

3 FAM 3500 UNPAID LEAVE

3 FAM 3510 LEAVE WITHOUT PAY (LWOP)

*(CT:PER-578; 10-17-2005)
(Office of Origin: HR/ER/EP)*

3 FAM 3511 GENERAL

*(CT:PER-578; 10-17-2005)
(Uniform State/USAID/BBG /Commerce/Foreign Service Corps - USDA)
(Applies to Foreign Service and Civil Service Employees)*

- a. Leave without pay (LWOP) is a temporary, non-pay status and absence from duty, granted with administrative discretion, upon an employee's written request.
- b. The permissive nature of LWOP distinguishes it from absence without official leave (AWOL), which is an absence from duty that is not authorized or approved (including leave not approved until required documentation is submitted), or for which a leave request has been denied.

3 FAM 3512 AUTHORITIES

*(CT:PER-578; 10-17-2005)
(Uniform State/USAID/BBG /Commerce/Foreign Service Corps - USDA)
(Applies to Foreign Service and Civil Service Employees)*

- a. 5 U.S.C. 6381 - 87, the Family Medical Leave Act of 1993 (FMLA), provides covered employees within an entitlement to a total of up to 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs.
- b. 38 U.S.C. 4301 - 33, The Uniformed Services Employment and Reemployment Rights Act of 1994, provides employees with an entitlement to LWOP when employment with an employer is interrupted

by a period of service in the uniformed service.

- c. Executive Order 5396 provides that disabled veterans are entitled to LWOP for necessary medical treatment.
- d. 5 U.S.C. 8101 - 8150 prohibits employees from remaining in a pay status while receiving workers' compensation payments from the Department of Labor.

3 FAM 3513 GRANTING AUTHORITY

3 FAM 3513.1 Foreign Service Employees Serving Overseas

3 FAM 3513.1-1 Requests Which Must Be Referred to Headquarters

*(CT:PER-578; 10-17-2005)
(Uniform State/USAID/BBG /Commerce/Foreign Service Corps/USDA)
(Applies to Foreign Service Employees Only)*

- a. The following requests must be referred:
 - (1) All requests for LWOP in excess of 90 calendar days (30 calendar days for Commerce);
 - (2) Requests for LWOP in the United States on leave, detail, or consultation;
 - (3) Requests for LWOP for higher education;
 - (4) Military training or service;
 - (5) Temporary employment with a non-Federal public or private enterprise; and
 - (6) Requests for LWOP immediately before separation.

b. Requests must be referred to:

State	HR/CDA
USAID	M/HR/POD or M/HR/EM and OIG/M/PS and IG/RM for BS-08 employees
Commerce	OFSHR
USDA	FSA/HRD

All requests for LWOP in Agriculture are handled in accordance with agency directives.

3 FAM 3513.1-2 Requests Handled at Post

(CT:PER-578; 10-17-2005)

(Uniform State/USAID/ BBG/Commerce/Foreign Service Corps/USDA)

(Applies to Foreign Service Employees Only)

- a. An officer in charge of a State, BBG, Commerce, or USDA post may grant principal officers at subordinate posts under his/her supervision, LWOP other than as provided in section 3 FAM 3513.1-1.
- b. The approving officers at post may grant LWOP to all other employees, except as provided in 3 FAM 3513.1-1, and 3 FAM 3513.1-2 a.
- c. For USAID, see ADS 480.3.11a

3 FAM 3513.2 Foreign Service (FS) employees Servicing in the United states

(CT:PER-578; 10-17-2005)

(Uniform State/USAID/ BBG/Commerce/Foreign Service Corps/USDA)

(Applies to Foreign Service Employees Only)

Hours Requested	Approval Officer
80 hours or less	Heads of offices and divisions and other comparable officials, and supervisors designed by them
More than 80 hours but not to exceed 90 calendar days	Executive Directors or Administrative Officers of - employing bureau
More than 90 calendar days	State: HR/CDA Commerce: Regional Director USDA: FSA/HRD
More than 80 hours but not to exceed 30 calendar days	Commerce: OFSHR

3 FAM 3513.3 Civil Service Employees of State

(CT:PER-578; 10-17-2005)
(Uniform State/USAID/ BBG/Commerce/Foreign Service Corps/USDA)
(Applies to Foreign Service Employees Only)

Hours requested	Approving Officer
80 hours	Heads of offices and divisions and other comparable officers, and supervisors designated by them.
More than 80 hours but not <i>to</i> exceed one year	Executive Directors or Administrative Officers
More than one year	Office of Civil Service Personnel Management (HR/CSP)

3 FAM 3513.4 Senior Executive Service Employees of State

(CT:PER-578; 10-17-2005)
(Uniform State/USAID/ BBG/Commerce/Foreign Service Corps/USDA)
(Applies to Foreign Service Employees Only)

Hours requested	Approving Officer
80 hours or less	Officials who normally approve an executive's leave
More than 80 hours	Executive Resources Board

3 FAM 3514 PROCEDURES

(CT:PER-578; 10-17-2005)
(Uniform State/USAID/ BBG/Commerce/Foreign Service Corps/USDA)
(Applies to Foreign Service and Civil Service Employees)

- a. Procedures for requesting and approving leave without pay are found in 3 FAH-1 H-3510. For Foreign Service (FS) employees, refer to the Office of Career Development and Assignments (HR/CDA) Standard Operating Procedures A-12 to obtain information regarding FS Leave Without Pay (LWOP) request procedures. Reservists returning to active duty should refer to SOP A-12a.
- b. For USAID: see ADS 480.3.11a.
- c. For USDA: Refer to Handbook 17-PM, Exhibit 11.

3 FAM 3515 LIMITATIONS ON USE

(CT:PER-578; 10-17-2005)

(Uniform State/USAID/BBG /Commerce/Foreign Service Corps/USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. LWOP may not be imposed as a penalty.
- b. The authorization of LWOP is a matter of administrative discretion. An employee cannot demand leave without pay as a matter of right except as provided by 3 FAM 3530 and 3 FAH-1 H-3531.
- c. Eligibility for LWOP is not dependent on a specific length of service and may be authorized whether or not the employee has an annual leave credit.
- d. An employee on LWOP remains in an active appointment and subject to government standards of conduct. Such an employee may not be offered or accept a contract with the U.S. Government either directly or indirectly for Government services, coinciding in time with an appointment. The only condition under which a contract and an appointment may be held simultaneously is if there is a most compelling reason allow it such as when the Government's needs cannot be otherwise met (48 CFR 3.6). See 3 FAH-1 H-3510 for further information and procedures.

3 FAM 3516 PURPOSE FOR WHICH GRANTED

3 FAM 3516.1 30 Calendar Days or Less

(CT:PER-578; 10-17-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps/USDA)

(Applies to Foreign Service and Civil Service Employees)

LWOP may be granted for periods of 30 calendar days or less for any reasonable purpose.

3 FAM 3516.2 Extended LWOP

(CT:PER-578; 10-17-2005)

(Uniform State/USAID/BBG /Commerce/Foreign Service Corps/USDA)

(Applies to Foreign Service and Civil Service Employees)

LWOP in excess of 30 calendar days may be granted for specific reasons and for definite periods of time. Examples of acceptable reasons may be found

in 3 FAH-1 H-3514.

3 FAM 3517 RETURN TO DUTY

(CT:PER-578; 10-17-2005)

(Uniform State/USAID/BBG /Commerce/Foreign Service Corps/USDA)

(Applies to Foreign Service and Civil Service Employees)

Since LWOP is a voluntary absence from duty and pay status for a specific period, an employee may not demand to be restored to duty before the authorized absence expires. However, an employee who wishes to return to duty before the expiration of authorized LWOP should so inform the appropriate official at the post or at headquarters and such employee will be restored to duty as soon as administratively possible.

3 FAM 3518 THROUGH 3519 UNASSIGNED