employing agency.

15. Leave Without Pay. An approved absence without pay requested by an employee.

16. Leave Year. The period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

17. Medical Certificate or Documentation. A written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or treatment, or to the period of disability while the patient was receiving professional treatment,

18. Medical Emergency. For the purpose of the Voluntary Leave Transfer Program: A medical condition of an employee or a family member that is likely to require the employee’s absence from duty for a prolonged period of time and result in a substantial loss of income to the employee because of the unavailability of paid leave (at least 24 hours).

19. Provides Care for Family Member: For the purpose of using sick leave to care for an ill family member: giving care or otherwise attending to a family member who is incapacitated as a result of an illness, injury, or other condition that, if the employee had the condition, would justify the use of sick leave by the employee.

20. Restored Leave. Annual leave that was forfeited at the end of the leave year and approved for restoration due to an exigency of the public business, sickness, or administrative error.

21. Serious Health Condition: For the purpose of the FMLA, a serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

a. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or

b. Continuing treatment by a health care provider that includes (but is not limited to) examinations to determine if there is a serious health condition and evaluations of such conditions if the examinations or evaluations determine that a serious health condition exists. Continuing treatment by a health care provider may include one or more of the following:

1. A period of incapacity of more than 3 consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(a) Treatment two or more times by a health care provider, by a health care provider under the direct supervision of the affected individual's health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or

(b) Treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider (e.g., a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition); or

(c) Any period of incapacity due to pregnancy, or for prenatal care, even if the affected individual does not receive active treatment from a health care provider during the period of incapacity or the period of incapacity does not last more than 3 consecutive calendar days.

2. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that:

(a) Requires periodic visits for treatment by a health care provider or by a health care provider under the direct supervision of the affected individual's health care provider,

(b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). The condition is covered even if the affected individual does not receive active treatment from a health care provider during the period of incapacity or the period of incapacity does not last more than 3 consecutive calendar days.

3. A period of incapacity that is permanent or long-term due to a condition that treatment may not be effective. The affected individual must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider (e.g., Alzheimer's, severe stroke, or terminal stages of a disease).

4. Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider or by a provider or health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity or more than 3 consecutive calendar days in the absence of medical intervention or treatment (e.g., chemotherapy/radiation for cancer, physical therapy for severe arthritis, dialysis for kidney disease).

22. Sick Leave. Leave that may be used for medical, dental, optical examinations or treatment; incapacitation due to physical or mental illness, injury, pregnancy or childbirth; and for adoption related activities. Up to 13 days of sick leave per year may also be used to provide care for a family member as the result of a physical or mental illness, injury, pregnancy, childbirth, or medical, dental, or optical examination or treatment; and to make necessary funeral arrangements for the death of a family member or to attend the funeral of a family member. To use more than 5 days (40 hours) of sick leave for a family member, the employee must retain at least 80 hours of sick leave in his or her sick leave account.

ANNUAL LEAVE

A. ACCRUAL AND CREDIT

1. Full-time employees: The amount of annual leave earned depends on the employee's length of Federal service. Full-time employees earn and are credited with leave during each MI pay period that they are on the rolls in a pay status or a combination of pay and non-pay status. Leave is not earned for any pay period that an employee is in a non-pay status for a full pay period. The rate of accumulation of leave for full-time employees is as follows:

a. An employee with less than 3 years of Federal service is credited 4 hours of annual leave each biweekly pay period.

b. An employee with at least 3 but less than 15 years of Federal service is credited 6 hours of annual leave each biweekly pay period. (Except that the accrual for the last full biweekly pay period in the calendar year is 10 hours).

c. An employee with 15 or more years of Federal service is credited 8 hours of annual leave each biweekly pay period.

2. Part-time employees for whom a regular tour of duty has been established in advance are credited with annual leave as follows:

a. An employee with at least 3 years of Federal service shall earn 1 hour of annual leave for each 20 hours in a pay status.

b. An employee with at least 3 years of Federal service, but less than 15 years of Federal service shall earn 1 hour for each 13 hours in a pay status.

c. An employee with 15 or more years of Federal service earns 1 hour for each 10 hours in a pay status.

B. USE

Annual leave is designed to give periods of vacation for rest and relaxation and to provide time off for personal business or family needs.

C. APPROVAL

Annual leave shall be requested by an employee and approved in advance of the absence. A Standard Form (SF)-71, Application for Leave, will be used for the request and approval of annual leave. When it is not possible to obtain prior approval, a SF-71 will be completed as soon as possible upon return to duty. In all cases, the use of annual leave is subject to the approval of the authorized leave approving official. There is no automatic entitlement to leave on the sole basis that unforeseen circumstances require, in the employee's opinion, his or her absence from duty. Annual leave may be requested, approved and recorded in 15-minute increments.

D. RESTRICTIONS

1. Annual leave may not be granted when it is known that the employee shall not return to duty and the employee requests leave to avoid a lump-sum payment. However, if an employee's job is abolished, annual leave may be approved until they reach eligibility for Discontinued Service Retirement.

2. An employee may not be charged annual leave as a disciplinary measure during the notice period before an adverse action or pending issuance of a proposed adverse action. without his or her consent (reference e).

E. MAXIMUM AMOUNT OF CREDITABLE ANNUAL LEAVE

1. Upon separation, employees are entitled to payment of all accumulated annual leave to their credit. For this purpose, "accumulated annual leave" consists of the following: (a) the regular carryover balance from the previous leave year, if any, plus (b) accrued and unused annual leave during the current leave year, if any, plus (c) any unused restored annual leave maintained in a separate account in accordance with 5 U.S.C. 5551 (reference (a)).

2. Normally, the maximum amount of annual leave that may be accumulated and carried forward from one leave year to the next is 30 days (240 hours). Some employees who have served in foreign overseas areas may carry forward 45 days (360 hours). However, if the employee's leave balance falls below 45 days, that balance becomes the employee's new ceiling. Any leave left to the employee's credit at the end of the leave year that exceeds the maximum accumulation is forfeited except under the following conditions:

a. While Serving Under an Appointment in the Senior Executive Service (SES). As of October 1994, the amount of annual leave that can be carried over to a new leave year is limited to 90 days, or 720 hours. SES members with more than 720 hours of

annual leave on the effective date of the change had that leave “grandfathered” as a personal leave ceiling. If the member uses more leave in a leave year than he or she earns, the personal leave ceiling is reduced by the difference.

b . If annual leave is approved for restoration under the provisions cited in paragraph F, Restoration of Annual Leave, below.

F. RESTORATION OF ANNUAL LEAVE

1. Annual leave in excess of the maximum permissible carryover that is automatically forfeited at the end of the leave year may be restored under one or more of the following conditions:

a. Exigencies of the public business that preclude the use of annual leave scheduled in advance. The term “exigencies of the public business” pertains to operational demands of the Agency that preclude usage to avoid forfeiture of some leave by some employees. Examples of such situations could be the necessity of an emergency detail, military leave, or court leave. There could be many instances when it would be necessary to cancel annual leave for a brief period to meet a deadline, however, this would not necessarily be an “exigency.” If an exigency resulting in cancellation of scheduled annual leave occurs early enough in the leave year to allow for rescheduling of the leave, the employee and supervisor must do so to avoid forfeiture. (See paragraph 2, Declaring an Exigency, below.)

b. Sickness, that interferes with the use of annual leave, scheduled in advance. Illness or injury that prevents the use of requested and approved annual leave, that does not allow rescheduling may be restored. This scheduled annual leave must have been requested in writing before the start of the third pay period prior to the end of the leave year to be subject to restoration. The illness or injury must be fully documented. If an employee who has “use or lose” annual leave is unable to work because of illness or injury and appears unable to work for a considerable length of time, the supervisor should contact the employee by phone or mail to make arrangements with him or her to request leave in writing; and explain that advance scheduling is required to protect the employee’s potential request for restoration should he or she be unable to use his or her annual leave because of a continued illness or injury.

c. Administrative error that caused the loss of annual leave. An administrative error is an error in an employee’s leave accrual or in the charging of leave that necessitates an adjustment to provide proper leave credit. This condition applies to all annual leave accrued after June 30, 1960, even though the error may have occurred before that date. This is a retroactive provision that, due to administrative error, a current

employee forfeited annual leave. In addition to permitting retroactive adjustment, this provision also grants continuing authority to permit the future restoration of all annual leave that an employee is entitled to in correcting the administrative error.

2. Declaring an Exigency. The second level supervisor (division chief, district, or area superintendent, or area service center chief) must determine that an exigency is of major importance, therefore; annual leave could not be used by the employee to avoid forfeiture.

a. Criteria established for determining exigencies of public business must include:

- (1) An explanation of the work situation;
- (2) The beginning and ending dates of the exigency;
- (3) Names of the employees affected;
- (4) Reason employee was affected by the exigency;
- (5) Any alternatives to cancellation of leave at that time;
- (6) The date of the declaration; and
- (7) The signature of the declaring official.

b. The official who declared the exigency should use the following general guidelines in deciding to disapprove a request for annual leave or to cancel the scheduled leave of an employee that will result in forfeiture:

(1) The exigency must be of such importance that employees cannot be excused from work for the duration of the exigency.

(2) No reasonable alternative exists other than the disapproval of the leave request or cancellation of scheduled leave.

(3) Only a bona fide emergency would preclude making the determination in advance that an exigency exists which will prevent employees from using scheduled leave or permit rescheduling of leave.

3. Supervisors shall ensure that annual leave is scheduled and approved well in advance to prevent situations in which an employee must forfeit annual leave through no fault of his or her own. To accomplish this, supervisors must review employee's leave balances periodically to make sure that excess leave is scheduled. Failure to schedule or take leave for the convenience of the employee is not an acceptable reason to permit restoration. Before forfeited annual leave may be considered for restoration, it must have been requested and approved in writing before the beginning of the third biweekly pay period prior to the end of the leave year. A Standard Form (SF) 71, Application for Leave, must be used to document the approval.

4. To request restoration of annual leave, the employee must complete and submit DS Form 5507, Request for Restoration of Forfeited Annual Leave, (Attachment 1), for the first and second line supervisors' signatures. Completed requests for annual leave restoration shall be mailed to the Chief, Personnel Center, DoDEA, ATTN: Employee Relations Section, at the address at the top of this letterhead or sent by facsimile to (703) 696-3736 for final approval. Documentation to support the request must include the following:

a. The SF-71 s, showing the leave was scheduled and/or rescheduled, and/or approved or denied.

b. A copy of the employee's Leave and Earning Statement (LES) for the last pay period of the current leave year showing the amount of "use or lose leave."

c. If the basis for restoration is an exigency of public business, the second level supervisor must define the exigency in writing in accordance with paragraph F.2. (a) Declaring an Exigency, of this enclosure.

d. If the basis for restoration is sickness, appropriate medical documentation must be attached to support the duration of the employee's illness.

e. If the basis for restoration is administrative error, appropriate documentation to support the error must be provided.

5. Forfeited annual leave that is recredited to an employee's account will be restored to a separate leave account. Restored leave does not affect an employee's normal maximum permissible carryover of annual leave into a new leave year. Restored annual leave will be used no later than the end of the leave year ending 2 years after one of the following:

a. The date of restoration of annual leave forfeited because of administrative error;
or

b. The date fixed by the second level supervisor as the termination date of exigency of the public business that resulted in the forfeiture of annual leave; or

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

6. Unused restored leave may not be restored after the expiration of the 2-year time limit.

G. TRANSFER

1. Annual leave credited to an employee in one Federal agency shall be transferred with the employee to the new agency. Upon an employee's entrance on duty, an interim leave balance shall be obtained by:

a. The Customer Service Representative (CSR) at the district superintendent's office for employees located overseas.

b. The DoDEA, Personnel Center, Personnel Program Management Team (PPMT) C, for Headquarters DoDEA employees.

2. The appropriate office, as cited above will credit the employee with the leave balance reflected on the employee's most current LES. Upon receipt of a SF-1150, Record of Leave Data, from the previous payroll office any errors in the interim leave balance will be corrected.

H. ADVANCED ANNUAL LEAVE

1. When circumstances warrant the use of annual leave in excess of the amount accrued, the employee may request, in writing, an advance up to the amount of leave he or she would accrue by the end of the current leave year. A written request for advanced leave must be submitted to the supervisor for approval or disapproval prior to use. A sample of an advanced annual leave request can be found at Attachment 2. Written requests should include the following information:

- a. Purpose for the advanced annual leave;
- b. Duration of the absence;
- c. Amount of annual leave to be advanced;
- d. Copy of the most recent LES; and
- e. Expected return to duty date.

2. If advanced annual leave is needed for medical purposes, the supervisor may request that the employee provide medical documentation to substantiate an absence of 3 consecutive calendar days or more.

3. When approving advanced annual leave, the supervisor shall have reasonable assurance that the employee will be in a duty status long enough to earn the advanced leave before the end of the leave year. Approved requests shall be forwarded to the appropriate CSR for credit to the employee's annual leave account.

4. In no case will annual leave be advanced in an amount that exceeds the amount the employee would accrue by the end of the leave year or would accrue during the tenure of the appointment, if temporary.

I. ILLNESS DURING ANNUAL LEAVE

If an illness occurs during a period of annual leave, sick leave may be substituted for the annual leave. If the absence is 3 days or more, the supervisor may require medical certification to substantiate the absence. Sick leave immediately following a period of approved annual leave is not a substitution of sick leave for annual leave and may be granted under the general standards of granting sick leave.

REQUEST FOR RESTORATION OF FORFEITED ANNUAL LEAVE			
<i>(See information on reverse before completing this form.)</i>			
To:	From <i>(Typed or printed name of employee):</i>	Organization	Telephone Number
SECTION I: BASIS FOR RESTORATION <i>(Check applicable block and provide justification below.)</i>			
<input type="checkbox"/> A. Administrative Error <input type="checkbox"/> B. Sickness <input type="checkbox"/> C. Exigency of Public Business			
D. Name of Official Determining Exigency of Public Business <i>(Division Chief/District or Area Superintendent)</i>			
SECTION II: SUPPORTING INFORMATION <i>(SF 71 or other documents must be attached for items C, D, E, F, G, I, J, K, L, and N)</i>			
A. Position Title		B. Series and Grade	C. Date Leave Requested
D. Beginning Date of Leave	E. Ending Date of Leave	F. Amount of Leave Requested	G. Date Leave Approved
H. Name of Approving Official		I. Date Leave Cancelled	J. Date Exigency Began & Ended
K. Amount of Leave Forfeited	L. List Dates of Cancelled Leave	M. Name of Canceling Official	
N. Efforts made to reschedule leave prior to the end of the leave year. <i>(Provide chronology of all subsequent requests, approvals, and cancellations.)</i>			
SECTION III: SIGNATURES			
A. I CERTIFY that I have carried out my responsibilities as indicated on reverse side of form.		B. I have reviewed all parts and written documentation and recommend approval.	
Leave Approving Official Signature	Date	Organization Official Recommending Approval <i>(Division Chief/District or Area Superintendent)</i>	Date
SECTION IV: APPROVAL/DISAPPROVAL OF REQUEST <i>(for Completion by the Chief Personnel Center)</i>			
To:	From:	Information Copy to:	
A. Number of Hours Approved		C. Remarks	
B. Request is Disapproved			
D. Personnel Director Signature		Date	E. Approved Restoration Period for this Request Expires <i>(Date)</i>

REFERENCES

DoDEA Regulation 5630.9, Leave Administration

INTRODUCTION

Supervisor are responsible for (1) establishing leave schedules early in the year to ensure that all employees are given an opportunity for a reasonable cation, and, (2) scheduling or rescheduling leave throughout the year so that employees use any leave that would otherwise be forfeited at the end of the leave year. Supervisors are further reminded to review subordinates' annual leave at least semi-annually. Failure to carry out the above responsibilities may result in the return of this request without action.

DEFINITIONS

A. **ADMINISTRATIVE ERROR:** Administrative or clerical error causing the forfeiture of annual leave. Evidence or supporting documents must be attached. Briefly describe the error and the surrounding circumstances in the space provided on front of this form.

B. **SICKNESS:** Illness, injury, or medical condition requiring the use of sick leave which precluded the use of scheduled annual leave. Such sickness must have 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 leave year. Attach SF 71 and/or other supporting documents. In the space provided on the front of this form, state periods employee was on sick leave. Ending date is later than the end of leave year and is unknown. An estimate must be given.

C. **EXIGENCY OF THE PUBLIC BUSINESS:** Management decision that specific kinds of operational demands or requirements are of such magnitude or significance that employees cannot be excused from duty to avoid forfeiture of scheduled annual leave.

1. Operational demands precluding the use of scheduled annual leave must be described fully.
2. Explain how the above operational demands were of such magnitude that there were no reasonable alternatives to canceling scheduled annual leave. Describe fully.

USE THIS SPACE TO CONTINUE ANY INFORMATION FROM THE FRONT SIDE. INDICATE EACH BY SECTION NUMBER AND ITEM NUMBER.

SAMPLE

REQUEST FOR ADVANCED ANNUAL LEAVE

MEMORANDUM FOR _____

SUBJECT: Request for Advanced Annual Leave

I am requesting _____ hours of advanced annual leave for the period of _____ through _____ for _____ (state reason). I intend to return to duty on _____

I understand that I may not be advanced more annual leave than the amount I will accrue between the date of the advanced leave and the end of the current leave year. I also understand and agree that if I separate from Federal service before the indebtedness for unearned leave is liquidated, I must refund the amount paid to me for the period covering the leave that I am indebted.

/signature/
Typed Name
Title
Organization

APPROVED: _____ hours advanced annual leave.

DISAPPROVED: _____ (state reason).

Signature of Approving Official

Date

SICK LEAVE

A. ACCRUAL

All full-time employees with a 40-hour basic workweek, regardless of their length of service, earn sick leave at the rate of 4 hours for each full biweekly pay period.

B. CREDITS

1. An employee with a regular tour of duty who works less than a 40-hour workweek is credited with 1 hour of sick leave for each 20 hours in a pay status. Credit may not exceed 4 hours for 80 hours in a pay status during any full biweekly pay period.

2. There is no limitation on the amount of sick leave that may be carried forward from one leave year to another. Unused sick leave remains to the employee's credit and is available for use any time before his or her separation.

3. Unused sick leave balances may be recredited to former employees re-employed by the Federal government on or after December 2, 1994, regardless of the date of the employee's former separation, unless sick leave was previously forfeited upon re-employment prior to December 2, 1994.

4. Sick leave credited to an employee in one Federal agency shall be transferred with the employee to the new agency. For employees transferring to DoDEA in the overseas areas, an interim leave balance shall be obtained by the Customer Service Representative at the district superintendent's office. For employees transferring to Headquarters, DoDEA, the interim leave balance shall be obtained by the Personnel Center, Personnel Program Management Team C. Transferred sick leave shall be reflected on the employee's Leave and Earnings Statement and shall be available for immediate use. Errors in the interim leave balance shall be corrected upon receipt of the official SF-1150.

C. USE

1. Sick leave becomes available for use at the end of the pay period that it is earned.

2. The use of sick leave is a qualified right of the employee only for absences for the following reasons:

a. Medical, dental, or optical examination or treatment, including periodic physical examinations for retention of status in a Reserve component of the Armed Forces or in a National or State Guard.

b. When incapacitated for performance of duties by physical or mental illness, injury or pregnancy, or childbirth.

c. Sick leave may be requested to provide care for a family member who is incapacitated as the result of a physical or mental illness, injury, pregnancy, or childbirth, or who receives medical, dental or optical examination or treatment, or to make funeral arrangements for a family member or attend the funeral of a family member. Requests for sick leave for family care should be scheduled in advance to the extent possible. The amount of sick leave granted may not exceed 104 hours (13 days) per leave year. Full time employees may use up to 40 hours (5 days) of sick leave for such purposes. An additional 64 hours (8 days) may be used as long as a balance of at least 80 hours remains in the employee's sick leave account. This requirement insures that a reasonable amount of sick leave is available to employees for personal illness. Part time employees are covered, but their sick leave benefit is -prorated. The definition of "family member" and "care for a family member" may be found under Enclosure 1, Definitions.

d. Due to exposure to a communicable disease, the employee's presence on the job would endanger the health of others by his or her presence on the job.

e. When a member of an employee's immediate family is afflicted with a contagious disease that requires the care and attendance of the employee;

f. Must be absent for purposes relating to the adoption of a child, including appointments with attorneys; court proceedings; required travel, and any other activities necessary to allow the adoption to proceed.

D. APPROVAL

1. The request and approval of sick leave will be accomplished by using a SF-71. If the sick leave was not approved prior to use, a SF-71 shall be completed immediately upon return to duty from sick leave. Sick leave may be requested, approved, and recorded in 15-minute increments. Supervisors are responsible for keeping a record of the amount of approved sick leave each employee uses for family care to insure that they do not exceed the 104 hours (13 days) permitted each leave year.

2. An employee who is absent because of an illness, injury, or other circumstances shall request leave from the supervisor as early as possible on the first day of the absence, and no later than 2 hours after the start of their workday. The employee will inform the

supervisor of the reason for the absence and expected duration. Unless there is reason to doubt that the absence may not be a proper charge to sick leave, the supervisor should approve the absence at the time of the request.

3. When an employee who fails to request leave for an absence does not have sufficient accrued sick leave to cover the absence, or when the reason provided in the request does not warrant the approval of sick leave, the absence may be charged to annual leave, LWOP, or AWOL, as circumstances justify. When an employee has been charged AWOL for failure to properly request sick leave, and it is subsequently determined that the reason for the absence was properly due to illness or for an emergency, the AWOL charge will be changed to sick leave if sufficient sick leave exists to cover the absence. Failure to properly request sick leave may form the basis for disciplinary action for failure to follow proper leave requesting procedures.

4. A disabled veteran who presents a medical certificate stating that medical treatment is required shall be granted all available annual leave and sick leave (including advanced sick leave) permitted by law, plus any LWOP that may be necessary to undergo treatment.

E. MEDICAL CERTIFICATES

1. Sick leave of more than 3 consecutive workdays may be supported by a medical certificate at the supervisor's discretion and based upon individual circumstances. The certificate shall cover all absences and show that the employee was incapacitated for duty for the entire period of the absence. In cases of extended illness, medical certificates may be required periodically, if necessary, to establish the employee's continued incapacity to return to duty.

2. Ordinarily, a medical certificate is not required for absences of 3 days or less. When there is reason to believe that an employee is misusing sick leave, a medical certificate may be required for all absences chargeable to sick leave, regardless of the duration. This restriction can be imposed only when the employee has first been specifically informed of the requirement in advance. If there is no improvement in the employee's sick leave record, the employee must then be informed in writing that all future absences chargeable to sick leave must be supported by a medical certificate. Failure to comply with these requirements may be the basis for denying sick leave and carrying an employee in an AWOL status. When appropriate, disciplinary action may be taken for noncompliance. Absences charged to annual leave or LWOP shall not be made the basis for later disciplinary action. Contact the Personnel Center, Employee Relations Section, for advice and guidance concerning leave usage.

F. RESTRICTIONS ON OUTSIDE EMPLOYMENT DURING PERIODS OF SICK LEAVE

1. If an employee is unable to perform the duties of his or her position because of illness or injury, he or she is generally incapacitated to work elsewhere. Occasionally, there are situations when there may be acceptable justification for outside employment; e.g., an employee confined at home because of maternity reasons, or who is recuperating from an illness or injury, engages in telephone solicitation work or writing. To ensure the propriety of outside employment, refer to DoD Directive 5500.7, "Standards of Conduct" (reference b).

2. An employee who engages in any outside employment during a period of sick leave shall inform his or her supervisor in advance of such employment.

G. EXTENDED SICK LEAVE

An employee who receives advance notice of separation, reduction in force, or displacement, may be continued on sick leave for the duration of an illness, but not beyond the effective date of separation. Sick leave may not be substituted for annual leave after the employee's last day in a duty status.

H. ILLNESS DURING ANNUAL LEAVE

If an illness occurs during a period of annual leave, sick leave may be substituted for the annual leave. If the absence is 3 days or more, the supervisor may require medical certification to substantiate the absence. Sick leave immediately following a period of approved annual leave is not a substitution of sick leave for annual leave and may be granted under the general standards of granting sick leave.

I. ADVANCED SICK LEAVE

1. In cases of serious disability or illness, employees may be advanced up to 240 hours (30 days) of sick leave. Generally, an advance is not granted when it is likely that the employee will not return to duty for a sufficient period of time to earn the amount of leave advanced. A temporary employee may not be advanced more sick leave than will be earned before the appointment expires. Sick leave shall not be advanced when an employee has "use or lose" annual leave. Requests for advanced sick leave with supporting medical certification must be submitted to the supervisor for approval/disapproval. A sample request is provided at Attachment 1 of this enclosure. A written request for advanced sick leave should include the following:

- a. Amount of sick leave to be advanced;
- b. Purpose for advanced sick leave;

- c. Duration of absence;.
- d. Return to duty date;
- e. Copy of the most recent LES; and
- f. Medical certification from the treating physician stating the reason for the absence, duration of the absence, and expected return to duty date.

2. Upon approval/disapproval from the supervisor, the request shall be forwarded to the Personnel Center, Chief, Employee Relations (ER) Section for final approval. Requests may be mailed to the Chief, ER Section at the address at the top of this letterhead or sent by facsimile to (703) 696-3736. A written determination, from the Chief, ER Section, will be forwarded to the employee, supervisor, and appropriate Customer Service Representative.

SAMPLE

REQUEST FOR ADVANCED SICK LEAVE

MEMORANDUM FOR _____

SUBJECT: Request for Advanced Sick Leave

I am requesting _____ hours of advanced sick leave for the period of
_____ through _____ for _____
_____ (state reason). I intend on returning to duty on _____
Attached is medical certification provided by my physician.

I understand that I must use all of my sick leave and use or lose annual leave before the advanced sick leave begins. I also understand and agree that if I separate from Federal service before the indebtedness for unearned leave is liquidated, I must refund the amount paid to me for the period covering the leave that I am indebted.

/signature/
Typed name
Title
Organization

APPROVED: _____ hours advanced annual leave.

DISAPPROVED: _____ (state reason).

Signature of Approving Official

Date

LEAVE WITHOUT PAY (LWOP)

LWOP is an approved absence without pay requested in advance of use by an employee. LWOP may not be demanded by an employee as a right, and it may not be imposed as a penalty as such leave is initiated only by the employee's request.

A. APPROVAL

1. There is no maximum prescribed by law or regulation as to the amount of LWOP that may be granted. Cost and inconvenience to the Government as a result of granting extended LWOP include: encumbrance of a position (except as stated in paragraph B. 1. (c) below), loss of services, complication of retention registers in the event of a reduction in force, obligation to provide active employment at the end of the approved leave period, credit of 6 months each calendar year toward retirement without employee contributions, and eligibility for continued life insurance coverage without cost to the employee for up to 1 year of nonpay status. Those costs and inconveniences shall be weighed against the benefits to be gained by the official granting LWOP. Additionally, the position continues to be encumbered, therefore, action to fill behind the individual can only be taken on a temporary basis.

2. Immediate supervisors may approve requests for LWOP up to 29 calendar days.

3. The first and second level supervisor must endorse a request for LWOP of 30 calendar days or more. The second level supervisor will forward the request and supporting documentation to the Personnel Center, Employee Relations (ER) Section for final review and approval. Requests and supporting documentation may be mailed to DoDEA, Personnel Center, Chief, Employee Relations Section, or sent by facsimile to (703) 696-3736. Upon receipt, the Chief, ER Section will issue a written decision to the employee with a copy to his or her supervisor. The ER Section will forward a copy of the approval letter, and necessary SF-52s to the appropriate Personnel Center, Personnel Program Management Team for processing.

B. USE

1. LWOP is mandatory for the following reasons:

a. Disabled veterans who present medical certification stating that medical treatment is required shall be granted LWOP to undergo necessary treatment.

b. Summer training as members of Reserve Officers' Training Corps (ROTC) under Pub. L. 92-129, (1971) Section 451-473 (reference (c)).

c. Family members accompanying sponsors who are active duty military or Federal civilian employees. In this case LWOP shall not exceed 1 year.

d. Under the Family and Medical Leave Act (FMLA): Up to 12 administrative workweeks of LWOP shall be granted to eligible full and part-time employees during any 12-month period for:

(1) The birth of a child and to care for the newborn;

(2) The placement of a child with the employee for adoption or foster care;

(3) The care of a family member (spouse/son/daughter/parent) with a serious health condition; (see Enclosure 1, Definitions, for the definition of a family member and serious health condition); and

(4) A serious health condition of the employee that makes the employee unable to perform the duties of his or her position.

(a) Employees are eligible if they have worked for a covered employer for at least 1 year, (for calculation purposes, the 1 year does not have to be recent service or consecutive calendar days).

(b) LWOP under the FMLA may not be granted retroactively. The employee must provide 30 calendar days advance notice when the leave is foreseeable. An employee may elect to substitute paid leave for any or all of the period of LWOP to be taken. (This includes annual and sick leave or advanced annual and sick leave only). The use of annual or sick leave must be consistent with current law and regulations governing the use of such leave. An employee may use earned compensatory time off and credit hours in addition to the period of FMLA leave.) Acceptable medical certification (as outlined in Attachment 1, of this Enclosure, Certification of Health Care Provider) must be provided by the health care provider (see Enclosure 1, Definitions, for the definition of health care provider). Since LWOP under the FMLA is mandatory, it may not be denied upon request. However, failure to provide medical certification or acceptable medical certification may result in the retroactive conversion of the absence from LWOP to Absent Without Leave (AWOL) that may be the basis for disciplinary action. Therefore, the employee should insure that the appropriate medical certification is submitted in a timely manner as established by the supervisor. The time limit to provide medical certification is normally not longer than 15 working days.

(c) Upon return from leave under the FMLA, the employee is restored to his or her original position or equivalent position with equivalent pay, benefits, and other employment terms. The use of FMLA leave may not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. Supervisors

are responsible for keeping a record of the amount of approved LWOP under the FMLA used by each employee to ensure the employee does not use more than the 12 administrative workweeks entitled per 12 month period.

2. LWOP shall be granted when it is apparent that it will result in increased job ability, protection or improvement in the employee's health, retention of a desirable employee, or furtherance of a program of interest to the Government. For example, LWOP is appropriate for the following reasons:

a. Temporary service with a non-Federal public or private enterprise, when it will contribute to the public welfare or when the experience gained will benefit DoDEA.

b. Recovery from illness or disability not of a permanent or disqualifying nature.

c. Protecting the employee's status pending final action by the Office of Personnel Management (OPM) on a claim for disability retirement after all sick leave and annual leave has been exhausted or pending final action by the Department of Labor's Office of Workers' Compensation Program on a claim resulting from a job-connected injury or disease.

3. Other appropriate uses of LWOP include:

a. School and Early Childhood Educational Activities: up to 24 hours of LWOP per year may be granted to allow employees to participate in school activities directly related to the educational advancement of a child. This includes parent-teacher conferences or meetings with child-care providers, interviewing for a new school or child-care facility, or participating in volunteer activities supporting the child's educational advancement. The term "school" is defined as an elementary school, secondary school, Head Start program, or a child-care facility.

b. Routine Family Medical Purposes: up to 24 hours of LWOP per year may be granted to allow parents to accompany children to routine medical or dental appointments, such as annual checkups or vaccinations.

c. Elderly Relatives' Health or Care Needs: up to 24 hours of LWOP per year may be granted to allow employees to accompany an elderly relative to routine medical or dental appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, and other similar activities.

4. LWOP may not be granted for the following reasons:

a. An employee who is not expected to return to duty in his or her current position, except family members accompanying military/federally employed sponsors.

b. An employee who is being returned from overseas at Government expense for separation. However, 90 days of LWOP may be approved to assist in seeking Federal employment without a break in service.

C. REQUESTING LWOP

1. Requests for LWOP under 30 calendar days are submitted to the supervisor on a SF-71, and in writing if desired. If the request is in writing, it should include the purpose for the LWOP, duration of the absence, and expected return to duty date. If the LWOP is for medical reasons, and is for 3 days or more, the supervisor may request medical certification from the employee to support the absence. If invoking the FMLA, this must be stated in writing. In this case, the health care provider must complete Attachment 1, of this Enclosure, Certification of a Health Care Provider. Attachment 1 must be provided with the request or within a reasonable period of time as established by the supervisor. Normally, within 15 working days.

2. Requests for LWOP of 30 calendar days or more must be submitted through the first and second level supervisor with a SF-71, if desired. The employee shall:

a. State the purpose for the LWOP, the duration of the absence, and expected return to duty date (if applicable).

b. If invoking the FMLA, the request must clearly state so. In this case, a health care provider must complete Attachment 1, of this Enclosure, Certification of a Health Care Provider. Attachment 1 must be provided with the request or within a reasonable period of time as established by the supervisor, normally within 15 workdays.

c. All requests for LWOP of 30 calendar days or more must be documented in the employee's OPF. Therefore, a properly completed Standard Form (SF) 52 must accompany the request. If the employee is not returning to duty upon the expiration of the LWOP, a Resignation SF-52, or letter of resignation must accompany the request. The Resignation SF-52 must be completed by the employee in Part E, Employee Resignation/Retirement, Blocks 1-5. Letters of resignation must specify the date of the resignation, reason for resignation, and be signed and dated by the employee. Without this information, the resignation is not valid.

d. Appropriate supporting documentation is required with each request for LWOP of 30 calendar days or more. Some examples of supporting documentation include medical certification if the LWOP is for medical purposes; travel orders, a LWOP and Resignation SF-52 if the employee is accompanying a sponsor to a new duty station and

not returning to duty. (The Personnel Center, Employee Relations Section reserves the right to request additional information if the documentation provided is incomplete or does not substantiate the absence.)

e. A request for LWOP based on medical reasons (not submitted under the FMLA) must also include acceptable medical documentation. The health care provider shall provide the following information: diagnosis, prognosis, duration of absence, and expected return to duty. If the leave is required to care for a family member, the same information is required as well as a statement from the health care provider that the individual requires psychological comfort and/or physical care; needs assistance for basic medical, hygienic, nutritional, safety, or transportation needs or in making arrangements to meet such needs; and would benefit from the employee's care or presence, and a statement from the employee on the care he or she will provide and the amount of time needed to care for his or her family member.

D. IMPACT ON BENEFITS/EMPLOYEE STATUS DURING LWOP

1. Federal Employees' Health Benefit Plan (FEHBP) - Employees who are covered by a FEHBP are required to pay the employee's share of the premium while in a nonpay status. Employees shall make appropriate arrangements for payment of the premiums with the servicing payroll office. After 365 days in a nonpay status, health insurance stops subject to a 31 -day extension for conversion to nongroup coverage. Enrollment will end on the last day of the pay period that includes the 365th day of continuous nonpay status.

2. Federal Employees' Group Life Insurance - Basic and optional life insurance (FEGLI) continues without cost to the employee in a nonpay status for up to 1 year. After 1 year of LWOP your life insurance is terminated.

3. Annual and Sick Leave Accrual - While in a nonpay status, annual and sick leave is not accrued.

4. Service Computation Date - Except for LWOP for military service, or while receiving injury compensation, no credit for Government service is given for any LWOP in excess of 6 months in a calendar year.

5. Within-grade Increases (WGI) - Except for absences for military service or receiving injury compensation, excess LWOP will affect the waiting period for a WGI. Any period of LWOP beyond the following will affect the waiting period by the excess amount: Steps 1, 2, 3, 4, 80 hours; Steps 5, 6, 7, 160 hours; Steps 8, 9, 10, 240 hours.

CERTIFICATION OF HEALTH CARE PROVIDER
(Family and Medical Leave Act of 1993)

1. Employee's Name:

2. Patient's Name (If different from employee):

3. The attached sheet describes what is meant by a "serious health condition" under the Family and Medical Leave Act (FMLA). Does the patient's condition qualify under any of the categories described? If so, please check the applicable category.

(1)_____ (2)_____ (3)_____ (4)_____ (5)_____ (6) , or none of the
above _____

4. Describe the medical facts that support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

5. a. State the approximate date the condition commenced, the probable duration of the condition, and the probable duration of the patient's present incapacity.²

4-1-1

Here and elsewhere on this form, the information sought relates only to the condition for which the employee is taking FMLA leave.

"Incapacity," for purposes of the FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

b. Will it be necessary for the employee to work intermittently or on a less than full schedule as a result of the condition (including for treatment described in Item 6 below)? If yes, give the probable duration:

c. If the condition is a chronic condition (condition #4) or pregnancy, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity?

6.a. If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments:

b. If the patient will be absent from work or other daily activities because of treatment on an intermittent or part-time basis, also provide an estimate of the probable number of and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

c. If any of these treatments will be provided by another provider of health services (e.g., physical therapist), please state the nature of the treatment:

d. If a regimen or continuing treatment by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special treatment):

7.a. If medical leave is required for the employee's absence from work because of the employee's own condition (including absence due to pregnancy or a chronic condition), is the employee unable to perform work of any kind?

b. If able to perform some work, is the employee unable to perform any one or more of the essential functions of the employee's job (the employee or the employer should supply you with information about the essential job functions? If yes, please list the essential functions the employee is unable to perform:

c. If neither a. nor b. applies, is it necessary for the employee to be absent from work for treatment?

8.a. If leave is required to care for a family member of the employee with a serious health condition does the patient require assistance for basic medical personal needs or safety, or for transportation? Explain.

b. If no, would the employee's presence to provide psychological comfort be beneficial to the patient or assist in the patient's recovery? Explain.

c. If the patient will need care only intermittently or on a part-time basis, please indicate the probable duration of this need:

(Signature of Health Care Provider)

(Type of Practice)

(Date)

(Address)

(Telephone number)

To be completed by the employee needing family leave to care for a family member: State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

(Employee Signature) (Date)

A. "Serious Health Condition" means an illness, injury impairment, or physical or mental condition that involves one of the following:

1. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity* or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

a. A period of incapacity* of more than 3 consecutive calendar days (including any subsequent treatment or period of incapacity* relating to the same condition), that also involves:

(1) Treatment³ two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment⁴ under the supervision of the health care provider.

Treatment that includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

⁴ A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

3. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

4. Chronic Conditions Requiring Treatments

A chronic condition that:

(1) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity² (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-Term Conditions Requiring Supervision

A period of incapacity* that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity² of more than 3 consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

² "Incapacity," for purposes of the FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

ABSENCE WITHOUT LEAVE (AWOL)

AWOL is charged for an absence from duty that was not authorized or approved, including leave that is not approved until the required documentation is received, or an absence for which the employee's request for leave was denied. Pay is withheld for the entire period of such absence. Neither the denial of leave nor the reporting of AWOL is punitive. However, if the employee fails to honor a denial of leave and is charged AWOL, disciplinary action may be taken as a result of the AWOL. AWOL may be recorded in 15-minute increments.

SUBSTITUTION OF LEAVE

Annual leave may be substituted for other types of leave as follows:

1. To liquidate advanced sick leave except to avoid a forfeiture of annual leave at the end of the leave year.

2. In advance for sick leave for a period of extended illness. The retroactive substitution of annual leave for other instances of sick leave is not authorized.

3. For LWOP that was charged pending receipt of an employee's leave record from his or her previous agency.

4. Under the Family and Medical Leave Act (FMLA) an employee may elect to substitute annual and sick leave where appropriate.

COURT LEAVE

Court leave is an authorized absence of an employee from official duty for attendance at court and other judicial proceedings, either as a juror or a witness in certain circumstances, without charge to other leave or loss of pay.

A. REQUEST AND APPROVAL

Requests for court leave shall be submitted in writing on a Standard Form (SF) 71, "Application for Leave", and must be supported by the court order, subpoena, or summons to the leave approving official before the date of the jury or witness service.

B. GRANTING OF COURT LEAVE

1. Court leave is granted to permanent and temporary employees, both full-time and part-time, for serving in a non-official capacity for:

a. Jury duty with a Federal, District of Columbia, State, or local court.

b. Witness duty on behalf of a State or local government.

c. Witness duty on behalf of a private party when the Federal or District of Columbia government, or a State or local government, is a party to the judicial proceeding.

2. Court leave is not granted to an employee who appears as a witness on his or her own behalf if such a suit is filed by that employee or if the employee is the defendant in the suit. For absences for this purpose, the employee may request annual leave or LWOP.

3. Intermittent employees may not be granted court leave. However, they may be granted LWOP for the period during which fees are received for jury service.

4. When an employee is required to serve on a jury or as a witness while on annual leave, the leave-approving official must substitute court leave if the employee is eligible. An employee who is on LWOP when required to serve is not to be granted court leave.

C. JURY DUTY

1. Court leave for jury duty may be granted to permanent and temporary employees, both full-time and part-time. Intermittent employees are not entitled to court leave for jury duty, but may be granted LWOP for the period during which fees are received for jury services. Part-time employees called to jury duty service during their regular tours of duty shall receive the compensation of their positions without charge to annual leave. Employees are entitled to reimbursement from the court for transportation and subsistence. Jury fees paid for service in a state or local court must be forwarded to the servicing payroll office. Jury duty is considered a civic responsibility, and release from jury duty shall be requested for an employee only in exceptional situations in which the public interest would be better served by his or her staying on the job.

2. When excused from jury duty for a day or part of a day, an employee is expected to return to work if dismissed early enough to return more than 2 hours before the end of his or her tour of duty. The official authorized to grant court leave may continue the employee on court leave for the rest of the day in which the court does not require his or her presence if it is determined that returning to duty would create a hardship.

3. When excused by the court for a period longer than 1 day, the employee cannot be carried on court leave beyond the end of the day on which excused or dismissed.

4. An employee under direction to serve on a jury shall be granted court leave for the entire period, from the date stated on the official request or on the subpoena to the time discharged by the court, regardless of the number of hours or days he or she actually serves on the jury. The term jury service does not include hours during which the employee is excused or discharged by the court either for an indefinite period subject to call by the court or for a definite period in excess of 1 hour. When no hardship would result, the supervisor may require an employee return to duty or is charged annual leave if he or she is excused from jury service in excess of 1 hour.

C. WITNESS SERVICE

1. 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 his or her agency 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.

2. When an employee is called as a witness to testify in an official capacity as a Federal employee, or on behalf of a private party, the employee shall be considered in an official duty status as distinguished from a leave status, "court" or otherwise.

3. When an employee appears in court as a witness in a non-official capacity and a party is the United States, District of Columbia, or State or local government, the absence shall be charged to court leave.

4. When an employee-plaintiff is called to give a deposition or is otherwise summoned to testify in a case in which a party in the proceeding is the United States, District of Columbia, or State or local government, the employee-plaintiff is considered a witness and is entitled to court leave for the time involved in giving a deposition or testimony. The time the employee spends testifying in his or her own behalf does not meet the requirement of having been summoned, and absence for that time shall be charged to annual leave or LWOP.

5. When an employee appears in court as a witness not in an official capacity and a party is not the United States, District of Columbia, state or local government, the absence shall be charged to annual leave or LWOP. In this case, the employee is entitled to the usual fees and expenses related to such witness service.

MILITARY LEAVE

Military leave is an absence with pay for active duty or active duty for training with a Reserve component of the Armed Forces; i.e., the Army National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard, the Air Force Reserve, and the Coast Guard Reserve.

A. APPROVAL

1. Eligible employees shall be granted military leave when orders are presented to the leave approving official.

2. Requests. Military leave shall be requested in writing on an SF-71 and must be supported by a copy of the duty orders of the military organization of which the applicant is a member and a statement from their commanding officer certifying the actual number of days on military duty. Requests for military leave shall be submitted as far in advance as possible. Upon return to duty after an absence of 22 workdays of military leave or military leave with the District of Columbia National Guard for parade or encampment, the employee must forward a copy of the statement issued by the military organization with which the employee served regarding the military pay earned during each absence (see paragraphs C and D below) to the servicing payroll office. The statement must identify the specific days that the employee received military pay. The servicing payroll office will make arrangements with the employee for crediting the military pay received against the civilian pay earned during the same period.

3. Sick Leave in Connection with Military Leave. An employee prevented from returning to his or her civilian position because of illness or injury that occurred while on active duty for training is entitled to sick or annual leave during the period of absence resulting from such illness or injury. Management may require medical certification if the absence is more than 3 days.

4. Administrative Leave. Administrative leave will not be authorized in lieu of granting military leave under Section 6323 of 5 U.S.C. Administrative leave will not be authorized when military leave under either Section 6323(a) or 6323(b) of 5 U.S.C. is exhausted (see paragraph B and C below).

5. Annual Leave and Compensatory Time Off. Employees entitled to military leave under Section 6323(b) and (d) of 5 U.S.C. (see paragraph C and E below) have the

option to use annual leave or compensatory time off even if the military leave under this provision is not exhausted.

6. Restoration Following Military Leave. Upon conclusion of military leave, the employee shall be restored to the position held when ordered to military duty.

B. ELIGIBILITY FOR 15 DAYS OF MILITARY LEAVE UNDER SECTION 6323 (a) of 5 U.S.C.

1. Reserves of the Armed Forces or members of the National Guard are entitled to leave without loss in pay, time, or performance or efficiency rating for active duty or for engaging in field or coast defense training. This leave is not authorized for weekend drills engaging in field or coast defense training. This leave is not authorized for weekend drills that are not active duty.

2. Employees on the following types of appointments are entitled to 15 days of military leave: permanent, term, temporary indefinite appointments made for more than 1 year. Extensions of or continuous consecutive temporary appointments that result in more than 1 year of consecutive service do not meet this requirement. In addition, employees with intermittent work schedules are not entitled to military leave.

3. Accrual. Leave credited under this provision is 15 days in a Fiscal Year (FY). Leave is credited at the beginning of each FY (October 1). There is no minimum service requirement prior to crediting or use of the leave. There is no proration for a partial year. Unused leave can be carried into the next FY, however, at no time may the total balance exceed 30 days. Employees on military duty that extends into a second FY may use the 15 days of military leave that is credited at the beginning of the second FY without return to civilian status. Full time employees receive 15 days of military leave per FY. Part time career employees (16-32 hours per week) receive this leave on a pro rata basis. Employees scheduled to work from 1-15 hours or more than 32 hours per week do not meet the definition of part-time career employment. Therefore, these employees are not eligible for military leave.

4. Charges. The leave is charged in 1-day increments on a calendar day basis regardless of the number of hours in the employee's workday. When military leave is used, it is charged for consecutive calendar days of military duty including non-workdays and holidays falling wholly within a period of absence. Non-workdays at the beginning or end of a period of absence on military duty are not charged to military leave.

5. Offset Provisions. Employees on military leave under this provision keep both their military and civilian pay. There is no offset.

C. ELIGIBILITY FOR 22 WORKDAYS OF MILITARY LEAVE UNDER SECTION 6323(b) of 5 U.S.C.

1. Reserves of the Armed Forces or members of the National Guard are entitled to leave without loss of, or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating, when performing certain Federal service or full-time military service for the purpose of providing military aid to enforce the law or to assist civil authorities in the protection of life or property or the prevention of injury.

2. Federal service must be under Sections 331, 332, 333, or 12406 of 10 U.S.C. or other provision of law, as applicable. Full-time military service must be for his or her State, District of Columbia, Commonwealth of Puerto Rico, or a territory of the United States.

3. Employees on the following types of appointments are entitled to 22 workdays of military leave: permanent, term, temporary indefinite appointments made for more than 1 year. Extensions of or continuous consecutive temporary appointments that result in more than 1 year of consecutive service, do not meet this requirement. In addition, employees with intermittent work schedules are not entitled to military leave.

4. Accrual. Leave credited under this provision is 22 workdays in a calendar year. Leave is credited at the beginning of each calendar year. There is no minimum service requirement prior to crediting or use of the leave. There is no proration for a partial year. Leave unused at the end of the calendar year is lost. It cannot be carried forward into the next calendar year.

5. Charges. The leave is converted into hours and charged in 1-hour increments. This type of military leave is not charged on holidays and non-workdays. Previously, employees performing military service under subsection 6323(b) were required to use the 22 days of military leave if it was available. The National Defense Authorization Act for FY 1996 permanently amended Title 5, U.S.C., Section 6323(b) so that employees now have the option to use annual leave or compensatory time off even if the military leave under 6323(b) is not exhausted

6. Offset Provisions. Military leave under this provision is subject to the provisions of Section 5519 of 5 U.S.C., which provides that military pay (excluding travel, transportation, and per diem allowances) received for service for days that civilian pay is received, must be offset. If the military pay exceeds basic civilian pay, no civilian pay is received. When employees use annual leave or compensatory time, the offset rules do

not apply and the employee receives full military and civilian pay. Non-workdays and holidays are not included in calculating the offset to the civilian pay.

D. MILITARY LEAVE UNDER SECTION 6323 (c) of 5 U.S.C.

1. Employees who are members of the District of Columbia National Guard are entitled to leave without loss in pay or time for each day of a parade or encampment ordered or authorized under Title 39, District of Columbia Code. This provision covers each work day of service or portion thereof, performed by the National Guard under orders of the Commanding General.

2. Employees on the following types of appointments are entitled to military leave: permanent, term, temporary indefinite appointments made for more than 1 year. Extensions of or continuous consecutive temporary appointments, that result in more than 1 year of consecutive service, do not meet this requirement. In addition, employees with intermittent work schedules are not entitled to military leave.

3. Accrual. There is no limit on the number of days of military leave that may be granted under this provision.

4. Charges. Military leave authorized under this provision is charged in calendar days.

5. Offset Provisions. Military leave taken under Section 6323 (c) of 5 U.S.C of this provision is subject to the provisions of Section 5519 of 5 U.S.C., which provides that military pay (excluding travel, transportation, and per diem allowances) received for service for days that civilian pay is received, must be offset. If the military pay exceeds basic civilian pay, no civilian pay is received. When employees use annual leave or compensatory time, the offset rules do not apply and the employee receives full military and civilian pay. Non-workdays and holidays are not included in calculating the offset to the civilian pay. The offset of civilian compensation is computed on a daily basis, as it is paid on a daily basis. It is not to be prorated hourly.

E. ELIGIBILITY FOR 44 WORKDAYS OF MILITARY LEAVE UNDER SECTION 6323 (d) of 5 U.S.C.

1. Military reserve technicians are entitled to leave without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating for days on which serving on active duty without pay. The active duty must be performed under Section 12301 (b) or (d) of 10 U.S.C. for participation in noncombat operations outside the United States, its territories and possessions. This leave is not authorized for active duty during war or national emergency declared by the President or Congress.

2. A military reserve technician is defined under Section 8401 (30) of 5 U.S.C. as a member of one of the reserve components of the Armed Forces specified in Section 10101 of 10 U.S.C. who: is assigned to a civilian position as a technician in the administration and training of such reserve components or in the maintenance and repair of supplies issued to such reserve components; and as a condition of employment in such position, is required to be a member of one of such reserve components serving in a specified military grade.

3. Military reserve technicians who serve on the following types of appointments are entitled to 44 days of military leave: permanent, term, temporary indefinite appointments made for more than 1 year. Extensions of or continuous consecutive temporary appointments, that result in more than 1 year of consecutive service, do not meet this requirement. In addition, employees with intermittent work schedules are not entitled to military leave.

4. Accrual. Leave credited under this provision is 44 workdays in a calendar year. Leave is credited at the beginning of each calendar year. There is no minimum service requirement prior to crediting or use of the leave. There is no proration for a partial year. Leave unused at the end of the calendar year is lost. It cannot be carried into the next calendar year.

5. Charges. The leave is converted into hours and charged on the same basis that annual leave is charged. There is no charge for non-workdays and holidays. Employees may also use annual leave, compensatory time, or LWOP in conjunction with the 44 days of military leave.

6. Offset Provisions. The provisions of Section 5519 of 5 U.S.C. does not apply. However, a military reserve technician may not receive military pay on days he or she uses military leave under Section 6323 (d) of 5 U.S.C.

F. BENEFITS:

Benefits for employees on military leave, annual leave, sick leave, or compensatory time continues as they would for any employee in a pay status. Benefits may be affected when an employee separates or is placed on LWOP.

FUNERAL LEAVE

A. Funeral leave shall be granted to an employee for up to 3 workdays to make arrangements for or attend the funeral or memorial service for 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. Immediate relative is defined as the following:

1. Spouse and spouse's parents;
2. Children, including adopted children, and spouses of children and adopted children;
3. Parents; and
4. Brothers and sisters and their spouses.
5. Any person related by blood or affinity whose close association with the deceased was such as to have been equivalent to a family relationship.

B. The 3-day absence need not be consecutive. However, the employee shall furnish satisfactory reasons justifying a grant of funeral leave for non-consecutive days. Combat zones are determined by the President in accordance with the Internal Revenue Code, Section 112.

HOME LEAVE

Home leave is leave earned by service abroad on and after September 6, 1960, by an employee at a post of duty outside the United States and outside the employee's place of residence, if the place of residence is in the Commonwealth of Puerto Rico, or a territory or possession of the United States. An employee who meets the requirements for the accumulation of a maximum of 45 days of annual leave earns and may be granted home leave. An employee who is governed by 20 U.S.C. (educators) who is converted from the Teaching Position (TP) pay plan to the General Schedule (GS) pay plan is entitled to earn home leave effective with the date of conversion provided all other eligibility criteria are met.

A. EARNING RATES. For each 12 months of service abroad, an employee earns home leave as follows:

1. An employee who accepts an appointment to, or occupies a position that the agency has prescribed the requirement that the incumbent accept assignments anywhere in the world as the needs of the agency dictate earns 15 days (Category 15).
2. An employee who is serving with a United States mission to a public international organization earns 15 days (Category 15).
3. An employee who is serving at a post for which payment of a foreign or nonfreezing (but not a tropical) differential of 20 percent or more is authorized by law or regulation earns 15 days (Category 15).
4. An employee not included in subparagraph 1, 2 or 3 of this paragraph who is serving at a post for which payment of a foreign or territorial (but not a tropical) differential of at least 10 percent but less than 20 percent is authorized by law or regulation earns 10 days (Category 10).
5. An employee not included in subparagraph 1, 2, 3, or 4 of this paragraph earns 5 days (Category 5).
6. An employee included under 1 through 5 above whose civilian service abroad is interrupted by a tour of duty in the Armed Forces of the United States for the duration of such tour does not earn home leave.

B. COMPUTATION. Home leave is earned and credited on a monthly basis for each leave-earning category in accordance with the following:

	<u>Category</u> <u>15</u>	<u>Category</u> <u>10</u>	<u>Category</u> <u>5</u>
<u>Months of</u> <u>Service Abroad</u>		<u>Days Earned</u>	
1	1	0	0
2	2	1	0
3	3	2	1
4	5	3	1
5	6	4	2
6	7	5	2
7	8	5	2
8	10	6	3
9	11	7	3
10	12	8	4
11	13	9	4
1 2	15	10	5

C. GRANTING HOME LEAVE

1. Eligible employees may be granted home leave for use in the United States, the Commonwealth of Puerto Rico, or a territory or possession of the United States as follows:

- a. After completion of 24 months of continuous service abroad.
- b. In conjunction with renewal agreement travel.
- c. After returning to the United States from overseas service, when it is contemplated that the employee will return overseas immediately or after completion of an assignment in the United States.

2. An employee who returns to the United States, the Commonwealth of Puerto Rico, or possessions of the United States, in accordance with the above situations, is encouraged to use accrued home leave before using accrued annual leave.

3. If an employee fails to return to service abroad after using home leave, the employee is indebted for the amount of home leave used. The Chief, Personnel Center, is authorized to waive a refund of home leave in the following circumstances:

a. The employee has completed no less than six months on assignment in the United States following the period of home leave.

b. It is determined that the employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as physical or mental health or circumstances over which the employee has no control.

c. To return the employee to his or her overseas assignment would not be in the public interest.

D. TRANSFER OR RECREDIT. Home leave may be transferred or recredited to an employee's leave account upon movement between agencies or reemployment without a break in service of more than 90 days. However, home leave may not be made the basis for terminal leave or for lump sum payment.

ADMINISTRATIVE LEAVE

A. Employees may be excused from duty without charge to leave or loss of compensation. The Director, DoDEA, is responsible for determining when employees may be excused administratively from duty.

B. Management officials may excuse employees from duty when the absence is requested for one of the following reasons:

1. Appeals and Grievances. For reasonable amounts of time, normally not to exceed 8 hours, for obtaining information and assistance in the preparation of appeals and grievances when such assistance is available only during duty hours. Excuse from duty to prepare the case is not appropriate.

2. Blood Donor. For the time necessary to serve as a blood donor either directly or to blood banks. Normally, the maximum absence may not exceed 4 hours. Additional time, not in excess of 4 hours, is permissible if the employee must travel an unusual distance or if unusual need for recuperation occurs.

3. Bone Marrow or Organ Donor. Employees may be granted an excused absence not to exceed 4 hours including travel time to be screened or registered as a potential bone marrow or organ/tissue donor. An employee serving as a bone marrow or organ/tissue donor may be granted an excused absence not to exceed 7 days.

4. Civil Defense. Participation in state and local pre-emergency training programs, or test exercises for civil defense, not to exceed a total of 40 working hours during a calendar year.

5. Emergency Duty in the National Guard or State National Guard, or participation in civil air patrol searches, or other types of rescue or protective work, at the discretion of the second level supervisor. The period of official time may not exceed a total of 40 working hours during a calendar year.

6. Examination for Duty in the Armed Forces. If an absence for this purpose exceeds 1 day, the employee is required to submit a statement from the examining office explaining the necessity for the additional absence.

7. Funeral Services. Participation in funeral services for members of the Armed Forces returned from overseas for final interment in the United States when the employee is a veteran of a war or of a campaign or expedition for which a campaign badge has been

authorized, or a member of an honor or a ceremonial group of an organization of those veterans and will serve as an active pallbearer or a member of a firing squad or honor guard, for such time as may be necessary, but not to exceed 4 hours in any one day.

8. Hearings. Attendance at hearings in connection with appeals and grievances when the employee is the appellant or a witness.

9. Medical examinations to determine fitness for duty if requested by the agency.

10. Personnel Services. To use Personnel Center services.

11. Permanent Change of Duty Station (PCS). The sponsor may be excused without charge to leave or loss of pay for any absence necessary to comply with requirements imposed in connection with his or her PCS provided that the activities or appointments cannot be transacted outside of the duty day. Included are appointments for household goods packing/pick-up/delivery as well as the delivery and pick-up of a privately owned vehicle. The employee may be excused for a reasonable period of time to make personal arrangements and to transact personal business directly related to the PCS. This includes absences to obtain required physical examination, vaccination and inoculation, or passport, or to comply with other special requirements imposed because of the overseas assignment, including absence to obtain travel orders.

12. Registration under the "Military Selective Service Act" for the time necessary to register, but not to exceed 1 day. Time in excess of 1 day is chargeable to annual leave or LWOP (Sections 451-473 of 50 U.S.C (reference (c))).

13. Registration and voting in any election or referendum. This absence should only be granted when the employee is unable to register or vote outside of the duty day. It is an executive policy to excuse employees for a reasonable time, when practical to do so without seriously interfering with operations, to vote or register in any election. Generally, an employee is excused from duty so as to permit him or her to report for work 3 hours after the polls open, or to leave work 3 hours before the polls close, whichever results in the lesser amount of time off.

14. Tardiness and brief absences of periods of less than 1 hour when reasons appear to be adequate to the supervisor.

15. Tests and interviews in connection with employment within the Department of Defense in the local commuting area.

A. VOLUNTARY LEAVE TRANSFER PROGRAM (VLTP)

The VLTP permits Federal civilian employees to donate annual leave to other Federal employees who are experiencing medical or family medical emergencies. An employee who has a medical or family medical emergency that is likely to require the employee's absence from duty for a prolonged period of time and result in a substantial loss of income because of the unavailability of paid leave, may apply to receive transferred annual leave from other employees with the concurrence of the respective management officials: The determination of whether a medical emergency is likely to result in a substantial loss of income shall be based solely on whether the absence from duty without paid leave for the purpose of the emergency is, or is expected to be, at least 24 hours.

B. PROCEDURES

1. Application to Become a Leave Recipient

a. An employee who has been affected by a medical emergency shall complete DD Form 2539, Leave Recipient Application, (Attachment 1 of this Enclosure), and forward it to his or her supervisor for approval. If the employee is unable to complete the application due to a physical or mental impairment, an immediate family member or other designated representative may complete the application on behalf of the employee. The employee must designate the representative in writing.

b. Employees who personally experience a medical emergency must exhaust all of their accrued or advanced sick and annual leave before they are eligible to apply to become leave recipients. Employees who experience a medical emergency involving a family member must exhaust all accrued or advanced annual leave (but not sick leave) before they are eligible to apply to become leave recipients. Since the employee has no accrued leave, and will be absent from work in a nonpay status, a request for LWOP is required. (See Enclosure 6, LWOP for information on applying for LWOP.) In the event the employee does not receive sufficient leave donations to cover the duration of the absence, they will be charged LWOP. If the period of LWOP is 30 consecutive calendar days or more, the absence must be recorded in the employees OPF by a SF-50. Upon the expiration of the medical emergency the employee will receive notice of the amount of donated leave received and the amount of LWOP charged.

c: The employee shall:

(1) An employee wishing to become a leave donor recipient must complete DD Form 2539, and forward it to his or her supervisor with:

- (a) Designation of representative (if applicable);
- (b) Request for LWOP and supporting medical certification; and
- (c) Current LES.

(2) If the duration of the medical emergency extends beyond the period initially requested and certified by the physician, the employee is responsible for submitting the following to his or her supervisor at least 2 weeks prior to the expiration of the initial LWOP period: updated medical certification substantiating the continuing need to be absent from duty, a request to extend the initial period of LWOP, and a statement to remain or terminate participation in the VLTP.

(3) Upon the expiration of the medical emergency, complete DD Form 2540, Notice of Termination of Medical Emergency, (Attachment 2 of this Enclosure), and forward it to the supervisor for signature.

d. The Supervisor shall:

(1) Upon receipt of the DD Form 2539, approve or disapprove the request within 10 calendar days. Verify the employee's leave data and determine that the absence from duty in a nonpay status is, or is expected to be at least 24 hours. In the case of a part-time employee or an employee with an uncommon tour of duty, verify that the absence is, or is expected to be, the average number of hours of work in the employee's biweekly scheduled tour of duty. If the request is disapproved, a written explanation must be provided to the employee.

(2) Immediately forward a copy of the approved or disapproved DD Form 2539, and all supporting documentation to the Personnel Center, Chief, Employee Relations for final review. The documentation may be sent by facsimile to (703) 696-3736.

(3) Properly annotate time and attendance records to ensure that all available paid leave (appropriate to the medical emergency) is exhausted before any transferred annual leave is used by the recipient.

(4) Annotate the leave recipient's time and attendance sheet each time that transferred donated annual leave is used.

(5) Upon the expiration of the initial absence, forward the following to the Personnel Center, Chief, Employee Relations: request for extended LWOP with medical

documentation validating the continuing nature of the medical emergency, and the request to remain or terminate participation in the VLTP.

(6) Forward signed DD Form 2540, Notice of Termination of Medical Emergency, to the Personnel Center, Chief, Employee Relations.

(7) Approve requests to donate leave to approved leave recipients on DD Form 2538, Leave Donor Application, (Attachment 3 of this Enclosure) and forward them to the Personnel Center, Chief, Employee Relations for processing.

2. The Employee Relations Section shall:

a. Review applications from potential leave recipients for final approval. Verify that the medical certification covers the duration of the personal or family medical emergency. Verify that the appropriate LWOP approval is attached, and provide final approval for LWOP requests of 30 calendar days or more. Return incomplete medical certification or LWOP requests to the employee (and a copy to the supervisor) stating the basis for returning the application.

b. Send an approval or denial letter to the employee with a copy to the supervisor within 10 calendar days of receipt.

c. Publicize approved requests within the agency and solicit donations within 5 workdays from receipt of approval. Publicity efforts shall be consistent for all employees who are approved as leave recipients.

d. Forward the DD Form 2538, Leave Donor Application, approval letter, DD Form 2539, Leave Donor Recipient Application, and DD Form 2540, Notice of Termination of Medical Emergency to the appropriate servicing payroll office(s).

e. Evaluate VLTP extension requests based on medical certification and LWOP request. If additional information is required, send notification to employee and supervisor.

f. Upon the termination of medical emergency, verify the payroll database or contact the appropriate payroll office to document the period of LWOP charged. Request a LWOP SF-52 from the supervisor if the LWOP is for 30 consecutive calendar days or more. Send a letter to the employee and supervisor stating the total amount of LWOP charged and leave donations credited.

3. Transfer of Annual Leave

a. A leave recipient's employing organization may accept the transfer of annual leave from leave donors employed by DoDEA and, when necessary, the transfer of approved leave donations from employees of other Federal agencies.

b. To minimize the possibility of coercion or the appearance of favoritism, employees may not transfer annual leave to their immediate supervisor.

c. Employees shall submit a request to transfer a specific number of whole hours of accrued annual leave to the leave account of a specified approved leave recipient to their supervisor by completing DD Form 2538, Leave Donor Application, (Attachment 3 of this Enclosure). A copy of the employee's current LES shall be attached. The supervisor shall verify the information on the application and, upon approval, forward the application to the Personnel Center, Chief, Employee Relations for review and processing.

d. Annual leave transferred under this authority may be used for a current need, substituted retroactively for periods of LWOP or used to liquidate an indebtedness for advanced annual or sick leave granted as a result of a medical emergency for which LWOP or advanced annual or sick leave was granted.

e. When an employee who is an approved leave recipient transfers to another agency during a medical emergency, unused annual leave donated under this program transfers with the employee to the new agency.

4. Accrual of Annual and Sick Leave

a. The maximum amount of sick leave and annual leave that an employee may accrue while the employee is on transferred leave is 40 hours of each type of leave. For part-time employees or those with an uncommon tour of duty, the limit is the average number of hours of work in the employee's weekly scheduled tour of duty. This leave will be placed in a separate account and will not be available for use until it is transferred to the employee's leave account effective the beginning of the first applicable pay period beginning after the date of the termination of the medical emergency. If the employee's medical emergency is ended by the termination of the employee's Federal service, no accrued leave may be credited to the employee under this provision of the VLTP.

b. If a leave recipient is able to work part-time during a personal medical emergency, the annual and sick leave earned while the employee is working should be placed in his or her regular annual and sick leave accounts. The recipient must use any leave earned while working on a temporary or part-time basis before using any additional transferred leave. If the medical emergency is due to a family member's illness, the sick

leave account of the employee will not be affected. Annual leave accrued during the recipient's employment will be credited to the regular annual leave account and must be used before any additional transferred leave. Annual leave accrued while the employee is using transferred leave is credited to the separate account.

5. Limitations on Donations of Annual Leave

a. A potential leave donor shall have a sufficient amount of accrued annual leave to cover the donation.

b. The maximum amount of leave that an employee may donate is the lesser of one-half of the amount of annual leave that the employee is entitled to accrue in the leave year in which the donation is made or, in the case of a leave donor who is projected to have annual leave that would otherwise be subject to forfeiture under Chapter 63 of 5 U.S.C. (reference d), no more than the number of hours remaining in the leave year, as of the date of transfer, for which the leave donor is scheduled to work and receive pay. The Director, DoDEA, may waive this restriction on a case by case basis due to exceptional circumstances surrounding the nature of the medical emergency of the leave recipient. This waiver is not intended to be a blanket authorization to donate "use or lose" leave at the end of the leave year. To request a waiver, the leave donor shall attach a written and signed statement to DD Form 2538, Leave Donor Application, describing any unusual circumstances involved in the medical emergency prior to submission to the supervisor. Upon receipt of the application, the Personnel Center will forward the request for waiver to the Director, DoDEA, for approval or disapproval.

6. Use of Transferred Annual Leave

a. Transferred annual leave may be used in the same manner and for the same purposes as if it has been accrued by the recipient. However, employees who personally experience a medical emergency must exhaust all of their accrued or advanced sick and annual leave before they are eligible to apply to become leave recipients. Employees who experience a medical emergency involving a family member must exhaust all accrued or advanced annual leave (but not sick leave) before they are eligible to apply to become leave recipients.

b. Approved leave recipients may accumulate transferred annual leave without regard to limitation. Transferred annual leave may not be transferred to another leave recipient (except as provided in paragraph A.9.d. below), included in a lump-sum payment or recredited upon reemployment by a Federal agency.

7. Termination of Medical Emergency

a. An employee's entitlement to transferred leave terminates as follows:

(1) Upon termination of the recipient's Federal service.

(2) At the end of the biweekly pay period that the recipient's immediate supervisor receives written notice that the employee is no longer affected by a medical emergency. The employee may submit DD Form 2540, Notice of Termination of Medical Emergency.

(3) At the end of the biweekly pay period that the recipient's immediate supervisor, after providing written notice and opportunity for the leave recipient to answer orally or in writing, determines that the recipient is no longer affected by a medical emergency.

(4) At the end of the biweekly pay period that the Personnel Center receives notice from the Office of Personnel Management (OPM) that an application for disability retirement has been approved.

b. The leave recipient's immediate supervisor shall continually monitor the nature and extent of the medical emergency. Upon termination of the medical emergency, no further donations will be accepted, and any unused transferred annual leave remaining to the credit of the recipient shall be restored to the donors as described in paragraph 9 below.

8. Restoration of Transferred Annual Leave.

a. Upon receipt of DD Form 2540, Notice of Termination of Medical Emergency, the servicing payroll office will compute and restore (to the extent administratively feasible) any remaining transferred annual leave to the annual leave accounts of leave donors who are currently employed by a Federal agency on the date leave restoration is made and subject to Chapter 63 of 5 U.S.C. (reference d).

b. The amount of unused transferred annual leave to be restored to each leave donor shall be determined as follows:

(1) Divide the number of hours of unused leave by the total number of hours of leave transferred to the recipient.

(2) Multiply the ratio obtained by the number of hours of leave transferred by each donor eligible to receive restoration of unused-transferred annual leave.

(3) Round down the result to the nearest quarter hour increment.

c. If the total number of eligible donors exceeds the total number of hours of annual leave to be restored, no leave shall be restored. In no case shall the amount of annual leave restored to the leave donor exceed the amount transferred to the leave recipient by the donor.

d. At the election of the leave donor, leave may be restored by crediting the restored leave to the donor's account in the current year, crediting the restored leave to the donor's account as of the first day of the first leave year beginning after the date of election, or donating all or part of the leave to another approved leave recipient. If only part of the leave is donated to another recipient, the remaining leave may be credited to the donor's annual leave account as described above.

9. Transferred annual leave restored to the account of a leave donor shall be subject to the limitation imposed by Chapter 63 of 5 U.S.C (reference (d)), at the end of the leave year that the restored leave is credited to the leave donor's account (generally 240 hours).

10. Prohibition of Coercion

a. An employee may not directly or indirectly intimidate, threaten, or coerce any other employee for the purpose of interfering with the employee's right with respect to donating, receiving, or using annual leave. For the purpose of this Regulation, the term "intimidate, threaten, or coerce" includes promising to confer any benefit associated with employment (such as appointment, promotion, hours of work, compensation, or assignment of duties). Effecting or threatening reprisal with respect to leave donations is strictly prohibited.

b. Management shall provide adequate publicity when soliciting for leave donations. Therefore, the leave recipient is discouraged from personally soliciting leave donations from other employees.

11. Records and Reports

The Employee Relations Section shall maintain the following information:

a. The number of applications approved for medical emergencies (1) affecting the employee, and (2) affecting the employee's family members.

b. The grade or pay level of each leave recipient and leave donor, the gender of each leave recipient, and the total amount transferred annual leave used by each leave recipient.

VOLUNTARY LEAVE TRANSFER PROGRAM LEAVE RECIPIENT APPLICATION

1. PAYBLOCK NUMBER

Privacy Act Statement

AUTHORITY: EO 9397, November 1943 (SSN)

PRINCIPAL PURPOSE(S): Individuals wishing to participate in the Voluntary Leave Transfer Program as donors complete this form. The information provided is used to validate the donor's application.

ROUTINE USE(S): Because the Leave Transfer Program is intended to function government-wide, donor information may be furnished to personnel and payroll departments of other Federal Agencies.

DISCLOSURE: Voluntary; however, failure to provide requested information may impede the validation process.

2. EMPLOYEE IDENTIFICATION

a. NAME (Last, First, Middle Initial)	b. SOCIAL SECURITY NO.
c. POSITION TITLE	d. GRADE/STEP
e. ORGANIZATION	f. SALARY

3. LEAVE DATA

a. AS OF (YYMMDD)	b. ANNUAL LEAVE BALANCE	c. SICK LEAVE BALANCE	d. DATE AVAILABLE LEAVE EXPIRES (YYMMDD)	e. ACCRUAL RATE FOR ANNUAL LEAVE
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4. MEDICAL EMERGENCY

a. DESCRIPTION (Attach appropriate documentation)	
b. EXPECTED DURATION	c. APPROXIMATE FREQUENCY (If recurring)

5. CONTACT DURING PERIOD OF EMERGENCY

a. EMPLOYEE TELEPHONE NUMBER (If available) (Include Area Code)	b. OTHER POINT OF CONTACT (If applicable)	
	(1) Name (Last, First, Middle Initial)	(3) Address (Street, City, State and Zip Code)
	(2) Telephone Number (Include Area Code)	

6. EMPLOYEE CERTIFICATION (X and complete all that apply)

I am aware that publication of all or part of the above information may be necessary to find leave donors.	
a. SIGNATURE	b. DATE SIGNED (YYMMDD)
7. SUPERVISOR APPROVAL	
a. SIGNATURE	b. DATE SIGNED (YYMMDD)

**VOLUNTARY LEAVE TRANSFER PROGRAM
NOTICE OF TERMINATION OF MEDICAL EMERGENCY**

1. PAYBLOCK NUMBER

2. LEAVE RECIPIENT

a. NAME (Last, First, Middle Initial)

b. SOCIAL SECURITY NO.

c. ORGANIZATION

3. LEAVE DATAa. DATE TRANSFERRED LEAVE
BEGAN (YYMMDD)b. NUMBER OF HOURS OF
LEAVE TRANSFERREDc. NUMBER OF HOURS OF
TRANSFERRED LEAVE USED4. DATE OF TERMINATION OF
MEDICAL EMERGENCY
(YYMMDD)**5. REMARKS****6. SUPERVISOR CERTIFICATION**

a. SIGNATURE

b. DATE SIGNED (YYMMDD)

COPY TO: EMPLOYEE (LEAVE RECIPIENT)
 COMPONENT ADMINISTRATIVE/EXECUTIVE OFFICER

CIVILIAN PERSONNEL OFFICE
CIVILIAN PAYROLL OFFICE

**VOLUNTARY LEAVE TRANSFER PROGRAM
LEAVE DONOR APPLICATION**

1. PAYBLOCK NUMBER

Privacy Act Statement

AUTHORITY: EO 9397, November 1943 (SSN)
PRINCIPAL PURPOSE(S): Individuals wishing to participate in the Voluntary Leave Transfer Program as donors complete this form. The information provided is used to validate the donor's application.
ROUTINE USE(S): Because the Leave Transfer Program is intended to function government-wide, donor information may be furnished to personnel and payroll departments of other Federal Agencies.
DISCLOSURE: Voluntary; however, failure to provide requested information may impede the validation process.

2. EMPLOYEE IDENTIFICATION

a. NAME (Last, First, Middle Initial)		b. SOCIAL SECURITY NO.	
c. POSITION TITLE		d. GRADE/STEP	
e. ORGANIZATION		f. SALARY	

3. LEAVE DATA

a. ANNUAL LEAVE BALANCE	b. AS OF ((YYMMDD))	c. ACCRUAL RATE FOR ANNUAL LEAVE	d. HOURS TO BE EARNED DURING REMAINDER OF LEAVE YEAR	e. HOURS TO BE DONATED	f. USE OR LOSE HOURS INCLUDED IN 3.e.
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4. DESIGNATED LEAVE RECIPIENT

a. NAME (Last, First, Middle Initial)	b. ORGANIZATION
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5. EMPLOYEE CERTIFICATION (X and complete all that apply)

In the event the medical emergency of the leave recipient is terminated and it is determined there is sufficient transferred annual leave to restore to leave donors, I elect that any unused leave be restored as follows:

<input type="checkbox"/>	a. CREDIT IN THE CURRENT LEAVE YEAR.
<input type="checkbox"/>	b. CREDIT EFFECTIVE THE BEGINNING OF THE NEXT LEAVE YEAR.
<input type="checkbox"/>	c. CREDIT TO ANOTHER LEAVE RECIPIENT (Complete (1) - (4))
<input type="checkbox"/>	(1) Name (Last, First, Middle Initial) _____ (2) Organization _____
<input type="checkbox"/>	(3) Credit All restored leave to recipient designated in (1).
<input type="checkbox"/>	(4) Credit _____% to the leave recipient and _____% to my leave account designated in 4.a. or b.

d. SIGNATURE	e. DATE SIGNED (YYMMDD)
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6. SUPERVISOR APPROVAL

a. SIGNATURE	b. DATE SIGNED (YYMMDD)
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