

U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

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Subject: Transmittal of Directive 10.62, "Leave Administration"

Purpose: Directive and Handbook 10.62 are being revised to include guidance on the expanded use of sick leave under the Family Friendly Leave Act.

Office and Division of Origin: Office of Human Resources

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Leave Administration

Directive

10.62

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U. S. Nuclear Regulatory Commission

Volume: 10 Personnel Management

Part: 2 Position Evaluation and Management, Pay HR
Administration, and Leave

Leave Administration

Directive 10.62

Policy

(10.62-01)

It is the policy of the U.S. Nuclear Regulatory Commission to implement the leave system established by the Annual and Sick Leave Act of 1951, as amended. This act applies to Federal employees generally. The administrative closing of offices and the authority to excuse employees without charge to leave also is addressed.

Objectives

(10.62-02)

To administer and authorize leave and excused absences on a uniform and equitable basis according to applicable laws and regulations, with due regard for NRC work requirements and the concerns of individual employees.

Organizational Responsibilities and Delegations of Authority

(10.62-03)

Executive Director for Operations (EDO)

(031)

- Issues administrative orders to close all or part of the NRC during an emergency situation, or issues orders excusing NRC employees from duty without closing all or part of the NRC

Organizational Responsibilities and Delegations of Authority

(10.62-03) (continued)

Executive Director for Operations (EDO) (031) (continued)

during an emergency situation; in conjunction with those orders, authorizes excused absence for employees who are not designated as “emergency employees.” (a)

- Authorizes and approves excused absences in excess of 5 consecutive workdays for all employees (except employees of the Office of the Inspector General [OIG]) for any reason, including those specified in Handbook 10.62, Parts IV(A) and (B). (b)
- Authorizes and approves requests to be excused from jury duty for all employees (except for OIG employees). (c)

Inspector General (IG) (032)

- Makes determinations relative to restoration of forfeited annual leave for employees of the Office of the Inspector General (OIG) (see also Handbook 10.62, Part I(K)). This authority may only be delegated to the Deputy Inspector General. (a)
- Authorizes and approves requests to be excused from jury duty for all OIG employees. This authority may only be delegated to the Deputy Inspector General. (b)
- Authorizes and approves excused absences and absence in a duty status for all OIG employees for any reason, including those specified in Handbook 10.62, Part IV. These authorities may be redelegated within the OIG as deemed appropriate by the IG. (c)

Organizational Responsibilities and
Delegations of Authority
(10.62-03) (continued)

Deputy Executive Director for
Management Services (DEDM)
(033)

- Directs program oversight and evaluation activities. (a)
- Advises the EDO on areas of significance and major concern regarding leave administration. (b)

Director, Office of Human Resources (HR)
(034)

- Issues administrative orders for headquarters due to an emergency situation and, in conjunction with such orders, authorizes excused absence for those second and third night shift employees only (up to two consecutive shifts) who are not needed to perform emergency services. Normally, this responsibility will be precipitated by EDO dismissal of employees working during official hours of operation. This authority may not be redelegated. (a)
- Authorizes and approves excused absences up to and including 5 consecutive workdays for all employees (except for OIG employees) in all cases not covered by specific authorities. (b)
- Makes determinations for purposes of restoration of forfeited annual leave, as provided in Handbook 10.62, Part I(K) and (M). (c)
- Makes final determination concerning the agency's position on leave administration policies and procedures. (d)

Organizational Responsibilities and Delegations of Authority

(10.62-03) (continued)

Director, Office of Human Resources (HR)
(034) (continued)

- Maintains a list of headquarters employees designated as providing critical services during emergency office closings (see Handbook 10.62, Part IV(B)(4). (e)
- Initiates instructions and advises on policies of leave, excused absence, and absence in duty status. (f)
- Approves absence in a duty status, when warranted, before the agency effects disciplinary action against an employee. (g)
- Annually issues a notice identifying the media service(s) that will carry information concerning NRC closings. (h)
- Approves or disapproves employees' requests to become leave transfer recipients; waives the limitations on the amount of annual leave an employee may donate in any one leave year, as appropriate. (i)

Office Directors
(035)

- Authorize and approve leave, absence in a duty status, and leave without pay (LWOP) for employees under their jurisdiction. These authorities may be redelegated. (a)
- Authorize excused absence up to 1 day for any reason, including but not limited to those reasons specified in Handbook 10.62, Part IV(A) and (B). This authority may not be redelegated. (b)

Organizational Responsibilities and
Delegations of Authority
(10.62-03) (continued)

Office Directors
(035) (continued)

- Designate emergency employees or positions in accordance with Handbook 10.62, Part IV(B)(4), and annually provide a list to the Director, HR. (c)

Regional Administrators
(036)

- Authorize and approve leave, excused absence up to 1 day (including but not limited to those reasons specified in Handbook 10.62, Part IV(A) and (B)), absence in a duty status, and LWOP for employees under their jurisdiction. These authorities may not be redelegated. (a)
- Annually designate emergency employees or positions. (b)
- Issue administrative orders to close all or part of their offices during an emergency situation or issues orders excusing regional employees from duty without closing all or part of the regional office during an emergency situation; in conjunction with those orders, authorize excused absence for employees who are not needed to perform emergency services and immediately notify the EDO (see Handbook 10.62, Part IV(A) and (B)). (c)
- Ensure that mechanisms are in place to inform their employees of weather-related closings. (d)

Organizational Responsibilities and
Delegations of Authority
(10.62-03) (continued)

Director, Division of Accounting and Finance,
Office of the Chief Financial Officer
(037)

- Prescribes procedures and methods for maintaining leave accounts. (a)
- Maintains leave accounts for each employee. (b)
- Determines employee indebtedness; approves options for settlement. (c)

Supervisors
(038)

- Authorize and approve up to 1 hour excused absence during the workday and up to 2 hours excused absence at the beginning of the workday. (a)
- As delegated, authorize and approve leave, excused absence as specified in Handbook 10.62, Part IV(A) and (B), absence in a duty status, and LWOP for employees under their jurisdiction. This authority should be redelegated to the lowest practicable supervisory level unless otherwise provided herein. Delegations may be contained in position descriptions. (b)

Employees
(039)

- Schedule annual leave throughout the year to avoid forfeiture of annual leave that is in excess of the maximum allowable accumulation. (a)

Organizational Responsibilities and Delegations of Authority (10.62-03) (continued)

Employees (039) (continued)

- Submit leave request and inform the leave approving official of emergency or unplanned leave requirements in a timely manner. (b)

Applicability (10.62-04)

The policy and guidance in this directive and handbook apply to all NRC employees except the following: (041)

- The Commissioners and the IG, as presidential appointees confirmed by the U.S. Senate. (a)
- Employees for whom a regular tour of duty during each administrative workweek has not been established, including consultants, members of advisory committees, and others who are paid on an intermittent basis. (b)
- For annual leave only, employees whose appointments are limited to less than 90 days and who are not employed for a continuous period of 90 days or more. (c)

Where provisions of the collective bargaining agreement with the employees' exclusive representative are in conflict with this management directive and handbook, provisions of the agreement shall govern bargaining unit employees. (042)

Volume 10, Part 2 - Position Evaluation and Management,
Pay Administration, and Leave
Leave Administration
Directive 10.62

Handbook
(10.62-05)

Handbook 10.62 contains the provisions of law, Executive orders, regulations of the Office of Personnel Management, decisions of the Comptroller General, and the policies and regulations of NRC governing the Federal leave system that are applicable to NRC employees.

Limitation on Approval of
Leave
(10.62-06)

No NRC employee to whom this directive and its handbook apply may approve his or her own leave or excused absence. Also, only individuals with delegated authority may approve leave.

References
(10.62-07)

Annual and Sick Leave Act of 1951, as amended, Chapter 631 (65 Stat. 679; 5 U.S.C. 6301 et seq.).

Civil Service Reform Act of 1978 (5 U.S.C. 2302).

Civilian Personnel Law Manual, Title II, "Leave," U.S. General Accounting Office.

Code of Federal Regulations, Title 5, Administrative Personnel, Part 630.

Government Management Reform Act of 1994 (Section 201 of Pub. L. 103-356).

Inspector General Act (5 U.S.C. App. 3).

NRC Management Directives—

References

(10.62-07) (continued)

4.1, "Accounting Policy and Practices."

4.5, "Contingency Plan for Periods of Lapsed Appropriations."

10.1, "Appointments, General Employment Issues, Details, and Position Changes."

10.43, "Time and Attendance Reporting."

10.99, "Discipline, Adverse Actions, and Separations."

10.100, "Appeals From Adverse Actions."

10.101, "Employee Grievances."

10.103, "Reduction in Force for NRC Employees Other Than Senior Executive Service."

10.161, "NRC Equal Employment Opportunity Program."

14.1, "Official Temporary Duty Travel."

Memorandum from President William J. Clinton to Heads of Executive Departments and Agencies, "Preventive Health at the Federal Workplace," January 4, 2001.

Office of Personnel Management, "Memorandum for Human Resources Directors" (CPM 2001-2), January 25, 2001.

Office of Personnel Management Operating Manual, "The Guide to Processing Personnel Actions."

Treasury and General Government Appropriations Act, 2001 (Pub. L. 106-554), Section 642 (5 U.S.C. 6323(a)(3)).

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References

(10.62-07) (continued)

The Treasury, Postal Service and General Government Appropriations Act for Fiscal Year 1995 (Pub. L. 103-329).

Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301-04).

United States Code—

Title 5, "Government Organizations and Employees," Chapters 31, 55, 61, 63, and 81.

Title 37, "Pay and Allowances of the Uniformed Services," Section 101.

Leave Administration

Handbook

10.62

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Part I Annual Leave

Annual leave, provided by law, is a benefit and accrues automatically to all eligible employees. Supervisors and other officials who have the authority to approve leave also have the responsibility to decide when leave may be taken. This decision will be made generally in light of the needs of the agency rather than solely on the basis of an employee's desire. Both employees and leave approving officials have the obligation and responsibility for advance scheduling of annual leave throughout the year and for planning work assignments so as to avoid forfeiture of leave. Specific requirements for scheduling and rescheduling annual leave are addressed in Section (J) of this part.

Eligibility for Annual Leave (A)

All NRC employees are eligible to earn annual leave except - -

- Presidential appointees (the Commissioners and Inspector General (IG)) (for information concerning leave earned under prior appointments, see 5 CFR 630.211) (1)
- Employees for whom a regular tour of duty during each administrative workweek has not been established in advance (intermittent employees) (2)
- Employees whose appointments are limited to less than 90 days and who are not employed for a continuous period of 90 days or more (see Section (B) of this part) (3)

Leave Earned by New Appointees (B)

Eligible employees who are appointed for 90 days or more are entitled to annual leave as of the first day of employment. If the appointment is for less than 90 days, the employee is not entitled to annual leave unless employed for a continuous period of 90 days under successive appointments without a break in service. A break in service is 1 workday or more when the employee is not on the Government's employment rolls. If the employee is initially appointed for less than 90 days and subsequently the appointment is converted to one for more than 90 days, the individual is entitled to leave credit from the beginning date of the initial appointment and may begin using the leave immediately upon the appointment conversion. Employees may use any annual leave earned under previous appointments that has been credited to their account.

Earning Rates (C)

Full-Time Employees (1)

Full-time employees (employees who are scheduled to work 40 hours each workweek or 80 hours each biweekly pay period) with less than 3 years of service (see Section (E) of this part for discussion of creditable service) earn 4 hours of annual leave for each biweekly pay period. (a)

Those with 3 but less than 15 years of service earn 6 hours of annual leave for each full biweekly pay period except for the last full pay period of the calendar year when they earn 10 hours of annual leave. (b)

Those with 15 or more years of service earn 8 hours of annual leave for each full biweekly pay period. (c)

Earning Rates (C) (continued)

Part-Time Employees (2)

To earn annual leave, part-time employees must have a regularly assigned tour of duty prescribed in advance on 1 or more workdays during each administrative workweek in the biweekly pay period.

(a)

Part-time employees with less than 3 years of service earn 1 hour of annual leave for each 20 hours in a pay status (except as discussed in paragraph (e) below). (b)

Those with 3 but less than 15 years of service earn 1 hour of annual leave for each 13 hours in a pay status (except as discussed in paragraph (e) below). (c)

Those with 15 or more years of service earn 1 hour of annual leave for each 10 hours in a pay status (except as discussed in paragraph (e) below). (d)

Any hours in a pay status in excess of 80 hours in a biweekly pay period will be disregarded in computing annual leave credit for part-time employees. (e)

Change in Earning Rates (3)

Any change in the rate of accrual is effective at the beginning of the pay period following the date on which an employee becomes eligible for the change to a higher leave earning category.

Accrual of Leave During Pay Periods (D)

Full Biweekly Pay Periods (1)

To earn leave, an employee must be employed during a full biweekly pay period. An employee is considered to have been

Accrual of Leave During Pay Periods (D) (continued)

Full Biweekly Pay Periods (1) (continued)

employed for a full pay period if on the NRC rolls or those of another agency covered by 5 U.S.C., Chapter 63, Subchapter 1, in a pay status, or in a combination of a pay status and nonpay status, on all days falling within the basic administrative workweek exclusive of holidays and nonworkdays. (a)

If an employee enters on duty from a position not covered by 5 U.S.C. Chapter 63, Subchapter 1 (such as a position in private industry), in the middle of a full biweekly pay period, no leave is earned for the partial biweekly pay period (see also Section (D)(3) of this part). (b)

Fractional Pay Periods (2)

If employment is continuous but an employee's service is interrupted by a "non leave earning" period, the employee may be credited with leave on a pro rata basis for that fraction of the pay period during which the employee was in a leave earning status. This situation occurs, for example, when an employee is carried in a leave without pay (LWOP) status while in receipt of disability compensation or when an employee's tour of duty changes from full time to intermittent. (See 5 CFR 630.204.)

Movement Within a Pay Period (3)

An employee who transfers between offices or agencies covered by 5 U.S.C. Chapter 63, Subchapter 1, without a break in service, shall have his or her leave credited by the acquiring agency for the full biweekly pay period.

Accrual Reduction Because of Nonpay Status (4)

When a full-time employee's absence in a nonpay status totals or exceeds 80 hours in a leave year, annual leave credit is reduced

Accrual of Leave During Pay Periods (D) (continued)

Accrual Reduction Because of Nonpay Status (4) (continued)

by 4 hours, 6 hours, or 8 hours, depending on the employee's leave earning category (see Section (C) of this part) for each 80 hours in a nonpay status. When an employee is in a nonpay status for an entire leave year, no leave is earned. For purposes of determining reduction in leave credits when an employee has one or more breaks in service during a leave year, all hours in a nonpay status for each period of employment (excluding fractional pay periods when no leave accrued) during the leave year will be counted. At the end of a leave year, any hours of nonpay status of less than 80 hours are dropped. (See 5 CFR 630.208.)

Determining Creditable Service (E)

General (1)

In general, any service that may be used in computing an annuity under the Civil Service Retirement System and the Federal Employees' Retirement System is creditable for setting leave earning rates. See the Office of Personnel Management (OPM) Operating Manual, "The Guide to Processing Personnel Actions," for a detailed discussion and listing of creditable service, noting in particular the special limitations on crediting military service for employees who are retired members of the uniformed services.

Service in a Public International Organization (2)

Service in a public international organization with reemployment rights is creditable for determining the leave earning rate upon reemployment.

Determining Creditable Service (E) (continued)

Procedures for Determining Creditable Service (3)

The total service of an employee normally may be computed from existing personnel records. If these records are not complete or if they contain service that is not verified by documents that originated in a Federal agency, the employee should complete a "Statement of Prior Federal Service," Standard Form (SF) 144, or an agency-equivalent form. Where further verification appears necessary, action should be taken in accordance with the OPM Operating Manual. During NRC's new employee orientation, employees who transfer from one agency to another without a break in service will fill out a new SF-144 to expedite entry-on-duty processing.

Crediting Annual Leave (F)

Full-Time Employees (1)

The annual leave that regular full-time employees will earn during the leave year is credited to their accounts at the beginning of the year and will be available for use during the year. When an employee's leave rate changes (i.e., 4 to 6 hours per pay period or 6 to 8 hours per pay period) during the year, the additional annual leave accrual will be credited after the time-in-service requirements are met. Likewise, an employee who enters on duty during the year (subject to the provisions of Section (B) of this part) is credited with the annual leave that will be earned during the pay periods remaining in the leave year. Annual leave may not be advanced beyond an employee's projected accrual for the current year.

Part-Time Employees (2)

Annual leave is credited to part-time employees as earned (i.e., at the end of biweekly pay periods, subject to the provisions of

Crediting Annual Leave (F) (continued)

Part-Time Employees (2) (continued)

Section (B) of this part). The crediting is on a pro rata basis (see Section (C) of this part) but will be in multiples of 1 hour. Any hours worked remaining to the employee's credit at the end of the pay period that do not meet the required numbers for the minimum 1-hour annual leave credit will be carried over to the next pay period.

Maximum Accumulation (G)

Any annual leave in excess of the amounts stated below is forfeited by employees unless restoration of the excess leave is approved under the provision of Section (K) of this part.

- For full-time Senior Executive Service (SES) employees, the maximum amount of annual leave that may be carried forward from one leave year to another is 90 days (720 hours). SES employees who, as of October 16, 1994, had accumulated annual leave in excess of 90 days (720 hours) were entitled to retain that leave as a personal leave ceiling. These personal leave ceilings may be reduced as indicated in paragraph (3) below. (See 5 CFR 630.301 for more detail.) (1)
- For non-SES employees, the maximum amount of annual leave that may be carried forward from one leave year to another is 30 days (240 hours). (See 5 U.S.C. 6304 for more detail.) (2)
- Employees may have a personal leave ceiling larger than the limits described in paragraphs (1) and (2) above if the personal leave ceiling has not been reduced through use. Generally, when an employee's personal leave ceiling exceeds the limits described in paragraphs (1) and (2) above, the personal ceiling remains to the employee's credit until used. Whenever an

Maximum Accumulation (G) (continued)

employee uses more annual leave in a leave year than is earned, the balance carried forward becomes a new leave ceiling, if it is still above the normal maximums. It may not be increased thereafter by leave earned in subsequent years. (3)

- Certain Federal employees who are assigned overseas accumulate up to 45 days of annual leave. In the event of employment by NRC, they are entitled to retain the higher accumulation in accordance with 5 CFR 630.302. (4)

Annual Leave Charges (H)

Leave Days (1)

Annual leave is charged to an employee's leave account only for absence on regular workdays, that is, days on which an employee would otherwise work and receive pay. Leave is not charged for absence on holidays and nonworkdays established by Federal statute, Executive order, or administrative order. An employee may not be required to perform work during any period for which leave is charged.

Minimum Charge (2)

The minimum charge for annual leave is 6 minutes.

Granting Annual Leave (I)

Provisions (1)

Annual leave is provided - -

- To allow every employee an annual vacation period of extended leave for rest and recreation (a)

Granting Annual Leave (I) (continued)

Provisions (1) (continued)

- To allow periods of time off for personal and emergency purposes. These absences involve such matters as a death in the employee's family (however, see Part II(D)(1)(d) of this handbook for using sick leave for funerals under the Family Friendly Leave Act, and Part IV(A)(3)(g) of this handbook for information on funeral leave in connection with the death of persons in the Armed Forces [5 CFR 630, Subpart H]); making financial arrangements such as mortgages or loans; attending conferences or conventions (not job related); having a car repaired or inspected; or other personal business that can be disposed of only during the time that the employee ordinarily is working. The above situations are not all-inclusive but are examples of the various kinds of absence for which annual leave is available. (b)

Approval Requirements (2)

Except in cases of emergency or unforeseen circumstances, approval of annual leave must be obtained in advance of the absence. Approval is normally delegated to the lowest supervisory level having personal knowledge of the work requirements and of the employee's leave record. Assuming that the employee has followed prescribed procedures for requesting leave, he or she has an absolute right to take annual leave, subject to the right of the agency to fix the time that leave may be taken. (a)

Requests to use annual leave shall be granted or denied promptly. Once an employee's request for annual leave has been approved, the approval may not be revoked unless, because of changed circumstances, the employee's absence would cause a severe workload problem. When two or more employees' requests for annual leave create a workload problem, the employees will be requested to resolve the problem among themselves. If they are

Granting Annual Leave (I) (continued)

Approval Requirements (2) (continued)

unable to do so, then the requests will be granted in the order in which they are received. (b)

If unforeseen circumstances prevent making the request in advance, the employee should notify the supervisor as soon as possible and request approval of the leave. When leave is not requested in advance, the employee should notify his or her supervisor each day he or she is on leave unless a specific date of return is given. Denial of a leave request or cancellation of approved leave normally needs to be based on the necessity for the employee's services. For periods of annual leave in excess of 3 working days, application for the leave will be made on "Request for Leave or Approved Absence" (SF-71). The leave approving official authorizes the leave on the same form and retains it with the office timekeeping records. For periods of 3 working days or less, application may be made either informally or on an SF 71 as required by the leave approving official. (See Section (J) of this part for requirements for prior scheduling in writing of annual leave to avoid forfeiture.) (c)

Annual Leave in Lieu of Sick Leave (3)

An approved absence that would otherwise be chargeable to sick leave may be charged to annual leave if requested by the employee and approved. However, the retroactive substitution of annual leave for sick leave previously granted is not authorized except to—

- Liquidate advanced sick leave, and then only when the substitution is made before the time the annual leave would have been otherwise forfeited (a)

Granting Annual Leave (I) (continued)

Annual Leave in Lieu of Sick Leave (3) (continued)

- Correct a leave record when an employee erroneously used more “Family Friendly” sick leave than authorized in Part II(D)(2) of this handbook, and then only when the substitution is made before the time the annual leave would have been otherwise forfeited (b)

Terminal Leave (4)

An employee may not be granted terminal annual leave immediately before separation from Federal service when it is known in advance that the individual will not return to duty. Any unused annual leave to the employee's credit must be paid for in a lump sum payment. Exceptions may be made to this requirement when there are statutory provisions or regulations that require or permit the granting of annual leave immediately before separation as, for example, is the case in providing advance reduction in force notices. Exception also is permitted where extraordinary administrative need exists to grant or require an employee to take annual leave immediately before separation, such as when a forced shutdown of an activity is occurring at the time of separation and the date of separation cannot be set any earlier than planned. Under the above exceptions, the employee is entitled to any leave that accrued during the leave period even though there is no return to active duty. When an employee who is not known to be separating from the service has been granted annual leave and it then becomes known that he or she is to be separated, the employee may not continue in a leave status beyond the day that the fact of separation becomes known.

Advance Scheduling of Annual Leave (J)

Establishment of Leave Schedules (1)

Supervisors and employees have a mutual and positive responsibility for scheduling the use of annual leave throughout the year so as to minimize disruptions and to avoid forfeiture of annual leave that is in excess of the maximum accumulation figures given in Section (G) of this part. (a)

When an employee chooses not to request or to use annual leave to avoid forfeiture, he or she is not entitled to have the forfeited leave restored for later use. Leave schedules should be developed early in each leave year and adjustments made from time to time as may be necessary to accommodate workload requirements and employees' wishes for leave. (b)

Scheduling To Avoid Leave Forfeiture (2)

Any employee who has excess annual leave to his or her credit that is potentially subject to forfeiture must schedule in writing the excess leave not later than three biweekly pay periods before the actual end of the leave year in order for that leave to be considered for restoration. If such scheduled leave was requested in accordance with Section (J)(3) of this part and is subsequently canceled as a result of an exigency of the public business or of sickness, the leave may be restored in accordance with Section (K) of this part.

Records To Be Maintained (3)

In scheduling annual leave to permit restoration in case of cancellation, a written request for annual leave must be submitted as early in the leave year as possible, but at least before the start of the third biweekly pay period before the end of the leave year. An approved SF-71 may serve as the written request. (a)

Advance Scheduling of Annual Leave (J) (continued)

Records To Be Maintained (3) (continued)

When scheduled leave is canceled and subsequently restored, NRC Form 328, "Request for Annual Leave Restoration Based on Exigency of Public Business," must be retained by the Director, Division of Accounting and Finance (DAF), Office of the Chief Financial Officer, until the restored leave has been used or until expiration of the 2-year time limit during which such leave is to be used. In case of separation, if the restored leave is included in a lump sum payment, the documentation must be retained for the time required for retention of similar financial documents. (b)

Restoration of Forfeited Annual Leave (K)

Unused annual leave in excess of the maximum permissible accumulation (see Section (G) of this part) may be restored in certain cases as a result of administrative error, exigencies of the public business, or sickness. Each of these conditions is discussed below. For employees of the Office of the Inspector General, the Inspector General makes all determinations relative to the restoration of forfeited annual leave.

Administrative Error (1)

This provision allows the restoration of annual leave in cases in which administrative errors are the cause of an employee's loss, through forfeiture, of annual leave. Generally, a current employee will have annual leave restored to his or her special account. When an administrative error is found, the employee should make a request by memorandum to the Director, Office of Human Resources (HR), for annual leave restoration. The employee's memorandum should contain adequate background information

Restoration of Forfeited Annual Leave (K) (continued)

Administrative Error (1) (continued)

(including causes for the error, amount of annual leave forfeited, and dates relevant to the issue) for the Director, HR, to make a decision about leave restoration. A former NRC employee has 3 years from the date the error is discovered in which to file a claim for reimbursement. If the error is discovered by NRC, the Director, HR, will notify the former employee of the entitlement and of the procedure for filing a claim. If official records are not available to substantiate the amount of annual leave for which payment is claimed, an estimate of the amount of leave that was forfeited, and for which payment is being made, is acceptable when accompanied by official statements clearly reflecting the factors that form the basis of the estimate. It should be noted that the back pay provisions of 5 U.S.C. 5596 are not applicable for purposes of the law here involved.

Exigencies of the Public Business (2)

There are two factors involved in this provision of the law. The first factor recognizes that even with the best planning and scheduling of annual leave usage throughout the year, operational demands may preclude usage to avoid forfeiture of some leave by some employees. Operational demands may be either unanticipated or anticipated by management officials. The key factor is that the exigency or operational demand must be of such importance as to preclude the use of timely scheduled annual leave or preclude approval of a timely request to schedule annual leave. (a)

The second factor deals with the statutory requirement that the annual leave must have been scheduled in advance and not later than three biweekly pay periods before the actual end of the leave year (see Section (J) of this part). (b)

Restoration of Forfeited Annual Leave (K) (continued)

Exigencies of the Public Business (2) (continued)

When an exigency of the public business appears to require cancellation of scheduled annual leave, office directors or regional administrators will request the Director, HR, to make a determination, usually in advance, as to whether an exigency of public business exists and whether any leave that might be forfeited may be restored, using NRC Form 328. Only a bona fide emergency would preclude making the decisions in advance. (c)

Sickness (3)

When an employee's sickness occurs at such a time as to interfere with the employee's use of scheduled annual leave and results in its forfeiture, the forfeited leave will be restored, provided the period of absence due to sickness occurred so late in the leave year, or was of such duration, that the annual leave could not be rescheduled for use before the end of the year to avoid forfeiture. "Sickness" includes injury or any other medical condition for which sick leave would have been approved, including sick leave taken under the Family Friendly Leave Act. (a)

Supervisors and employees have a mutual responsibility to schedule or reschedule the use of annual leave to avoid forfeiture even though an absence period because of sickness occurs during the year. This is especially true when it is known in advance that a medical or physical condition will require an absence before the end of the leave year. Note that the employee continues to have the option of using annual leave in place of sick leave on a current basis (see Section (I)(3) of this part). (b)

When restoration of annual leave is sought, the employee should make such a request by memorandum to the Payroll office routed through the employee's supervisor, for the approval of the

Restoration of Forfeited Annual Leave (K) (continued)

Sickness (3) (continued)

Director, HR. This memorandum should include the dates of illness, a medical certificate, the dates on which annual leave was scheduled and the amount scheduled, the number of hours requested to be restored, the date the employee is determined to be recovered and able to return to duty, and any other background information to enable the Director, HR, to make a decision about leave restoration. (c)

Establishment of Separate Leave Account for Restored Annual Leave (L)

A separate leave account will be established by the Director, DAF, for restored annual leave that had been forfeited for any of the reasons given in Section (K) of this part. The separate restored annual leave account will identify the date the leave was restored for use, the amount of leave credited, the amount used, and the balance remaining. (1)

Use of restored leave must be specifically reported on the time and attendance report. (2)

Time Limit for Use of Restored Annual Leave (M)

OPM has established a time limit of 2 years within which restored annual leave must be used by the employee. Restored annual leave must be scheduled and used not later than the end of the leave year ending 2 years after the date— (1)

Time Limit for Use of Restored Annual Leave (M) (continued)

- Annual leave was restored to correct an administrative error.
(a)
- Fixed by the Director, HR, as the termination date of an exigency that resulted in the forfeiture of the annual leave. (b)
- The employee is determined to be recovered and able to return to duty if the annual leave was forfeited because of sickness.
(c)

Any restored leave unused at the expiration of the 2-year limit is forfeited with no further right to restoration. There is no legal authority to permit retention of the restored leave or to provide payment to current employees if it is not used within the specified 2-year limit except as noted herein. The exception is if, after termination of an extended exigency of the public business, the employee's restored and accrued leave cannot be used within the specified 2-year time period and the exigency was of such significance as to— (2)

- Threaten the national security, safety, or welfare (a)
- Last for more than 3 calendar years (b)
- Affect a segment of the agency or occupational class (c)
- Preclude subsequent use of restored and accrued annual leave within the time limit specified in 5 CFR 630.306 (d)

A request for such an extension must be fully justified in writing using the criteria listed above and endorsed by the office director and submitted to the Director, HR, for approval. (For more detail on extended exigencies, see 5 U.S.C. 6304(d)(3) and

Time Limit for Use of Restored Annual Leave (M) (continued)

5 CFR 630.306 and 309, including guidance on Department of Defense base closings.) (3)

Should an employee separate or transfer to an international organization before expiration of the time limit, the restored unused annual leave is included in the lump sum payment. (4)

Scheduling Use of Restored Annual Leave (N)

Management officials and employees have a mutual obligation to plan and schedule the restored leave for use as expeditiously as circumstances permit but not later than the prescribed 2-year period (Section (M) of this part). It should be noted that the 2-year limit was specified to accommodate extreme circumstances, particularly exigencies of long duration that might involve restoration of large amounts of leave by a sizeable number of employees. Prompt use of restored leave will facilitate scheduling of currently accrued leave. (1)

The existence of a separate restored leave account does not affect the normal maximum carryover of annual leave into a new leave year. (2)

Liquidation of Excess Annual Leave Credited Through Administrative Error (O)

An employee is required to refund the full amount of any annual leave that may have been credited and/or used in excess of entitlement because of administrative error. Under certain circumstances, repayment may be waived under 5 U.S.C. 5584.

Liquidation of Excess Annual Leave Credited Through Administrative Error (O) (continued)

If repayment is not waived, however, the employee may refund the excess annual leave under one or more of the following options:
(1)

- Lump sum payment in dollars equivalent to the dollar value of the leave at the time it was used (a)
- Lump sum payment in an equivalent amount of accrued annual leave (b)
- Installment payments in dollars equivalent to the dollar value of the leave at the time it was used (c)
- Installment payments in annual leave (i.e., as a charge against later-accruing annual leave) (d)

The Director, DAF, is responsible for determining indebtedness and approving options for settlement of an employee's indebtedness agreed to with the employee, or deemed reasonable. In selecting an option or options to apply in a particular case, consideration should be given to providing for repayment as promptly as possible but without imposing a significant financial hardship on an employee or requiring the use of all accrued annual leave. (2)

Required Use of Annual Leave (P)

An employee may be required to take annual leave at any time that the needs of the service may require, except that an employee shall not be required to use annual leave as a disciplinary action. The following are examples of situations in

Required Use of Annual Leave (P) (continued)

which an employee may be required to use his or her annual leave:

(1)

- Breakdown of equipment (a)
- Lack of materials (b)
- Transportation strikes (c)
- Inclement weather (d)
- Annual or semiannual shutdown of industrial activities for plant equipment maintenance (e)
- Temporary reduction in workload (f)

If an employee has insufficient annual leave to carry him or her over a period in which he or she is required to use annual leave and if he or she does not request LWOP for the time involved, it is necessary that the employee be furloughed as provided in Management Directive 10.99, "Discipline, Adverse Actions, and Separations" (see also Part VII of this handbook). (2)

Part II

Sick Leave

Sick leave shall be used for the purposes described in this part. Supervisors and other leave approving officials have the authority and responsibility to determine, when appropriate, that the nature of an employee's illness was such as to incapacitate the individual for the performance of duties and that other reasons for which sick leave is granted are justified. All NRC employees are eligible for sick leave except those covered by Part I(A)(1) and (2) of this handbook.

Earning Rates (A)

Full-Time Employees (1)

Full-time employees earn sick leave at the rate of 4 hours for each full biweekly pay period. Sick leave is earned from the first pay period of employment. Its earning is not affected by the type of appointment or length of service.

Part-Time Employees (2)

Employees who work on a part-time basis (with an established tour of duty) earn sick leave at the rate of 1 hour for each 20 hours of duty, except that credit may not exceed 4 hours of sick leave for 80 hours of duty in any pay period. To earn sick leave, part-time employees must have a regular weekly tour of duty; if they have regular weekly tours, they earn leave for every hour in a pay status.

Crediting Sick Leave (B)

Unless it is uncertain as to how much sick leave will be earned, sick leave accrual is credited to an employee's account at the

Crediting Sick Leave (B) (continued)

beginning of the pay period in which it is earned. When an employee transfers or moves to another agency within a biweekly pay period without a break in service, leave accrual for the full pay period will be credited by the acquiring organization. See 5 CFR 630.502 for information on recrediting sick leave after a break in service.

Sick Leave Charges (C)

The minimum charge for sick leave is 6 minutes. Sick leave is charged to an employee's account only for absence on regular workdays (i.e., days on which an employee would otherwise work and receive pay). Leave is not charged for absence on holidays and nonworkdays established by Federal statute, Executive order, or administrative order.

Granting Sick Leave (D)

Provisions (1)

Sick leave may be used when the employee—

- Receives medical, dental, or optical examination or treatment (see Part V(B) of this handbook for specific provisions relating to disabled veterans) (a)
- Is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth (b)
- Provides care for a family member who is incapacitated as the result of physical or mental illness, injury, pregnancy, or childbirth, or who receives medical, dental, or optical examination or treatment (see Section (D)(2) of this part for definition of “family member”) (c)

Granting Sick Leave (D) (continued)

Provisions (1) (continued)

- Makes arrangements necessitated by the death of a family member or attends the funeral of a family member (see Section (D)(2) of this part for definition of “family member”) (d)
- Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease and meets the conditions of Section (D)(9) of this part (e)
- Must be absent from duty for purposes relating to the adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed (f)

Use of Sick Leave Under the Family Friendly Leave Act (2)

This section defines “family member” as that term applies to Section (D)(1)(c) and (d) above. It also describes the annual limits for Family Friendly Leave use. (See 5 CFR 630.201 and 630.401 for more detail.) “Family member” means the following relatives of an employee: (a)

- Spouse and parents of spouse (i)
- Children, including adopted children, and their spouses (ii)
- Parents (iii)
- Brothers and sisters and their spouses (iv)

Granting Sick Leave (D) (continued)

Use of Sick Leave Under the Family Friendly Leave Act (2) (continued)

- Any individual related by blood or affinity whose close association with the employee is the equivalent of a family member (v)

The limits on the number of hours that may be granted any employee in any leave year under the Family Friendly Leave Act are as follows: (b)

General Family Care or Bereavement (i)

- Full-time employees who maintain a sick leave balance of at least 80 hours may be granted up to 104 hours (13 days) in any leave year for general family care or bereavement purposes. (a)
- Full-time employees who maintain a sick leave balance of less than 80 hours may be granted up to 40 hours (5 days) in any leave year for these purposes. (b)
- Part-time employees who maintain a sick leave balance equal to twice the average number of hours in their scheduled tours of duty each week may be granted up to the number of sick leave hours they will earn in a leave year. For example, if a part-time employee's scheduled tour of duty is 20 hours a week, and the employee maintains a sick leave balance of at least 40 hours, the employee may be granted up to 52 hours in any leave year. (c)
- Part-time employees who do not maintain a sick leave balance equal to at least twice the average number of hours in their scheduled tours of duty each week may be granted only up to the number of hours scheduled per

Granting Sick Leave (D) (continued)

Use of Sick Leave Under the Family Friendly Leave Act (2)
(continued)

week. For example, if a part-time employee's scheduled tour of duty is 20 hours a week and the employee does not maintain a sick leave balance of at least 40 hours, the employee may not be granted more than 20 hours in any leave year. (d)

Serious Health Conditions of Family Members (ii)

- The same limitations (stated above) apply to the use of sick leave to care for a family member with a serious health condition. An employee may use additional sick leave (up to a total of 12 weeks) to care for a family member with a serious health condition (as defined below), if he or she maintains a balance of at least 80 hours of sick leave in his or her account. Only the first 40 hours of sick leave (or a proportional amount for an employee on a part-time schedule or an uncommon tour of duty) may be advanced. (a)
- Serious health conditions may include such conditions as cancer, heart disease and heart attacks, strokes, severe injuries, kidney dialysis, emphysema, Alzheimer's disease, and pregnancy and childbirth (this list is not intended to be all-inclusive). The term "serious health condition" does not cover short-term conditions for which treatment and recovery are brief (e.g., colds; flu; earaches; upset stomachs; headaches, other than migraines; routine dental or orthodontia problems) unless complications arise. (b)
- If an employee previously has used any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted

Granting Sick Leave (D) (continued)

Use of Sick Leave Under the Family Friendly Leave Act (2) (continued)

from the 12-week entitlement. If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days in the same leave year for general family care purposes. An employee is entitled to use a maximum of 12 weeks of sick leave each year for all family care purposes. (c)

Medical certification of a serious health condition may be required for sick leave of more than 3 consecutive full workdays. When required, the medical certification should be completed by the health care provider. Employees should provide the completed forms to their supervisors, and supervisors should keep the completed forms until the end of the leave year during which the serious health condition ends. (c)

Employees should request all Family Friendly Leave on a Standard Form (SF) 71, and timekeepers should maintain those forms to ensure that such leave does not exceed the described limits. If these limits are exceeded, appropriate adjustments to the employee's leave record must be made to correct the error. (d)

Supervisors, employees, and timekeepers share a joint responsibility to keep track of all leave used under this program each year. Supervisors should maintain detailed records on the use of sick leave under this program until such time as they are told that Office of Personnel Management (OPM) reporting requirements are no longer applicable. (e)

Approval Considerations (3)

Each official with authority to approve applications for sick leave shall determine whether the circumstances of the absence justify

Granting Sick Leave (D) (continued)

Approval Considerations (3) (continued)

the approval of sick leave requests. Requests for sick leave for nonemergency medical, dental, or optical examination or treatment shall be requested and approved in accordance with Part 1(I)(2) of this handbook.

Sick Leave During or Following Leave Without Pay (4)

Accrued or advanced sick leave may not be granted retroactively to cover any period of absence on leave without pay (LWOP) that was applied for and approved in advance except for LWOP granted to an employee pending action on an employee's compensation claim that was disallowed. When an employee is unable to return to duty because of illness following a period of LWOP, sick leave may be granted.

Granting Sick Leave Upon Retirement or Separation for Disability (5)

To reduce the number of nonproductive hours of leave that an employee may use after the agency has made a preliminary determination that the employee meets requirements for disability retirement and while OPM is processing the employee's application, leave approving officials are encouraged to retain the employee in a work status to the extent that the employee is able to render useful and efficient service. If the employee cannot be retained in a duty status, he or she shall be granted such unused sick leave as he or she requests and for which the leave approving official is satisfied that the employee is incapacitated for performance of the duties of his or her position. Otherwise, the sick leave to the credit of the employee shall be credited in the computation of his or her annuity under the Civil Service Retirement System (CSRS). (Generally, such credit applies to

Granting Sick Leave (D) (continued)

Granting Sick Leave Upon Retirement or Separation for Disability (5) (continued)

employees retiring under the CSRS or to employees with a CSRS component in their annuity. For employees covered by the Federal Employees' Retirement System [FERS], accumulated sick leave is not credited in the computation of their annuity but is forfeited upon retirement.) Even though supported by acceptable documentation, sick leave does not have to be exhausted before the effective date of retirement. The employee may prefer to use part of the leave and have the balance credited in the annuity computation.

Restoration To Grant Sick Leave (6)

An employee may not be restored to a pay status for the purpose of granting sick leave for any period subsequent to the date of separation in the absence of an administrative error or oversight in the processing of the separation action.

Worker's Compensation (7)

An employee is entitled to use any accrued sick leave when he or she suffers a work-related injury or illness. While awaiting adjudication of a claim for worker's compensation, an employee also is entitled to use available annual leave or LWOP, as requested. Once entitlement to compensation payments has been awarded and the employee has either exhausted, or chooses not to use, available sick leave, the NRC has discretionary authority in approving any further requests for annual leave or LWOP.

Death (8)

In the event an employee dies without returning to duty and without making applications for sick leave, accrued or advanced

Granting Sick Leave (D) (continued)

Death (8) (continued)

sick leave within the limitations of Section (I) of this part may be granted for the period immediately before death on account of the illness or disability that caused the employee's death.

Communicable Disease (9)

An employee may be granted sick leave when, through exposure to a communicable disease, the presence of the employee at his or her post of duty would jeopardize the health of others. (a)

Among the communicable diseases for which isolation of the patient or restriction of movement is generally prescribed are chicken pox, diphtheria, German measles (rubella), measles (rubeola), mumps, and whooping cough. (b)

Sick leave usually will be charged only on an employee's request and a grant of sick leave under this section must be supported by a doctor's certificate that specifies the contagious nature of the illness, indicates isolation or restriction of movement was prescribed, and includes the period of illness and convalescence (date to date). (c)

Accrual Reduction Because of Nonpay Status (10)

When a full-time employee's absence in a nonpay status totals or exceeds 80 hours in a leave year, sick leave credit is reduced by 4 hours for each 80 hours in a nonpay status. When an employee is in a nonpay status for an entire leave year, no leave is earned. For purposes of determining reduction in leave credits when an employee has one or more breaks in service during a leave year, all hours in a nonpay status for each period of employment (excluding fractional pay periods when no leave accrued) during the leave year will be counted. At the end of a leave year, any

Granting Sick Leave (D) (continued)

Accrual Reduction Because of Nonpay Status (10) (continued)

hours of nonpay status of less than 80 hours are dropped. (See 5 CFR 630.208.)

Reporting Absences (E)

An employee absent for any of the reasons stated in Section (D)(1) of this part should notify the supervisor or the supervisor's designee at the beginning of business on the first day of the absence or as soon thereafter as possible. Failure to give timely notice may result in the absence being charged to annual leave or absence without leave. (1)

Note: See the collective bargaining agreement between the NRC and the employees' exclusive representative for additional provisions concerning bargaining unit employees. (2)

Application for Approval of Sick Leave (F)

Application for Scheduled Sick Leave (1)

Sick leave requests for scheduled medical, dental, or optical examinations, operations, or treatment must be made as far in advance as practical. When possible, such requests will be made no less than 3 workdays before the intended absence. Requests for approval of sick leave of less than 3 days may be made orally. (Bargaining unit employees: See the collective bargaining agreement between the NRC and the employees' exclusive representative for additional provisions.)

Application for Approval of Sick Leave (F) (continued)

Absences of Three Days or Less (2)

Ordinarily a medical certificate is not required for absences of 3 days or less. However, when leave is not requested in advance, the employee should notify his or her supervisor each day he or she is on leave unless a specific date of return is given. An employee who, because of illness, is released from duty by the supervisor after reporting to the work site will not be required to furnish a medical certificate to substantiate sick leave for the day he or she is released from duty. An employee who is frequently absent for short periods because of sickness may be directed to secure a fitness-for-duty physical examination (see Part VII(B) of this handbook for leave abuse). (a)

Practices should not be established providing for the submission of medical certificates by all employees absent for 3 days or less. (b)

Absences of More Than Three Days (3)

Requests for approval of sick leave of more than 3 days are made on "Request for Leave or Approved Absence," SF-71. In addition, supervisors may require an employee to furnish either a medical certificate or other evidence acceptable to a reasonable person to substantiate a request for approval if the sick leave exceeds 3 consecutive full workdays. In cases of extended illness, medical certificates may be required periodically to establish the employee's continued incapacity to return to work. Absence not justifying sick leave may be charged to annual leave or LWOP at the supervisor's discretion or, when the supervisor deems appropriate, may be charged to absence without leave (AWOL) and become the basis for disciplinary action.

Outside Employment While on Sick Leave (G)

If an employee is unable to perform the duties of the job because of illness or injury, the individual is generally too ill or injured to work elsewhere. There are, however, rare situations (usually involving extended periods of illness or confinement) in which there may be acceptable justification for outside employment. One example is an employee confined at home because of pregnancy or recuperating from illness or injury who engages in telephone solicitation work or writing. Employees of NRC are required to notify their supervisors whenever they engage in outside employment (for themselves or others) on 1 or more days for which sick leave has been requested. As circumstances may warrant, the employee may be required to secure prior approval before engaging in any outside employment during a period of sick leave.

Substitution of Sick Leave for Annual Leave (H)

When sickness occurs within a period of annual leave, the period of illness may be charged as sick leave and the charge against annual leave reduced accordingly. Application for such substitution should be made as soon as possible after return to duty and, if for more than 3 days, supported by a medical certificate or other evidence acceptable to the supervisor or other leave approving official.

No Lump Sum Payment (I)

Lump sum payments are not made for sick leave. In cases in which employees are eligible to use all sick leave to their credit before separation, the date of separation should be effective at the expiration of the sick leave.

Advancing Sick Leave (J)

Employees Holding Regular Appointments (1)

Employees with no sick leave to their credit and who definitely intend to continue their employment with NRC may be granted up to 30 days (240 hours) sick leave in advance at the discretion of the leave approving official. Sick leave may be advanced any number of times per year as long as the total balance at any one time does not exceed 30 days (240 hours). An employee may not be advanced sick leave when it is known or expected that the employee will not return to duty (e.g., when the employee has applied for disability retirement). (a)

Employees may be advanced up to 40 hours of sick leave in a leave year under the Family Friendly Leave Act to care for family members, or to make arrangements for, or attend funerals of, family members. The hours granted under this act are not in addition to the 240-hour maximum described in paragraph (a) above but are a part of that broader limit. (See Sections (D)(1)(c) and (d) and (D)(2) of this part for more information on sick leave usage under the Family Friendly Leave Act.) (b)

Employees Holding Temporary or Limited Appointments (2)

Temporary employees or employees with appointments with a definite time limit may not be advanced sick leave in excess of the total amount of sick leave credits they will earn during the remaining period of their appointments.

Availability of Annual Leave (3)

Sick leave may be advanced at the discretion of the NRC irrespective of whether the employee has annual leave to his or her credit.

Advancing Sick Leave (J) (continued)

Advancing Sick Leave Retroactively (4)

Advanced sick leave may be granted retroactively except where specifically not authorized by these instructions (see Section (D)(4) of this part).

Liquidation of Advanced Sick Leave (5)

Advanced sick leave is normally liquidated by charge against sick leave credits subsequently earned. Upon an employee's request, however, advanced sick leave may be liquidated by a charge against an equivalent amount of annual leave, provided the supervisor or other leave approving official concerned would have otherwise granted such leave. (a)

Any charges against annual leave must be made before the time the annual leave would have been forfeited under the maximum accumulation rules given in Part I(G) of this handbook. Also, an employee may, with the consent of the approving official, arrange to refund the advanced sick leave per appropriate options shown under Part I(O) of this handbook. Using annual leave to liquidate advanced sick leave is different from the prohibitive substitution of annual leave for sick leave previously granted to avoid forfeiture of annual leave at the end of the leave year. (b)

Requesting Advanced Sick Leave (6)

Normally, at least 1 week before the time the leave will be used, an employee will request advanced sick leave by submitting an SF-71 and a medical certificate or other satisfactory evidence in support of his or her request to the leave approving official. If the request is approved, the leave approving official will retain the SF-71 and the medical certificate in his or her office files (see Section (J)(4) of this part for exception).

Maximum Accumulation of Sick Leave (K)

Sick leave that is not used by an employee during the year in which it accrues shall accumulate and be available for use in succeeding years. There is no limit on the amount of sick leave an employee may accumulate.

Placing an Employee on Sick Leave Without Employee Consent (L)

As a general rule, an employee may not be placed on sick leave without his or her consent (i.e., sick leave must be requested). There is one exception to this general rule. The Comptroller General has ruled in effect (B-136721, unpublished, January 18, 1960) that the criterion for placing on sick leave an employee who has not requested such leave is whether he or she is "ready, willing, and able" to work. In other words, when an employee is clearly physically or mentally incapable of performing his or her duties, the employee may be placed on sick leave or other leave even though he or she does not request it. Because, however, of the possibility of conflicting opinions as to the extent of disability, medical documentation demonstrating the physical or mental incapacitation must be obtained. The supervisor shall consult the Human Resources Team Leader, Office of Human Resources (HR), or the regional HR representative, as appropriate, before any action. (See also Part VII(A) of this handbook.)

Special Provisions for Disabled Veterans (M)

Disabled veterans shall be granted sick leave, annual leave, or LWOP for the purpose of receiving medical treatment, and for examinations and absences connected with the disability. This

Special Provisions for Disabled
Veterans (M) (continued)

leave must be granted upon the employee's request, provided appropriate evidence of necessity for treatment is presented and provided the veteran gives prior notice of absence required for treatment.

Part III

Other Absences From Duty

Leave for Maternity Reasons (A)

General Discussion (1)

There is no separate leave category called maternity leave. Leave for maternity reasons is a combination of as many as three separate kinds of leave: sick leave, annual leave, and leave without pay (LWOP). To the extent available, sick leave may be used to cover the time required for physical examinations and to cover the period of incapacitation. An absence covering pregnancy and confinement is to be treated like any other medically certified temporary disability. (a)

There is no prescribed or suggested length of time that an employee may be absent either before or after delivery. The essential principle to be considered in each individual case is whether the employee is incapacitated. Any arbitrary cut off dates that require an employee to cease work or prevent an employee from returning to work without recognizing the physical capability of the employee to perform the duties of the job are unlawful. The leave approving official, in coordination with the Office of Human Resources (HR) or the regional HR representative and the employee, may establish a firm date for the leave of absence to begin. However, if the leave approving official and the employee cannot agree upon a date and the agency establishes a particular date, the reasons for such a date must be carefully documented. The burden of showing reasonableness in this situation rests with the leave approving official. (b)

After delivery and recuperation, the employee may desire a period of adjustment or may need time to make arrangements for the care of the child. Such additional leave requirements, if approved,

Leave for Maternity Reasons (A) (continued)

General Discussion (1) (continued)

should be taken care of by the use of available annual leave or LWOP. (c)

Employee Responsibilities (2)

The employee should indicate to her supervisor reasonably in advance her intent to request leave for maternity purposes. This step will permit the employing organization to prepare for any staffing adjustments that may be needed to compensate for the anticipated absence from work and also to allow the supervisor to take precautionary measures to protect her health for so long as she remains actively at work. The employee also will cooperate with her supervisor in any temporary modifications of her working conditions that are considered necessary. As soon as dates can be fixed more specifically, she must formalize her request for leave, showing the type(s) of leave requested, approximate dates, anticipated duration of absence, and her plans with regard to returning to her job following the period of incapacitation.

NRC Responsibilities (3)

The overall objective of NRC is to provide gainful employment and make use of skills for as long as the employee is not incapacitated for duty. (a)

Supervisors should be aware of any working conditions that could have an adverse effect upon an employee. If any of these elements could have a harmful effect on the pregnant employee, either pre- or post-delivery, the NRC may request a medical certificate from the employee. The NRC will pay the added cost, if any, to the employee's physician for the medical certificate. (b)

Leave for Maternity Reasons (A) (continued)

NRC Responsibilities (3) (continued)

If, after consulting her physician, the employee requests modification of work duties or a temporary reassignment, every reasonable effort should be made to accommodate the request. The NRC may request a medical certificate to support this request.
(c)

Continued Employment (4)

Employees Planning To Return to Work (a)

NRC has an obligation to ensure continued employment in the position or a position at the same grade and pay to the employee who wishes to return to work following delivery and confinement, unless termination is otherwise required by expiration of appointment, by reduction in force, for cause, or for similar reasons unrelated to the maternity absence. (Supervisors and employees should consider the agency hardship work-at-home program when appropriate. Contact your HR service center for guidance.)

Employees Not Planning To Return to Work (b)

An employee who is not planning to return to work should submit a resignation to be effective at the expiration of the period of incapacitation, or she may be separated at an earlier date if required for other reasons (e.g., expiration of appointment, reduction in force, for cause, or for similar reasons unrelated to the maternity absence).

Granting Leave (5)

The same leave policies, regulations, and procedures as are applicable to requests for leave generally apply to absences for

Leave for Maternity Reasons (A) (continued)

Granting Leave (5) (continued)

maternity reasons. Childbirth or complications of pregnancy are temporary disabilities and must be treated for leave purposes in the same manner as any other physical condition that incapacitates the employee for the performance of duty. Periods of absence related to pregnancy and confinement that are not medically certified as being the cause of incapacitation for the performance of duty may not be charged to sick leave; these absences must be charged to annual leave or to LWOP, if requested by the employee and approved by the leave approving official.

- **Sick Leave.** Unused sick leave to the employee's credit will be granted if it is established by medical certificate or other evidence acceptable to the leave approving official that the employee is incapacitated for duty. Requests for an advance of sick leave not in excess of 30 days due to the incapacity resulting from the maternity aspect will be considered by approving officials, applying the same standards of judgment as those that would govern the granting of advance sick leave in other cases of disability as provided in Part II(D) and (J) of this handbook. (a)
- **Annual Leave.** An employee may be placed on annual leave to the extent that it is available for the approved absence for maternity reasons. Included in the annual leave available for use by an employee who intends to return to her position is the annual leave that is credited to employees generally at the beginning of each leave year (see Part I(F) of this handbook). However, when it is known in advance that the employee will not return to duty, an employee may not be granted annual leave immediately before separation (see Part I(I)(4) of this handbook). (b)

Leave for Maternity Reasons (A) (continued)

Granting Leave (5) (continued)

- **Leave Without Pay.** LWOP may be granted for the approved period of absence for maternity reasons. (c)
- **Extension of Approved Absence Period.** If an employee requests an extension of the approved absence for medical reasons, available sick leave will be granted if supported by a medical certificate or other acceptable evidence. For requests of nonmedical extensions, annual leave or LWOP may be granted. If LWOP is involved, however, the policies and regulations contained in Part V(A) of this handbook will be observed. (d)
- **Voluntary Leave Transfer Program.** NRC will consider a maternity situation, even a “normal” maternity situation, in the same manner as other incapacitating medical conditions of similar duration (see Part VIII of this handbook). (e)

Leave for Paternity Reasons (B)

A male employee may request annual leave or LWOP for purposes of assisting or caring for children or the mother of the newborn child while she is incapacitated for maternity reasons. Approval of leave for this reason should be consistent with the general policies on granting leave, and each leave request should be considered on its own merits. He also may request sick leave under the Family Friendly Leave Act to provide care for the mother or child during periods of illness or incapacitation (Part II(D)(1)(c)). (See also Part V(B) of this handbook for information on the Family and Medical Leave Act.)

Leave for Adoptive Parents (C)

A male or female employee who must be absent from duty for purposes relating to the adoption of a child (see Part II(D)(1)(f) of this handbook) should provide his or her supervisor with 30 calendar days advance written notice. Upon approval, the employee may be granted sick leave, annual leave, or LWOP in accordance with applicable sections of this directive and handbook or of the collective bargaining agreement, as appropriate. This leave may be rescheduled on the basis of an unforeseen change in the adoption date. Approval of leave for this reason should be consistent with the general policies on granting leave in similar situations and each leave request should be considered on its own merits. In addition to the regulation (5 CFR 630.401(a)(6)) authorizing the use of sick leave for adoption-related purposes, see 5 CFR 630.409 for guidance on the retroactive substitution of sick leave for annual leave for adoption-related purposes.

Military Leave (D)

Military leave is absence from duty without charge to other forms of leave or loss of pay for those employees who are members of reserve components of the Armed Forces while they are on active military duty, inactive duty training (IDT, as defined in Section 101 of Title 37), or engaged in field or coast defense training. The Reserve components of the Armed Forces are the Army National Guard of the United States, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve.

Eligibility for Military Leave (1)

All full-time employees except those with an intermittent tour of duty or those with temporary appointments limited to 1 year or less are entitled to military leave. In addition, all part-time permanent employees with a scheduled tour of duty are entitled to military

Military Leave (D) (continued)

Eligibility for Military Leave (1) (continued)

leave on a pro rata basis; those with other types of appointments are not entitled to military leave. Employees holding temporary (for 1 year or less) or intermittent appointments (not eligible for military leave) may request and be granted annual leave or LWOP for performance of active or inactive duty.

Distinction From Military Furlough (2)

“Military furlough” is absence without pay and is a personnel action taken when an employee goes on extended active duty for general service with the Armed Forces.

Types of Military Duty Not Covered by Military Leave (3)

Employees are not eligible for military leave unless the duty is as a reservist or member of the National Guard. This excludes such service as—

- Summer training as members of Reserve Officers' Training Corps (a)
- Temporary Coast Guard Reserve (b)
- Participation in parades by members of the State National Guard (c)
- Training with a State guard or other State military organization that is not part of the National Guard (d)
- Civil Air Patrol (e)

Military Leave (D) (continued)

Military Duty Covered and Conditions for Granting Leave (4)

- **Active Duty for Training (5 U.S.C. 6323(a)) (a)**

Maximum Amount (i)

Employees accrue 15 (8-hour) days of military leave or a total of 120 hours per fiscal year regardless of whether the employee is working under a compressed work schedule (CWS). This amount is prorated for covered part-time employees. Employees and their supervisors are strongly urged to arrange for employees to go off their CWS before the beginning of any pay period in which military leave will be used.

Minimum Charge for Military Leave (ii)

The minimum charge for military leave is 1 hour, with additional charges made in multiples of 1 hour. An 8-hour civilian workday is the basis for accruing 1 day of military leave. The employee will not be charged military leave for the hours that he or she would not otherwise work. A full-time employee working a 40-hour workweek will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year, or the equivalent of three 40-hour workweeks. Military leave will be prorated for part-time employees and employees on uncommon tours of duty, based proportionally on the number of hours in each employee's regularly scheduled biweekly pay period. For example, when 40 hours are worked in a regularly scheduled biweekly pay period, the ratio of those 40 hours to an 80-hour pay period (number of hours in the pay period) would be .5 (40 P 80) and the hours of military leave accrued each leave year would be 60 (.5 x 120).
(a)

Military Leave (D) (continued)

Military Duty Covered and Conditions for Granting Leave (4) (continued)

As stated above, an eligible employee accrues 15 days of military leave (less for part-time employees) each fiscal year, and the military leave (not to exceed 15 days) which is unused at the beginning of the succeeding fiscal year is carried forward for use in addition to the days that are credited at the beginning of that fiscal year. This accrual gives a full-time employee the potential of 30 days military leave during a fiscal year. In addition, an employee is entitled to use the 15 days earned at the beginning of a fiscal year if active duty continues into the new fiscal year. Thus, employee reservists have the potential for using up to a maximum of 45 days of military leave during an extended period of military duty that crosses fiscal years. (See Comptroller General [Comp. Gen.] opinion B-241272.) Military leave is authorized and will be granted to any eligible employee who serves on active duty or IDT (as defined in Section 101 of Title 37) or is engaged in field or coast defense training (32 U.S.C. 502-505) as a reservist of the Armed Forces or a member of the National Guard. An employee may not take more military leave than he or she has accumulated, regardless of the number of training periods in a year, or whether the leave is taken intermittently, a day at a time, or all at once. (b)

Computation (iii)

An employee may be charged military leave only for the hours during which he or she would have otherwise worked and received pay. Members of the Reserves and/or the National Guard will no longer be charged military leave for nonduty days (typically, weekends and holidays) that occur within the period of military service. Employees who request military leave for IDT (which is generally 2, 4, or 6 hours in length) will be

Military Leave (D) (continued)

Military Duty Covered and Conditions for Granting Leave (4) (continued)

charged only the amount of military leave necessary to cover the period of training and necessary travel. Hours in the civilian workweek that are not chargeable to military leave must be worked or charged to another leave category, as appropriate.

Use of Annual Leave (iv)

Absences that are not chargeable to military leave can be charged to annual leave. Therefore, employees who are reservists and are called to duty for a period beyond the period chargeable to military leave can use annual leave for the excess period. (**Note:** Annual leave must be granted when requested for this reason [see Section (D)(6) of this part].)

Premium Pay (v)

An employee who is on military leave on a regularly scheduled overtime day is entitled to overtime pay as appropriate for that day. Similarly, when an employee's tour of duty permits payment of night differential pay, he or she is entitled to night differential pay during the period of military leave. (**Note:** An employee who is on military leave is not eligible for holiday premium pay for holidays worked during the time of military leave.)

Pay Status Required (vi)

Generally, a pay status either immediately before the beginning of military duty or a return to a pay status immediately afterwards is a requisite to entitlement to military leave with pay because otherwise no civilian pay would have been lost. However, the test of whether an employee may be

Military Leave (D) (continued)

Military Duty Covered and Conditions for Granting Leave (4)
(continued)

granted military leave should not be merely the leave or pay status immediately before or after military duty without regard to other facts. The test should be whether, but for the active duty, the employee would have been in a civilian pay status.

Relationship to Annual Leave in a Reduction in Force Situation (vii)

When an employee in an annual leave status preceding a furlough- without-pay period before separation by reduction in force is called to military training duty, military leave is regarded as interrupting the annual leave status so as to permit the employee to revert to an annual leave status at the termination of military leave.

- **Military Leave for Extended Active Duty (5 U.S.C. 6323(a))**
(b)

When an employee is issued orders to extended active duty for a period of 3 consecutive months or more for general service with the armed services, the employee may elect to initiate his or her absence with pay by being granted the military leave discussed in Section (D)(4)(a) of this part and/or annual leave to the extent accrued before being placed on furlough or separated, then serve the remainder of the active duty period on military furlough without pay, or be separated at the option of the agency (37 Comp. Gen. 255).

Military Leave (D) (continued)

Military Duty Covered and Conditions for Granting Leave (4) (continued)

- **Parades and Encampments—D.C. National Guard (5 U.S.C. 6323(c)) (c)**

An employee who is a member of the National Guard of the District of Columbia is entitled to military leave for **all** days (no limit) of a parade or encampment ordered or authorized under Title 39, District of Columbia Code. This entitlement extends to each day of service the National Guard (or a portion thereof) is ordered to perform by the commanding general; the Comptroller General has ruled (32 Comp. Gen. 363), however, that weekly drills and meetings of the D.C. National Guard are not covered by these military leave provisions. (Also see 60 Comp. Gen. 381.)

- **Enforcement of the Law (d)**

Any eligible employee who is a member of a Reserve component of the Armed Forces and who meets one of the following two conditions is entitled to military leave not to exceed 22 workdays in a calendar year. (i)

- Performs, for the purpose of providing military aid to enforce the law, Federal service under Sections 331, 332, 333, or 12406 of Title 10, *United States Code*, or other provision of law, as applicable (a)
- Performs full-time military service for his or her State (or the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States) for the purpose of providing military aid to enforce the law (b)

Military Leave (D) (continued)

Military Duty Covered and Conditions for Granting Leave (4) (continued)

This leave is separate and distinct from other types of military leave. That is, it is separate from and does not reduce the 15 days allowed under paragraphs (a) and (b) above). (ii)

The law requires that there be an offset against any civilian pay otherwise due the employee equal to the amount of pay (but not allowances) he or she received for military service for any day that is chargeable as military leave. (iii)

The procedures to be followed in administering this type of leave are quite rigid. Because of the infrequent use of this type of military leave, detailed instructions are not published in this handbook. HR will advise employees and their supervisors as to the special rules that apply in individual cases, relying on the decisions of the Comptroller General (principally 49 Comp. Gen. 233). (iv)

Requesting Military Leave (5)

An employee who is either assigned or withdrawn as a member of a Reserve component of the Armed Forces or National Guard shall immediately provide his or her leave approving official with a copy of the orders. Leave approving officials, through the time and attendance certifying official, shall immediately provide the Payroll office with the copy of an employee's orders, either assigning or withdrawing the individual as a member of the Armed Forces or National Guard. (a)

An employee shall request military leave by submitting a Standard Form (SF) 71 and a copy of his or her military leave orders or a form documenting IDT to his or her leave approving official. Leave approving officials are responsible for ensuring that copies of such

Military Leave (D) (continued)

Requesting Military Leave (5) (continued)

documents are submitted to Payroll, through the certifying official, for the first pay period in which the military leave is to be taken. (**Note:** Only copies of the orders of the form documenting the IDT should be sent to Payroll, not the SF-71.) If the documents are not available when the SF-71 is submitted to the leave approving official, they must be furnished as soon as possible. (See Section (D)(4)(a) of this part for discussion of maximum military leave usage.) (b)

Other Types of Leave for Military Duty or Training (6)

If a full-time or part-time employee (other than a temporary appointee) who is a reservist or National Guardsman is not entitled to, does not request, or has exhausted his or her military leave, he or she shall be granted annual leave or LWOP, as requested, for performance of active or inactive duty. However, if the period of active duty is for more than 3 months, the NRC has the option of granting annual leave or LWOP, as requested, or of separating or furloughing the employee. If any employee, except a temporary employee, is to continue on active duty for an extended period, usually more than 1 year, he or she, after exhausting any requested military leave, shall be separated or furloughed at the option of the NRC. (**Note:** the employee's entitlement will be the same as if continued in leave status.) A temporary employee (appointed for less than 1 year) may be granted annual leave or LWOP for performance of active or inactive duty.

Court Leave (E)

Coverage (1)

Court leave is the authorized absence of an employee, without charge to leave or loss of pay, for jury duty, or for attending judicial

Court Leave (E) (continued)

Coverage (1) (continued)

proceedings in a nonofficial capacity as a witness on behalf of a State or local government or on behalf of a private party when the United States, the District of Columbia, a State, or local government also is a party in the proceedings. The term “judicial proceeding” contemplates any action, suit, or other proceeding of a court of law but does not include an administrative proceeding.

(a)

The provisions for granting court leave for jury or witness service (and the designation of certain witness service as official duty status), crediting amounts received and the restrictions on receiving fees for this service, and the basic instructions governing travel expenses of witnesses are contained in Title 5 of the *United States Code*, Sections 6322, 5515, 5537, and 5751, respectively. (b)

Jury Service (2)

Policy (a)

In view of the importance of trial by jury as a feature of the American system of justice, the NRC follows the policy of not requesting that NRC employees be excused from jury duty except in cases of serious operational necessity. All such cases must be approved by the Executive Director for Operations or the Inspector General, as appropriate. Any employee may, of course, request court exemption for compelling personal reasons on his or her own initiative.

Eligibility (b)

Court leave for jury duty is granted to both permanent and temporary, full-time and part-time employees. Intermittent

Court Leave (E) (continued)

Jury Service (2) (continued)

employees are not eligible for court leave. A night shift employee who performs jury service during the day is granted court leave for a regularly scheduled night tour of duty and is entitled to the night differential. It is provided by law that compensation shall not be diminished by reason of jury service; therefore, the employee is entitled to night differential for the periods otherwise properly excused from the performance of duty while serving as a juror.

Use of Annual Leave (c)

If an employee is on annual leave when called for jury service, court leave should be substituted. No exception is made for annual leave that would otherwise be forfeited at the end of the leave year. An employee on annual leave under advance notice of separation as a result of a reduction in force who is summoned as a juror is entitled to have otherwise proper court leave substituted for annual leave but not to extend beyond the date administratively fixed for separation.

Pay Status Requirement (d)

An employee on LWOP, although otherwise eligible, may not be granted court leave when called to jury duty since court leave is available only to employees who, except for jury duty, would be on duty or on leave with pay. The employee may, however, retain jury fees and receive the per diem allowance for each day's attendance in court and for the time necessarily occupied in traveling to and from court.

Duration of Jury Service (e)

An employee who is under proper summons from a court to serve on a jury should be granted court leave of absence with pay for

Court Leave (E) (continued)

Jury Service (2) (continued)

the entire period (except as noted in Section (f) below) from the date stated in the summons to report to the court until the time discharged by the court, regardless of the number of hours per day or days per week the individual actually serves on the jury during the period. However, the term of jury service does not include time during which the employee is excused or discharged by the court for an indefinite period subject to call by the court or for a definite period in excess of 1 day (see Section (f) below).

Being Excused From Jury Duty for an Interim Period (f)

When no hardship would result, NRC requires an employee entitled to court leave because of jury service to return to duty or suffer a charge against annual leave if excused from jury service for 1 day or a substantial part of a day. The employee may not, however, be required to return to duty if it would work a hardship on the person (e.g., an employee engaged on night duty or one who lives or works a long way from the place where the court is held).

Jury Fees (g)

Federal Jury Service. An employee called to jury service in a court and who is placed on court leave shall be paid his or her regular Government salary and is not entitled to reimbursement by the court except to the extent that travel expenses are paid to the employee for his or her appearance by the court. If a Federal court should pay an employee for his or her jury service, except when such jury service is performed while absent without pay, the employee is obligated to turn these jury fees over to the NRC Division of Accounting and Finance (DAF), Office of the Chief Financial Officer (OCFO). (i)

Court Leave (E) (continued)

Jury Service (2) (continued)

Collection From State or Local Court. An employee called to jury service in a State or local court should collect all fees and allowances payable as a result of the jury service and turn them over to the DAF, OCFO; otherwise, payroll deductions will be made from salary payments due the employee. The jury fees will be applied against the amount that is otherwise due the employee for the period of absence on jury duty. However, any amounts that are clearly designated by the court as expense money may be retained by the employee. (ii)

Nonworkdays. Employees who perform jury service on nonworkdays for which no Federal salary is paid are entitled to retain the fees for such service. (iii)

Nonwork hours. An employee with a regularly scheduled tour of duty who performs jury service that does not conflict with the hours of employment may retain the usual fees for jury service. However, if the employee performs jury service in a court of the United States during any of the hours in which he or she is in a pay status, the employee may not be paid any jury fees for that day. (iv)

Holidays. Fees received for jury service on a holiday falling within an employee's basic tour of duty may be retained by the employee, provided that had he or she not been on jury duty, the employee would have been excused from regular duties on the holiday. (v)

Employees Not Entitled to Court Leave. An intermittent employee is not entitled to court leave; however, the employee may be granted any annual leave to which entitled, or placed on LWOP, for any absence from duty for jury service. Fees received for the jury service may be retained. (vi)

Court Leave (E) (continued)

Witness Service (3)

Eligibility (a)

As used herein, “an employee” is a person employed on a permanent or temporary basis, either full-time or part-time, except that for witness service covered by court leave, an intermittent employee is not included.

Coverage (b)

The term “judicial proceeding” contemplates any action, suit, or other proceeding of a judicial nature (including any condemnation, preliminary, informational, or other such proceeding) but does not include a nongovernmental administrative proceeding; all stages (preliminary hearing, inquest, trial, or deposition taking) of the proceeding would be covered, including hearings and conferences before a committing court, magistrate, or commission, grand jury proceedings, and coroners' inquests, and hearings and conferences conducted by a prosecuting attorney for the purpose of determining whether an information request or charge should be made in a particular case. The word “summoned” does not connote any necessity for a subpoena but does intend that the summons be an official request, invitation, or call, evidenced by an official writing from the court or authority responsible for the conduct of the proceeding, thus ruling out strictly voluntary appearances from court leave coverage.

Witness in Official Capacity (c)

When an employee is summoned (or is assigned by NRC) to testify in an official capacity or to produce official records at a judicial proceeding, he or she is in an official duty status, as distinguished from a leave status, and entitled to regular pay. An employee is considered to be a witness in an official capacity

Court Leave (E) (continued)

Witness Service (3) (continued)

when serving in his or her current position or when called as a witness in the official capacity of a former position he or she held in the Federal service. An employee required to appear as a party or witness in the prosecution of Federal employees' compensation cases is in an active duty status while so engaged (5 U.S.C. 8131(a)).

Witness in Nonofficial Capacity (d)

When an employee is summoned as a witness in a judicial proceeding to testify in a nonofficial capacity on behalf of a State or local government, he or she is entitled to court leave during the time he or she is absent as a witness. (i)

When an employee is summoned or assigned by NRC to testify in a nonofficial capacity on behalf of the United States or the District of Columbia, the employee is in an official duty status. (ii)

When an employee appears as a witness in a nonofficial capacity on behalf of a private party where the United States, District of Columbia, State, or local government is not a party, the employee is in an annual leave or LWOP status. In this situation, the employee may retain fees and expenses incidental to such service. (iii)

When an employee appears as a witness in a nonofficial capacity on behalf of a private party in connection with any judicial proceeding to which the United States, District of Columbia, State, or local government is a party, the employee is granted court leave. (iv)

If the summons itself is not specific, or is unclear, about the part for whom the witness service is to be rendered (i.e., on whose

Court Leave (E) (continued)

Witness Service (3) (continued)

behalf), the employee's supervisor must contact the authority issuing the summons and should annotate agency records appropriately. (v)

An employee-plaintiff who prevails against a Federal agency in a civil action related to, or caused by, a violation of the Civil Rights Act, should also be "made whole" under the objective of the act. The employee should not be charged leave but should be entitled to official time for the period of attendance in court. This situation is not to be confused with or documented as "excused absence."
(vi)

A determination that the absence is to be treated as official hours of work and leave restored accordingly can be made only upon conclusion of the court action. If the employee-plaintiff does not prevail in such a civil rights action, the original leave charge must stand. (vii)

Overtime (e)

An employee who performs witness service in an official duty status on days for which he or she would have been entitled to receive overtime compensation had duty been performed is entitled to the overtime compensation otherwise payable for those days. Although overtime pay or compensatory time for time in travel status normally is not authorized, should an employee who performs witness service in an official duty status on a nonworkday outside his or her basic 40-hour workweek first be required to report to an NRC office to pick up evidence to be produced in court, there would be an entitlement to call back overtime of 2 hours for the travel period involved.

Court Leave (E) (continued)

Witness Service (3) (continued)

Fees (f)

An employee granted court leave to testify as a witness in a nonofficial capacity in any judicial proceeding in which the United States, District of Columbia, State, or local government is a party, as well as any employee testifying while in an official duty status, is not entitled to retain witness fees. In those cases in which an employee is summoned to testify in his or her official capacity on behalf of a party other than the United States or the government of the District of Columbia, or to serve as a witness in a nonofficial capacity in any judicial proceeding in which the United States, District of Columbia, State, or local government is a party, he or she is required to collect all fees and allowances payable for such services. All amounts so collected for witness service must be forwarded to DAF, OCFO, to be credited against amounts payable to the employee by the NRC with respect to the period of his or her absence, except that the employee may retain travel and subsistence expenses (not to exceed actual expenses) not paid by the NRC. (i)

An employee who testifies in a nonofficial capacity on behalf of a private party where the United States, District of Columbia, State, or local government is not a party is entitled to retain the usual fees and expenses related to such witness service. (ii)

Travel Expenses (g)

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

Court Leave (E) (continued)

Witness Service (3) (continued)

United States. "Agency proceeding" means an agency process as defined in Title 5 of the *United States Code*, Section 551, paragraphs (5) concerning rulemaking, (7) concerning adjudication, and (9) concerning licensing. Payments will be in accordance with Management Directive 14.1, "Official Temporary Duty Travel," except that the amount of Government travel expenses authorized will be offset to the extent that travel expenses are paid by the court authority or party that caused the employee to be summoned as a witness on behalf of a party other than the United States.

Requesting Court Leave (4)

Employees will request court leave by submitting an SF-71 and a copy of their summons, subpoena, or other judicial proceedings document to their supervisors. Supervisors will retain the original of such documentation, and the SF-71 with the office timekeeping files.

Part IV

Excused Absence and Absence in a Duty Status

There is no leave category called administrative leave. Rather, an employee's time away from official duties, other than annual, sick, court, or military leave, or compensatory time, is either excused absence or absence in a duty status. All NRC employees are subject to this part except those employees who serve on an intermittent basis and employees of the Office of the Inspector General (OIG). The Inspector General will determine which policies and procedures addressed in this part apply to OIG employees.

Excused Absences (A)

An "excused absence," or paid nonduty status, is an absence from duty administratively authorized, usually in advance, that is not charged to leave of any kind and for which there is no loss of compensation. Excused absence may be recorded in 6-minute increments. Ordinarily, excused absences are authorized on an individual basis, except where an installation is closed or a group of employees is excused from work for various purposes. (1)

Under delegated authority as provided in Management Directive (MD) 10.62-03, employees may be released from duty and granted excused absence when, for example, offices are closed by administrative order; when it is in the public or Government interest, such as dismissal because of hazardous weather, voting, blood donations; and for other purposes given below. Excused absences that exceed 1 workday are subject to the approval requirements of MD 10.62 (031), (032), or (034), as appropriate. (2)

Situations in which an employee may be administratively excused from duty and that are considered excused absence include—(3)

Excused Absences (A) (continued)

Office Closings (a)

The NRC officials as specified in MD 10.62-03 may close an activity when normal operations are interrupted by events beyond the control of management or employees (emergency reasons); when closing for short periods of time is required for managerial reasons; or when Federal work may not properly be performed because of the occurrence of a local holiday. (See Section (B) of this part for further details.)

Tardiness (b)

Any absence from work at the beginning of the workday not to exceed 2 hours may be excused at the discretion of the leave approving official, provided the reasons are adequate and concern unanticipated matters over which the employee has little or no control. If the reason for tardiness is not adequate or if the privilege is abused, tardiness will be charged against the appropriate account (annual leave, leave without pay (LWOP), or compensatory time) or as absence without leave. The rules stated in Parts I, II, and III of this handbook concerning minimum charge apply. Tardiness may become the basis for disciplinary action.

Brief Absence During the Workday (c)

Up to 1 hour absence from duty after the employee has reported for work may be authorized at the discretion of the leave approving official as excused absence for adequate reasons.

Medical Examination or Attention (d)

Medical Examination (i)

An employee who participates in a voluntary medical examination program established by NRC or under NRC auspices, including

Excused Absences (A) (continued)

mass screening examinations and immunizations, may be authorized excused absence for the time necessary to accomplish the examination or immunization, including necessary travel time.

Medical Attention (ii)

An employee may be authorized excused absence for the time necessary to visit an NRC medical facility for medical attention, including necessary travel time. If the employee is sent home following such visit because of illness, sick leave or other appropriate leave will be charged from the time of departure for home. (See Section (C)(3)(c) of this part for job-related injuries.)
(a)

All employees are encouraged to make maximum use of existing work schedules and leave flexibilities to take advantage of screening and preventive health programs. For employees with fewer than 80 hours (2 weeks) of accrued sick leave, up to 4 hours of excused absence will be allowed each year, without loss of pay or charge to leave, for participation in preventive health screenings.
(b)

Armed Forces Medical Examinations (iii)

Time spent in reporting for and undergoing a physical examination to determine an employee's eligibility for enlistment in the Armed Forces will be excused, provided the request for absence is supported by official notification from the appropriate military authority. (a)

If the absence exceeds 1 workday, the employee will be required to submit a statement from the examining station indicating the necessity for the additional absence to the Director, Office of Human Resources (HR), for approval. A copy of the Director's approval will be submitted to the Payroll office. (b)

Excused Absences (A) (continued)

An employee who is required to report for a periodic physical examination for the retention of his or her status in a reserve component of the Armed Forces will not be authorized excused absence. Rather, sick leave may be granted under the instructions applicable to the use of sick leave for medical examinations (see Part II(D)(1) of this handbook). (c)

When an employee is ordered to active duty in the Armed Forces for the purpose of a physical examination, his or her absence will be charged to annual leave or LWOP (if annual leave is not available or if the employee is paid for the time involved by the Armed Forces). (d)

Blood Donation (e)

An employee who volunteers as a donor to blood banks or to individuals may be authorized excused absence for the time necessary to accomplish and recover from this purpose, but not to exceed 4 hours. See Part X of this handbook for information on bone marrow and organ donation.

Voter Registration and Voting (f)

Insofar as practicable without interfering seriously with operations, an employee who desires to vote or register in any election, or in referenda on a civic matter in the community, will be authorized excused absence for a reasonable time for that purpose, as follows:

- As a general rule, where polls are not open at least 3 hours either before or after an employee's regular hours of work, the employee will be authorized an amount of excused absence that will permit him or her to report for work 3 hours after the polls open or leave work 3 hours before the polls close, whichever requires the lesser amount of time off. (i)

Excused Absences (A) (continued)

- Under exceptional circumstances for which the general rule in paragraph (i) does not permit sufficient time, an employee will be excused for such additional time to vote, depending upon the circumstances in an individual case. Excused absence may not exceed a full day. (ii)
- If an employee's voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, the employee will be granted sufficient time off in order to be able to make the trip to the voting place to vote. Time off in excess of 1 day must be charged to annual leave or LWOP if annual leave is not available. (iii)
- For employees who vote in jurisdictions that require registration in person, time off to register will be granted on substantially the same basis as for voting, except that no such time will be granted if registration can be accomplished on a nonworkday and the place of registration is within a reasonable 1-day, round-trip travel distance of the employee's place of residence. (iv)

Armed Forces Funerals (g)

Up to 3 days of funeral leave (charged as excused absence) is granted to allow an employee to make arrangements for, or to attend, the funeral or memorial service for an immediate relative who died as the result of wound, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone. The 3 days need not be consecutive, but if not, the employee shall furnish the leave approving official satisfactory reasons justifying a grant of funeral leave for nonconsecutive days. (See 5 CFR 630.801-804 for more detail.)

Excused Absences (A) (continued)

Examinations for Professional Certification (h)

An employee engaged in NRC activities in which a professional or technical certification would be in NRC interests may be authorized an excused absence to take the examination for the certification for the actual time required, but not to exceed 3 days. An employee also may be granted authorized excused absence to attend to matters that are prerequisite to receiving such a professional or technical certification (e.g., swearing-in ceremonies or personal interviews before a professional licensing committee). For excused absences that exceed 1 day, the employee is required to submit a memorandum to the Director, HR, requesting approval for the additional days. A copy of the Director's approval will be retained in the office payroll files. Examples of such examinations include, but are not limited to, the Certified Public Accountant examinations and the State and Federal bar examinations. The Inspector General may approve excused absences that exceed 1 day for employees in the Office of the Inspector General.

Official Travel Status (i)

When an employee is delayed while in official travel status by reason of the breakdown of a privately owned vehicle, the use of which was determined to be advantageous to the Government, his or her per diem allowances will not be reduced and the period of delay will not be charged to leave but will be charged as excused absence, if the period of delay was reasonable and the traveler's action following the breakdown accords with administrative instructions or was administratively approved.

Credit Union Activities (j)

When an employee is engaged in activities associated with managing a Federal credit union, notwithstanding other provisions

Excused Absences (A) (continued)

of this directive, the employee's supervisor may grant excused absence for such time.

Before Effecting Discipline (k)

When disciplinary action is pending or is being prepared against an employee and the employee's continued presence in the workplace may pose a threat to the employee or others, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests, the employee may be placed in a paid, nonduty status for such time as is necessary to effect the action.

Reasons for Office Closings and Designation of Emergency Employees (B)

Closing Offices for Emergency Reasons (1)

An emergency situation is one that may prevent significant numbers of NRC employees from reporting for work or may require the closing of an NRC office in whole or in part. An emergency situation requiring the closing of an office may result from such developments as heavy snow, severe icing conditions, flooding, hurricane, or other natural disasters; a major fire or civil disorder; or serious interruptions to public transportation caused by such incidents as a strike by local transit employees or mass demonstrations. It also covers mechanical troubles such as water supply or electric power failure, or trouble with heating or air conditioning systems.

Reasons for Office Closings and
Designation of Emergency
Employees (B) (continued)

Closing Offices for Emergency Reasons (1) (continued)

Notification (a)

During the first full pay period in November of each year, HR for headquarters and the regional administrators for the regional offices will issue a notice to each employee identifying which media services will carry information concerning inclement weather, emergency situations, and the official closing of NRC offices. (i)

The employees' exclusive representative (the union) may communicate with HR in headquarters and the regional HR representative for the purpose of making its views known when conditions occur that could cause the closing of an NRC office. (ii)

Dismissals in the Washington, D.C., Metropolitan Area (b)

Early Dismissal. Employees, except "emergency employees," may be excused for a specific number of hours before their normal quitting time without charge to leave. (i)

Delayed Arrival and Unscheduled Leave. Offices are open as usual and tardiness up to 2 hours may be excused for nonemergency employees. Additional excused absences beyond 2 hours may be granted to such an employee by the office director or regional administrator on the basis of the difficulties encountered by the employee in getting to work. Employees not designated as emergency employees may take leave without prior approval. (ii)

Reasons for Office Closings and
Designation of Emergency
Employees (B) (continued)

Closing Offices for Emergency Reasons (1) (continued)

Closed. Government offices in the affected area are closed for the day. Nonemergency employees are excused without charge to leave. (If an employee whose duty station is in the affected area is traveling or working outside that area, that employee is not excused.) (iii)

Schedule of Departure. Although the Executive Director for Operations (EDO) generally follows the guidance provided by the Office of Personnel Management, he or she has the ultimate responsibility for determining when and how NRC headquarters employees will be released in emergency situations. The Inspector General has the authority for the release of employees in the Office of the Inspector General. (iv)

Emergency Procedures During Nonworking Hours (c)

When severe weather or similar emergency condition occurs during nonworking hours, procedures similar to those described in Section (B)(1)(b) of this part are followed. Employees should listen to the appropriate television or radio station for possible closings or delays.

Dismissals in Regional Offices (d)

The applicable regional administrator should contact the local Federal Executive Board, if any, and other local Federal agencies similarly affected by the emergency to determine what action they are taking. Upon reaching a decision to release employees early or to close an NRC regional office, the regional administrator should immediately notify the EDO.

Reasons for Office Closings and
Designation of Emergency
Employees (B) (continued)

Closing Offices for Emergency Reasons (1) (continued)

Hot or Cold Weather Dismissal Policy (e)

Dismissals due to excessive heat or cold in most NRC workplaces are rare. When working conditions in hot or cold weather become unusually bad or hazardous, the EDO and the applicable regional administrator may authorize group dismissals from such locations without charge to leave or loss of pay. The Inspector General may authorize group dismissals in the Office of the Inspector General. (i)

In lieu of group dismissal, supervisors should be liberal in the granting of annual leave to employees who are suffering from the heat or cold. (ii)

Leave Treatment in Case of Early Dismissal (f)

In accordance with their authority, the EDO, the IG, or the regional administrator, as appropriate, may dismiss employees for a specific number of hours in advance of their normal quitting time without charge to leave or loss of pay. When a decision has been reached to close NRC offices early, HR will inform all office directors, who will inform their respective staff members in a manner that will ensure an orderly cessation of business for the day. (i)

When an employee is on duty and remains on duty until dismissal, excused absence is charged for the remainder of the day even if the employee was scheduled to take leave later in the day. (ii)

When an employee is on duty and leaves after receiving official word of the pending dismissal but before the time set for dismissal

Reasons for Office Closings and
Designation of Emergency
Employees (B) (continued)

Closing Offices for Emergency Reasons (1) (continued)

(with supervisory approval) in a situation not involving a hardship, leave is charged from the employee's actual departure time to the time set for dismissal. Excused absence is charged from the time set for dismissal to the end of the employee's normal workday. (iii)

When an employee leaves before official word of the dismissal is received, the employee must take annual leave, LWOP, or accrued compensatory time for the remainder of the normal workday. (iv)

When an employee is scheduled to return from leave after the official announcement of an early dismissal, but before his or her authorized departure time, the employee should be charged leave for the period during which the employee is on approved leave and until his or her authorized departure time. The employee should be granted excused absence for the period following the employee's authorized departure time even if the employee is scheduled to take leave later in the day. (v)

When an employee is absent on previously approved annual leave, sick leave, or LWOP for the entire workday, the employee remains in that status for the entire workday. (vi)

When an employee is scheduled to report for work before an early dismissal but fails to do so, annual leave, sick leave, or LWOP, as appropriate, will be charged for the entire workday. (vii)

When an employee is scheduled to report for work **after** an early dismissal is officially announced, the employee should be charged

Reasons for Office Closings and
Designation of Emergency
Employees (B) (continued)

Closing Offices for Emergency Reasons (1) (continued)

excused absence for the remainder of the workday, even if the employee is scheduled to take leave later in the day. (viii)

Leave Treatment When an Emergency Develops During Nonworking Hours (g)

Delayed Arrival and Unscheduled Leave (i)

Hazardous weather and road conditions can delay an employee's departure for work or cause an employee to report to work late. When this situation occurs at the beginning of an employee's workday, tardiness of up to 2 hours may be excused by the employee's supervisor. Under these conditions, an unscheduled leave policy may be in effect. If it is, nonemergency employees may take annual leave or LWOP for part or all of the day without obtaining advance supervisory approval. (a)

Absences beyond 2 hours, up to 1 day, may be excused by a regional administrator for employees under his or her jurisdiction, or up to 5 consecutive workdays by the Director, HR, for all employees, only on the basis of unusual difficulties encountered by an employee in getting to work, provided the employee submits a detailed justification about the circumstances related to the absence. The Inspector General is the authority for the approval of absences of more than 2 hours within the Office of the Inspector General. Included among the factors to be considered by the approving official are— (b)

- Distance between the employee's residence and place of work (i)

Reasons for Office Closings and
Designation of Emergency
Employees (B) (continued)

Closing Offices for Emergency Reasons (1) (continued)

- Mode of transportation normally used (*ii*)
- Efforts by the employee to get to work (*iii*)
- Success other employees similarly situated had in being able to report to work and the degree of prudence and foresight demonstrated by the employee in planning for such emergencies (*iv*)

The burden of proof is on the employee to justify an excused absence as opposed to annual leave or LWOP being charged for the day. It is contemplated that excused absence for the entire day will be approved only on rare occasions. (*c*)

Closure (ii)

Any day that employees are excused from reporting for work is a nonworkday for leave purposes but is not a holiday for any purpose. (*a*)

Employees scheduled to work in the affected area on those days will be excused without charge to leave or loss of pay. Employees on previously authorized leave will not be charged leave for those days. (Bargaining unit employees: See the collective bargaining agreement between the NRC and the employees' exclusive representative for additional provisions.) (*b*)

Reasons for Office Closings and
Designation of Emergency
Employees (B) (continued)

Closing Offices for Managerial Reasons (2)

Managerial reasons that require the closing of an office, in whole or in part, may include, but are not limited to, retooling, the breakdown of machines or of essential services or facilities, unanticipated delays in the flow of work or in the receipt of materials, power or water failure, or the temporary suspension of production at private plants where NRC employees may be assigned. Under these circumstances, early dismissal leave treatment is the same as procedures described in Section (B)(1) of this part. If the office is closed for the entire work shift, employees are excused from reporting for work and the day is a nonworkday for leave purposes.

Closing Offices for a Local Holiday (3)

Offices may be closed on a local holiday when Federal work may not properly be performed. Employees are excused from reporting for work. Such days are nonworkdays established by administrative order and are not chargeable to annual leave. Employees of the office must be actually prevented from working by one of the following circumstances:

- The building or office in which the employees work is physically closed or building services essential to proper performance of work are not operating. (a)
- Local transportation services are discontinued or interrupted to the point that employees are prevented from reporting to their work location. (b)

Reasons for Office Closings and
Designation of Emergency
Employees (B) (continued)

Closing Offices for a Local Holiday (3) (continued)

- The duties of the employees consist largely or entirely of dealing directly with employees and officials of business or industrial establishments or local Government offices, and all such establishments are closed in observance of the holiday and there are no other duties (consistent with normal duties) to which the employees can be assigned on the holiday. (c)

Designation of Emergency Employees (4)

During hazardous weather or other emergency closings, certain NRC operations cannot be suspended even though it may be necessary to excuse a large number of employees from duty for all or part of the day. It is important that office directors and regional administrators identify, in advance, those employees whose services are vital and who are required to be at work regardless of the emergency situation or any general dismissal authorization. The employees so identified, preferably by job title, should be advised in writing of the special requirement placed on them for reporting to, or remaining at, their work sites during emergency situations. Emergency employees designated for this purpose should not be confused with essential employees cited in MD 4.5, "Contingency Plan for Periods of Lapsed Appropriations." (a)

Office directors also should provide each year by December 30 this list of emergency service employees to the Director, HR, who will maintain a consolidated list of these headquarters employees. Employees performing emergency services may be designated through their official position descriptions or may be designated on an ad hoc basis. (b)

Absence in a Duty Status (C)

In certain situations, an employee's time away from assigned duties for official Government business or other activities in the Government's interest during designated working hours may be considered as duty status for which no leave of any kind is charged, and not considered as an excused absence. (1)

MD 10.62-03 is the authority for granting an absence in a duty status without a charge to leave. However, the employee's time away from assigned duties must be clearly related to NRC functions and working conditions, such as fitness-for-duty medical examinations, injury in the line of duty, or travel to seek permanent residence quarters. (2)

Situations in which an employee's time away from assigned duties during the designated hours will be considered as duty status and not excused absence include, but are not limited to, the following. Leave approving officials normally have authority to approve absences in a duty status, as specified below and as delegated, unless otherwise stated. (3)

Fitness-for-Duty Medical Examinations (a)

An employee will be considered to be in a duty status during the time necessary to take an NRC-required medical examination to determine fitness for duty. The time used during duty hours for physical examinations or hospitalization, or both, that is not required by the NRC, not related to the employee's duty assignment, and not excused under Section (A)(3)(d) of this part will be charged to appropriate leave.

Vaccinations or Immunizations (b)

The time used by an employee for administratively required vaccinations or immunizations, in connection with employment, will be considered duty status.

Absence in a Duty Status (C) (continued)

Injury in the Line of Duty (c)

An employee injured in the line of duty will be considered to be in a duty status for the time spent in examination or outpatient treatment. (i)

An employee who sustains a disabling, job-related injury is entitled to continuation of regular pay for a period of not to exceed 45 days per injury. (ii)

Union Representation Functions (d)

Grievance, Appeal, and Complaint Hearings (i)

An employee authorized to be absent from duty in connection with a grievance, appeal, or complaint will be considered to be in a duty status (see MDs 10.100, "Appeals From Adverse Actions," 10.101, "Employee Grievances," and 10.161, "NRC Equal Employment Opportunity Program," except that the duty status of a bargaining unit member in connection with a grievance, appeal, or complaint governed by the collective bargaining agreement between the NRC and the employees' exclusive representative will be as specified in the agreement.

Employee-Management Activities (ii)

An employee organization representative attending a meeting or consultation with NRC officials will be considered to be in a duty status to the extent authorized by the collective bargaining agreement. With respect to steward duties and contract negotiations, an employee's time during official duty hours is covered by the collective bargaining agreement.

Absence in a Duty Status (C) (continued)

Participation in Civil Defense Activities (e)

An employee participating in activities in connection with civil defense program responsibilities of an NRC office will be considered to be in a duty status for the time required. (i)

A full-time employee who volunteers and is selected for a civil defense assignment may be made available by the proper authorizing official for participation in pre-emergency training and test exercises conducted in connection with State or local civil defense programs. An employee who participates in these activities during the regularly scheduled tour of duty will be considered to be in a duty status for not more than 40 hours in any calendar year. An employee may be designated as available for assignment to civil defense activities subject to all of the following determinations: (ii)

- Employee's participation has been requested by the State or local civil defense authorities (a)
- Employee can be spared from regular duties for the required periods of participation (b)
- Employee can reasonably be expected to be available for assignment to civil defense activities in the event of an emergency (c)

Upon return to duty, the employee is required to submit a written statement from the State or local civil defense authorities showing the days or hours of participation. This report is filed with the Payroll office to ensure that the 40-hour annual limitation on participation is not exceeded. (iii)

An employee who participates in civil defense activities other than those specified in the paragraphs above, may be authorized

Absence in a Duty Status (C) (continued)

annual leave or LWOP if it is possible to spare the employee without undue interference with work. (iv)

Job Placement Interviews and Examinations (f)

An employee taking a job placement interview or written examination, including applying for positions under the NRC Merit Promotion System or participating as a member of a rating panel, within NRC will be considered to be in a duty status for such period of time as is necessary to accomplish the purpose. (i)

An employee who receives a reduction-in-force notice and is identified for placement action in accordance with MD 10.103, "Reduction in Force for NRC Employees Other Than Senior Executive Service," or who has been identified for reassignment or out-placement under MD 10.1, "Appointments, General Employment Issues, Details, and Position Changes," may be authorized absence in a duty status for such period of time as is necessary to be interviewed or tested, or both, for job placement opportunities outside NRC, provided the interview or test, or both, is arranged for by the NRC or the employee presents acceptable evidence that a bona fide placement opportunity exists. The absence may not be excessive and will not include a total of travel time in excess of 1 workday for any one interview or test, or both. (ii)

Travel To Seek Permanent Residence Quarters (g)

An employee authorized under MD 14.1, "Official Temporary Duty Travel," to travel between old and new official duty stations to seek permanent residence quarters will be considered in a duty status during the round-trip period of absence. After approval of the official authorizing travel, the Director, HR, will approve NRC Form 279, "Official Travel Authorization."

Absence in a Duty Status (C) (continued)

Absences Associated With a Move (h)

Employees may be allowed up to 5 days (40 hours) to prepare for and attend to business or arrangements directly related to permanent change of duty station moves outside the commuting area from one position in the NRC to another, provided that such business or arrangements cannot be transacted outside the employee's regular working hours. These activities may include, but are not necessarily limited to, packing or unpacking household goods, meeting the moving van during pickup and/or delivery, selling or buying a home or renting an apartment, obtaining a driver's license or automobile tags in a new State, making arrangements for utility hookups, and making arrangements with new schools. To be eligible for these absences, the move must have been determined to be for the benefit of the Federal Government. (i)

The 40 hours may be split in any manner between the old and new duty stations, depending on the circumstances of the move and the needs of the employee. The losing office should keep track of the hours used at that end and inform the gaining office of the number of hours remaining for use. Although it is the policy of the NRC to provide employees with this time, the employee's supervisors are the final authorities on how much or when such absences are granted. Such decisions are not grievable or arbitrable. (ii)

Employees who transfer to the NRC from other Federal agencies and who move outside of their commuting areas to do so may be granted up to 2-1/2 days (20 hours) to attend to such matters. Similarly, NRC employees who transfer to a position in another Federal agency outside of their commuting areas may be granted up to 2-1/2 days (20 hours) to attend to such matters. (iii)

Absence in a Duty Status (C) (continued)

Individuals who are not Federal employees and who accept positions with the NRC may not be granted such absences. Similarly, NRC employees who accept positions outside the Federal Government may not be granted such absences. (iv)

Part V

Leave Without Pay

Leave without pay (LWOP) is a temporary nonpay status and absence from duty granted at the discretion of the leave approving official upon the employee's request. It does not include nonpay status on days for which the employee would be paid on an overtime basis or days on which the employee is not scheduled to work. An employee cannot demand that LWOP be granted as a matter of right, except as provided in Section (B) of this part.

Standards for Granting Extended (Exceeding Thirty Days) Leave Without Pay (A)

Basic Considerations (1)

Except as provided in Section (B) of this part, the approval of an extended LWOP request is at the discretion of the NRC. (a)

As a basic condition to approval of extended LWOP, there should be reasonable expectation that the employee will return at the end of the approved period. In addition, it should be apparent that at least one of the following benefits would result: (b)

- Increased job ability (i)
- Protection or improvement of employee's health (ii)
- Retention of a desirable employee (iii)

Administrative and Cost Factors (2)

Each request for extended LWOP should be examined closely to ensure that the value to NRC or serious needs of the employee

Standards for Granting Extended
(Exceeding Thirty Days) Leave
Without Pay (A) (continued)

Basic Considerations (1) (continued)

are sufficient to offset the costs and administrative inconveniences that result from the retention of the employee in an LWOP status. Among these costs and inconveniences are—

- Loss of services that may be needed in the organization (a)
- Obligation to provide employment at the end of the approved period of LWOP (b)
- Credit for 6 months of LWOP in a year toward retirement (c)
- Eligibility for continued coverage under the Federal Employees' Group Life Insurance program and Federal Employees' Health Benefits program in accordance with regulations of the Office of Personnel Management (OPM) (d)

Cases Requiring the Granting of
Leave Without Pay (B)

LWOP must be granted in the following situations:

- When necessary for a disabled veteran to receive medical treatment (1)
- When necessary to permit reservists and members of the National Guard to perform military training duties under the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (2)

Cases Requiring the Granting of Leave Without Pay (B) (continued)

- To protect employee status and benefits during any period pending final OPM action on a claim for disability retirement, after all sick and annual leave have been exhausted (see Part II(D)(3) of this handbook and Management Directive 10.99, “Discipline, Adverse Actions, and Separations”) (3)
- To protect employee status and benefits during any period pending action by the Office of Workers' Compensation Programs (OWCP), Department of Labor, on a claim resulting from work-related illness or injury, and for at least 1 year, while being compensated by the OWCP, with extensions in increments of 6 months or 1 year, when NRC's review of the case indicates the employee may be able to return to work within 6 months or a year. If review of the case indicates the employee will not or cannot return to work, LWOP should not be extended and appropriate steps should be taken to separate the employee. (4)

Leave Under the Family and Medical Leave Act (FMLA) (C)

When an employee invokes leave under the FMLA, the provisions will be administered in accordance with 5 CFR Subpart L (630.1201-1211). The regulations should be read by employees who are considering requesting leave under the FMLA provisions. The regulations may be obtained from the servicing Office of Human Resources (HR) representative. (1)

Under the FMLA, covered employees are provided a total of 12 administrative workweeks of unpaid leave (LWOP) during any 12-month period for— (2)

- The birth of a son or daughter and care for the newborn (a)

Leave Under the Family and Medical Leave Act (FMLA) (C) (continued)

- The placement of a child with the employee for adoption or foster care (b)
- The care of the employee's spouse, son, daughter, or parent with a serious health condition (c)
- A serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position (d)

Paid leave may be substituted for unpaid leave in accordance with applicable law and regulation. (3)

An employee who chooses to take leave under the FMLA must initiate the action to take such leave by submitting a Standard Form (SF) 71, "Request for Leave or Approved Absence," and checking the appropriate items in box 5. Upon receipt of an SF-71 requesting FMLA leave, supervisors should contact their HR representative for guidance. (4)

If the need for FMLA leave is foreseeable, such as the birth or placement of a child, an employee must submit the request **at least** 30 days before the date the leave is to begin. Generally, an employee **may not** retroactively invoke his or her entitlement to leave under the FMLA for a previous absence from work. When an employee is physically, mentally, or otherwise incapable of providing advance notice, the employee or the employee's representative must provide such notice as soon as is practicable. The employee or the employee's representative also may be required to provide evidence supporting the request for FMLA leave to facilitate agency approval of the leave. (5)

The NRC requires medical certification to return to work from each employee who invokes FMLA leave for his or her own serious

Leave Under the Family and Medical Leave Act (FMLA) (C) (continued)

health condition. The certification must be from the employee's health care provider and must state that the employee is able to perform the essential functions of his or her position. The information on the medical certification to return to work must relate only to the serious health condition for which FMLA leave was taken. (6)

Examples of Other Proper Cases of Extended Leave Without Pay (D)

The following list includes examples of types of cases for which approval of extended LWOP may be proper, all other factors being favorable (note that approval is at the NRC's discretion):

- For educational purposes, when the course of study or research is in line with a type of work that is being performed by NRC and completion of which would contribute to the agency's best interest (**Note:** See the collective bargaining agreement between the NRC and the employees' exclusive representative for additional provisions concerning bargaining unit employees.) (1)
- For service with a non-Federal public or private enterprise when the job is of a temporary character and there is reasonable expectation that the employee will return, and when one or both of the following will result: (2)
 - The service to be performed will contribute to the public welfare. (a)
 - The experience to be gained by the employee will serve the interests of the NRC. (b)

Examples of Other Proper Cases of Extended Leave Without Pay (D) (continued)

- For the purpose of recovery from illness or incapacity not of a permanent or disqualifying nature, when continued employment or immediate return to duty would threaten the employee's health, or the health of other employees (3)
- For the purpose of permitting the employee to participate in programs in which the Federal Government participates in or encourages (e.g., Peace Corps volunteers service) (4)
- For the purpose of serving, on a temporary basis, as an officer or representative of a union representing Federal employees (5)
- To avoid a break in the continuity of service for an employee holding an NRC Regular (Excepted) or NRC Regular (Excepted) (Conditional) appointment who must relocate because he or she is the dependent of service personnel or of a Federal employee who is obligated to move on rotational assignments or upon transfer of a function or activity (6)

Availability of Annual and Sick Leave (E)

LWOP may be granted whether annual or sick leave remains to the employee's credit. However, an extension of LWOP beyond 52 weeks will not be approved until all annual leave is used.

Reduction in Annual and Sick Leave Accruals (F)

When employees use LWOP, their earning of annual and sick leave may be reduced. See the instructions in Part I(D)(4) and Part II(D)(10) of this handbook.

Request for Leave or Approved Absence Without Pay (G)

All requests for LWOP are made on an SF-71. The employee should attach a memorandum explaining the reasons for the request and submit it to the employee's supervisor or leave approving official.

Duration of Leave Without Pay (H)

Short Absences (1)

When short periods of absence (less than 30 days) are necessary because of emergency or incapacity, the lack of annual or sick leave to an employee's credit does not alter the requirements stated in Parts I and II of this handbook for normally requesting approval for the absence in advance.

Extended Absences (2)

LWOP for 30 days or more will be granted only when the employee's absence would not be a serious administrative inconvenience or the leave is required under one of the conditions in Section (B) or (C) of this part. A grant of LWOP for more than 30 days must be fully consistent with the standards stated in Section (A) or required by Section (B) or (C) of this part. The initial grant of LWOP may not exceed 52 weeks. Extensions beyond

Duration of Leave

Without Pay (H) (continued)

Extended Absences (2) (continued)

52 weeks are subject to the same conditions, as well as the condition stated in Section (E) of this part.

Minimum Charge for Leave Without Pay (I)

LWOP is charged in multiples of 6 minutes.

Recording (J)

Processing LWOP for Thirty Days or Less (1)

Upon approval by the employee's supervisor, the SF-71 requesting the LWOP (see Section (G) of this part) is retained in the office payroll files.

Processing LWOP in Excess of Thirty Days (2)

Upon approval by the employee's supervisor of a request for LWOP in excess of 30 calendar days, a "Request for Personnel Action" (SF-52) is prepared. The nature of the action will be shown as "Extended Leave Without Pay." The approved period of LWOP should be shown under "Remarks," together with a statement indicating— (a)

- Justification for the approval (i)
- That the employee intends to return to duty at the completion of the approved period (ii)
- Whether a replacement is required (iii)

Recording (J) (continued)

Processing LWOP in Excess of Thirty Days (2) (continued)

The SF-52, accompanied by the employee's memorandum, should be submitted through channels to the HR Service Center. In the case of an extension of a period of LWOP, the same procedure will be followed and a similar procedure followed to return the employee to a pay status. (b)

Termination of Group Life Insurance and Health Benefits (K)

There are provisions for continuation of group life insurance and health benefits after the commencement of LWOP. Employees should consult HR or the regional HR representative for information. At the termination of group life insurance and health benefits, employees will be furnished full information on the procedures and time limits for converting to individual policies for life insurance and health benefits. It is the employee's responsibility to notify HR when he or she desires to convert to individual policies.

Part VI

Disposition of Leave Upon Separation, Transfer, and Reemployment

Lump Sum Payment of Annual Leave (A)

Generally, employees who are separated from service are entitled to be paid in a lump sum for accumulated, accrued, and restored annual leave to their credit. The right to a lump sum payment vests on the date of separation, thus, the granting of terminal leave is not authorized unless the needs of the Government would be served by retaining the employee in a leave status under the circumstances covered by Part I(I) of this handbook. The Office of Personnel Management (OPM) has published proposed regulations on lump sum payments for annual leave (5 CFR 550.1201-1206). When published in final form, the NRC will follow those regulations.

Liquidation of Indebtedness for Advanced Leave (B)

Refund for any unliquidated advanced annual and sick leave upon separation is required in all cases except those provided below. (See Part I(O) of this handbook for optional methods of liquidating annual leave credited to current employees through administrative error.) The exceptions are—

- When the employee is separated by death or retirement for disability (1)

Liquidation of Indebtedness for Advanced Leave (B) (continued)

- When an employee resigns or is separated because of a disability that prevents return to duty or continuing in the service and that is the basis for the separation action (2)
- When an employee is separated for the purpose of entering the Armed Forces (In this case, advanced leave will remain on the records as a charge against the employee until restoration and subsequent separation.) (3)

Disposition of Leave Upon Entering or Returning From Military Service (C)

Option Available Upon Entering Military Service (1)

When an employee leaves his or her civilian position for the purpose of entering the military service, the employee's leave account must be certified for credit or charge. The employee is given the option of being paid in a lump sum for the annual leave to his or her credit, except for any restored leave that must be liquidated by a lump sum payment. Should the employee elect to have the annual leave remain as a credit, the maximum accumulation limitations outlined in Part I(G) of this handbook do not apply until the leave year in which the employee is restored to duty.

Reemployment Following Military Service (2)

Following completion of military service, the employee's leave account, both sick and annual leave, if any, must be reestablished if the individual returns to a civilian position under a granted right of restoration. Should restoration rights not be exercised or authorized and the employee not return to a Federal civilian

Disposition of Leave Upon
Entering or Returning From
Military Service (C) (continued)

Reemployment Following Military Service (2) (continued)

position, any remaining annual leave will be liquidated by a lump sum payment. The right to recredit of sick leave continues for 3 years following separation from the military service (see Section (F)(2) of this part). Restored leave for which lump sum payment is required cannot be recredited.

Disposition of Leave Upon
Transfer to International
Organization and
Reemployment (D)

Option Available Upon Transfer (1)

An employee who transfers to a public international organization has the option of being paid in a lump sum for the annual leave to his or her credit, except for any restored leave that must be liquidated by a lump sum payment or having it remain to his or her credit. If annual leave is retained as a credit, it is subject to the maximum accumulation ceiling (see Part I(G) of this handbook).

Recredit Upon Restoration (2)

Recredit for sick leave is automatic when restoration rights are exercised. Annual leave that has remained as a credit also is automatically recredited upon restoration.

Restoration Following Improper Separation (E)

An employee who is restored to a position as a result of an appeal from an unjustified, unwarranted, or otherwise improper separation will have his or her leave account reestablished. The employee's leave account will be credited as if the employee had remained in duty status and had not been separated. If restored annual leave results in a balance that exceeds the maximum leave accumulation ceiling, such excess will be credited to a separate leave account for the employee.

Disposition of Unused Sick Leave Upon Separation (F)

Upon Retirement or Death (1)

Sick leave credited to an employee as of the date of retirement or death and reported to OPM for credit toward the calculation of an annuity is to be considered as having been used. For example, when a retiree under the Civil Service Retirement System (CSRS) is subsequently reemployed, his or her starting sick leave balance is zero. (Sick leave under CSRS is used differently than it is under the Federal Employment Retirement System (FERS). Contact your HR benefits representative for more detail.)

Other Separations (2)

Generally, an employee who has had a break in service is entitled to a recredit of sick leave (without regard to the date of his or her separation) if he or she returns to Federal employment on or after December 2, 1994, unless the sick leave was forfeited upon reemployment in the Federal Government before December 2, 1994. (See 5 CFR Subpart E for more detail.)

Part VII

Involuntary Leave, Leave Abuse, and Absence Without Leave (AWOL)

Involuntary Leave (A)

Emergency Situations (1)

Emergency situations that constitute an immediate threat to Government property or to the wellbeing of the employee, fellow workers, or the public sometimes develop before the agency has had an opportunity to appraise the situation. In these cases, the agency has authority to require the employee to absent himself or herself from duty. A charge to the employee's leave may be appropriate. Supervisors shall consult with the Office of Human Resources (HR) or the regional HR representative (who shall consult HR), as appropriate, before any action.

Disciplinary Situations (2)

For reasons such as investigation of an employee for alleged misconduct, it sometimes is in the interest of the Government to have the employee off the job before a determination to propose a suspension or removal. In these cases, placing an employee on annual or sick leave or leave without pay (LWOP) without his or her consent may constitute a suspension. Supervisors shall observe the provisions of Management Directive 10.99 and consult with HR or the regional HR representative (who shall consult HR), as appropriate, before any action.

Nondisciplinary, Nonemergency Situations (3)

When an employee is not "ready, willing, and able to work," he or she may be placed on annual or sick leave or LWOP, as the

Involuntary Leave (A) (continued)

Nondisciplinary, Nonemergency Situations (3) (continued)

circumstances may require. This action normally will not be considered a suspension. For example, an employee who reported to work without his or her safety equipment would not be ready to work. The employee could be placed on annual leave or LWOP until he or she reported to work with proper safety equipment. As long as the enforced absence was not disciplinary in nature, it would not be considered a suspension. Supervisors shall consult with HR or the regional HR representative (who shall consult HR), as appropriate, before any action.

Leave Abuse (B)

“Leave abuse” means not using prescribed procedures for requesting and using leave. In instances in which a problem of leave abuse is developing, a supervisor may require leave usage documentation in addition to that required of other employees. The supervisor, after consulting with the HR or the regional HR representative, will provide the employee with a written notice explaining the reason for requiring documentation, the types of acceptable documentation that must be used to obtain approval of subsequent leave requests, and the consequences of not providing this documentation. (1)

When there is reason to believe that an employee abuses sick leave, a medical certificate may be required for absences of 3 days or less. In such a case, advance notice in writing will be furnished to the employee so that if illness occurs, the individual will be on notice that he or she must obtain immediately the services of a physician or other practitioner. These requirements shall continue in effect for 90 days from the date of issuance unless the leave approving official removes the requirements earlier. The leave approving official may extend these requirements for additional 90-day periods if abuse continues. (2)

Leave Abuse (B) (continued)

Bargaining unit employees: See the collective bargaining agreement between the NRC and the employees' exclusive representative for additional provisions. (3)

Absence Without Leave (AWOL) (C)

An absence from duty that is not authorized or approved (including leave that is not approved until required documentation is submitted), or for which a leave request has been denied, is properly recorded as AWOL. Recording an absence as AWOL is not a disciplinary action. It does not necessarily mean that the employee's presence is required and the reason for requesting leave is one for which approval is not mandatory. (1)

Absences without approved leave can become the basis for initiating adverse action. However, if the absence is later excused because the circumstances surrounding it are such that the approving official believes that leave should properly be granted, the charge to AWOL may be changed to a charge to the appropriate leave account. (2)

Part VIII

Voluntary Leave Transfer Program

The Voluntary Leave Transfer Program provides income protection to employees affected by a medical emergency through the voluntary donation of annual leave by other employees. The provisions of 5 CFR Part 630, Subpart I, which control this program, are explained below.

Application To Become a Leave Recipient (A)

An employee who has been affected by a medical emergency, as defined in Section (A)(2) of this part, may apply to become a leave recipient. Such application must be in writing, signed by the employee, and addressed to the Director, Office of Human Resources (HR). The application must include— (1)

- The name, position title, and grade or pay level of the applicant (a)
- A brief description of the nature, severity, beginning date, and anticipated duration of the medical emergency affecting the applicant (b)
- In the case of employee disability, whether the applicant has applied for disability retirement (c)
- Appropriate documentation (e.g., a medical report). If the agency requires additional certification from another source, this cost will be borne by the agency. (d)

For purposes of this program, a “medical emergency” means a medical condition of an employee or a family member of such employee that is likely to require the employee's absence from

Application To Become a Leave Recipient (A) (continued)

duty, without available paid leave for at least 24 hours (or in the case of a part-time employee or an employee with an uncommon tour of duty, at least 30 percent of the average number of hours in the employee's biweekly scheduled tour of duty). (NRC will consider a maternity situation, even a "normal" maternity situation, in the same manner as other incapacitating medical conditions of similar duration.) (2)

An employee's personal representative may apply on behalf of the employee if it is believed the potential recipient is not capable of applying on his or her own behalf. Such an application shall contain, if practicable, the signature of the potential recipient or his or her personal representative to authorize the application. If one of the above signatures is not obtained, a signed explanation by the supervisor shall be attached to the application. (3)

The Director, HR, or designee, will normally approve, or disapprove with explanation, the applicant's request within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) from the receipt of an adequately documented request. HR shall notify the Division of Accounting and Finance (DAF), Office of the Chief Financial Officer, of approved recipients. (4)

Notice to Donors (B)

Any publicity or promotion of individual needs for leave donations shall be at the request of and authorized by the recipient or his or her personal representative, with the approval of the recipient's supervisor and the Director, HR. This policy extends to the scope of distribution and to the text of any written material distributed, such as a memorandum to a group of potential donors. The recipient's supervisor shall be responsible for the coordination of any publicity or promotion of that person's need for leave donations.

Potential Donors (C)

An employee cannot donate leave to his or her immediate supervisor. (1)

Normally, leave is transferred only among NRC employees. However, leave may be accepted from donors employed by other agencies when the Director, HR, determines that— (2)

- A family member of the leave recipient is employed by another agency and requests the transfer of annual leave to the leave recipient. (a)
- Donations from NRC employees may be insufficient to meet the needs of the recipient. (b)
- In the judgment of the Director, HR, the donation would further the purpose of the Voluntary Leave Transfer Program. (c)

Before accepting the transfer of annual leave from a donor employed by another agency, DAF will verify that the donor's employing agency has approved the donor's request to transfer annual leave to the NRC recipient. Likewise, before approving the transfer of leave from an NRC employee to an employee of another agency, the NRC will determine that the amount of leave to be donated does not exceed the limitation in 5 CFR 630.908. (3)

Leave Donation (D)

To donate leave, an employee shall designate an approved leave recipient on a signed donor form (NRC Form 504, "Donation of Annual Leave") and send it directly to the Payroll Operations Section, DAF. The identity and organization of donors shall be kept confidential. (1)

Only earned leave may be donated (not "Balance & Accrued" on the earnings and leave statement). (2)

Leave Donation (D) (continued)

Annual leave may be donated in 6-minute increments. (3)

In any one leave year, an employee may not donate more than one-half of the total amount of annual leave he or she is entitled to accrue during the leave year in which the donation is made. For example, an employee who earns annual leave at the maximum rate of 8 hours per pay period may not donate more than 104 hours during the leave year. (See paragraphs (6) and (7) of this section for exceptions.) (4)

A donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year (see Part I(G) of this handbook) may not donate more than the number of hours remaining in the leave year (as of the date of the transfer) for which the donor is scheduled to work and receive pay. For example, an employee scheduled to work 40 hours before forfeiture of 100 hours of annual leave may only donate 40 hours. (See paragraphs (6) and (7) of this section for exceptions.) (5)

In unusual circumstances, HR may waive the limitations on the amount of annual leave an employee may donate in any one leave year. The criteria for waiving these limitations are as follows: (6)

- The leave donor is a family member of the leave recipient (a)
- The leave recipient is projected not to have enough donated leave to cover his or her periods of unpaid leave after initial agency solicitation (b)
- Other unusual circumstances arise (c)

Any such waiver shall be documented in writing by HR and sent to the Payroll Operations Section, DAF. (7)

Leave Donation (D) (continued)

If an employee from the NRC wishes to donate annual leave to a leave recipient in another agency, DAF will verify the availability of annual leave in the leave donor's annual leave account and determine that the amount of annual leave to be donated does not exceed the limitation under paragraphs (5) and (6) of this section. Upon satisfying these requirements, DAF will— (8)

- Reduce the amount of annual leave credited to the leave donor's annual leave account, as appropriate (a)
- Notify the leave recipient's employing agency in writing of the amount of annual leave to be credited to the leave recipient's annual leave account (b)

Use of Donated Leave (E)

A recipient may use leave donated to his or her annual leave account only for the purpose of a medical emergency for which the leave recipient was approved. Annual and sick leave that accrues to the account of the recipient shall be used before any donated annual leave, including that available at the start of the leave year with the following exception: The employee can earn and accumulate a reserve of 40 hours of annual and 40 hours of sick leave while in a transferred leave status, for use only after the medical emergency terminates or when the employee has used up all available donated leave (see 5 CFR 630.907 for more detail). The employee shall continue to earn annual leave while in a transferred leave status to the extent necessary for the purpose of reducing an indebtedness (negative annual leave balance) caused by the use of annual leave made available at the beginning of the leave year (see 5 CFR 630.909). (1)

Donated annual leave may be substituted retroactively for periods of leave without pay or used to liquidate an indebtedness for

Use of Donated Leave (E) (continued)

advanced annual or sick leave due to the medical emergency for which leave donations are approved (see 5 CFR 630.909(d)). (2)

An employee receiving donated annual leave under the leave transfer program may use sick leave to care for a family member with a serious health condition under the Family Friendly Leave Act (see Part II(D)(2)), but that employee must use all sick leave made available under that program before he or she can continue to use donated leave. (3)

Donated annual leave may not be transferred to another leave recipient, included in a lump sum payment for annual leave upon separation, or recredited upon reemployment by a Federal agency (see 5 CFR 630.909(e)). (4)

Termination of Personal Emergency (F)

The personal emergency affecting a leave recipient shall terminate— (1)

- When the recipient's employment ends (a)
- At the end of the pay period in which the recipient's supervisor determines that he or she is no longer affected by a medical emergency (b)
- At the end of the pay period in which HR receives notice that the Office of Personnel Management (OPM) has approved disability retirement for the leave recipient (c)

Leave recipients shall promptly notify their supervisor of termination of their personal emergency. (2)

Termination of Personal Emergency (F) (continued)

A leave recipient's supervisor shall continuously monitor the status of the personal emergency and advise HR of its end. (3)

When the personal emergency ends, no further donations may be made. DAF will restore to the leave donors a pro rata share of any unused donations, except in certain specified situations as governed by OPM regulations. (4)

Prohibition of Coercion (G)

Leave donations shall be strictly voluntary. Intimidation, coercion, reprisal, or promising to confer any benefit regarding this program are prohibited.

Part IX

Emergency Leave Transfer Program

This program permits employees to donate annual leave to employees who have been adversely affected by disasters or emergencies, such as a flood or an earthquake that has destroyed an employee's property, or by an emergency situation such as that created by the bombing of the Alfred P. Murrah Federal Building in Oklahoma City and the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania. In addition, employees approved as emergency leave recipients may use donated annual leave without having to exhaust their own leave. (A)

Under these provisions, a “**major disaster or emergency**,” as declared by the President, is one that results in severe adverse effects for a substantial number of employees (e.g., loss of life or property, serious injury, or mental illness as a result of a direct treat to life or health.) (B)

An emergency leave donor may not contribute less than 1 hour or more than 104 hours of annual leave in a leave year. There are no provisions in NRC for a waiver of these limits. An emergency leave donor may not donate annual leave for transfer to a specific emergency leave recipient. (C)

An emergency leave recipient may receive a maximum of 240 hours of donated annual leave at any one time from an emergency leave transfer program for each disaster or emergency. There are no regulatory provisions permitting a waiver of this limit. (D)

More detailed information about the Emergency Leave Transfer Program may be found in 5 CFR 630, Subpart K. NRC will administer the program in accordance with those regulations. (E)

The following forms may be accessed through the agency online forms icon:

OPM 1637 Application To Become a Leave Recipient Under the
Emergency Leave Transfer Program

OPM 1638 Request To Donate Annual Leave Under the
Emergency Leave Transfer Program

OPM 1639 Transfer of Donated Leave To or From the
Emergency Leave Transfer Program

Part X

Bone Marrow and Organ Donation

Employees who donate bone marrow are entitled by law up to and including 7 days of leave in a calendar year for that purpose. Employees who serve as organ donors are entitled by law up to and including 30 days of leave in a calendar year for that purpose. (A)

Absences for these purposes should be recorded as "Excused Absence" and, as with other excused absence, may be recorded in 6-minute increments. (B)

Leave approving officials should implement internal procedures to monitor these maximums. For purposes of monitoring this leave, a day is the number of hours the employee is scheduled to work on the day absent. For example, a day is 8 hours for employees who are scheduled to work 8 hours, and 9 hours for employees who are scheduled to work 9 hours. Absences for partial days will be accounted for on the basis of 8 hours of absence equaling a whole day. (C)

Glossary

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

Accumulated annual leave. The unused annual leave remaining to the credit of the employee at the beginning of a leave year.

Emergency employee. An employee who must report for or remain at work in emergency situations. Dismissal or closure announcements do not apply to emergency employees unless they are instructed otherwise.

Excused absence. An absence from duty administratively authorized, usually in advance, that is not charged to leave of any kind and for which there is no loss of compensation.

Leave approving official. The NRC official, ordinarily the immediate supervisor, who has been delegated authority to approve or deny leave. The term “leave approving official” is synonymous with the terms “supervisor” and “authorizing official” when used in this directive.

Leave year. The period from the beginning of 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.

Lump sum payment. A payment in a single amount of money for the value of any annual leave earned by the employee and remaining to his or her credit upon separation from the Federal service.

Medical certificate. A written statement signed by a registered practicing physician or other practitioner certifying to an employee's incapacitation, examination, or treatment.

Glossary (continued)

Medical emergency. A medical condition of an employee or family member of the employee that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave. (NRC will consider a maternity situation, even a "normal" maternity situation, in the same manner as other incapacitating medical conditions of similar duration.)

Night shift. For purposes of this directive and handbook only, night shift is a regularly scheduled tour of duty any part of which is scheduled between the hours of 6 p.m. and 6 a.m.