

CHAPTER 3. ABSENCE AND LEAVE

SECTION 1. GENERAL PROVISIONS

- 3-1. COVERAGE. The provisions of this chapter apply to full-time employees and to part-time employees with a regularly scheduled tour-of-duty, except officers and employees appointed by the President. Unless otherwise stated, these provisions apply equally to General Schedule, Merit Pay, Wage Grade, and Senior Executive Service employees.
- 3-2. RESPONSIBILITIES
- a. Assistant Secretaries, the General Counsel, the Inspector General, Regional Administrators and other heads of offices reporting directly to the Secretary are responsible for the overall administration of the leave policy within the area of their jurisdiction.
 - b. Supervisors are responsible for controlling absence and leave so that all employees use leave according to legal requirements and the requirements of this chapter.
 - c. All employees are responsible for exercising their leave privileges in accordance with this policy and applicable implementing procedures.
- 3-3. DEFINITIONS.
- a. Absence Without Leave (AWOL). A leave charge for an employee's absence which is unauthorized, or the authorization is pending submission of required supporting documents. Recording an absence as AWOL is not a disciplinary action. However, absences without approved leave can become the basis for initiating an adverse action.
 - b. Accrued Leave. The leave that is earned during the current leave year.
 - c. Accumulated Leave. The unused leave remaining to an employee's credit.
 - d. Administrative Error. As used in this chapter, administrative error means a clerical error affecting an employee's leave record which results in forfeiture of annual leave.
 - e. Advanced Leave. The leave approved for use before it is accrued.

-
- f. Contagious Disease. A disease which is ruled as subject to quarantine; requires isolation of the patient; or requires

restriction of movement by the patient for a specified period as prescribed by health authorities having jurisdiction. In questionable cases, a certificate from a physician stating the period of isolation or restriction of movement must support the granting of sick leave.

- g. Exigency of Public Business. As used in this chapter, exigency of public business applies to situations in which program requirements or operational demands are of such urgency and importance that managers have no alternative but to deny employees the use of scheduled annual leave during the exigency period.
- h. Restored Leave. Annual leave unavoidably forfeited because of an exigency of public business; illness; or an administrative error and subsequently restored for use by the employee within a specified period of time.
- i. Medical Certificate. A written statement signed by a registered practicing physician certifying the examination, treatment, or a period of disability of an employee while under the physician's professional care. A Standard Form 71 (SF-71), Application for Leave, is normally used for this purpose.
- j. Leave Year. The period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

3-4. EARNING LEAVE.

- a. An employee earns annual and sick leave accruals during each full biweekly pay period while in a pay status or in a combination of pay status and nonpay status.
- b. To earn annual and sick leave, a part-time employee must have a regularly scheduled tour of duty of at least 1 day of each week of the pay period.
- c. No accruals are earned during fractional pay periods at the beginning or ending of employment.

NOTE: If an appointment is effective on Sunday and the employee reports for duty the Tuesday following a holiday that falls on the first Monday of a pay period, the employee is considered as having been employed for the complete pay period and is entitled to the full annual and sick leave accruals.

3-5. LEAVE APPROVAL FORMS. SF-71 Application for Leave, should be

used for all leave requests, except holiday leave and disability leave. However, an employee may initial the appropriate space on the Time and Attendance Report in lieu of the SF-71.

- 3-6. LEAVE CHARGES. Leave is only charged for absences on scheduled workdays. The minimum charge for leave is one quarter hour. Additional leave is charged in multiples of one quarter hour. Leave charges are computed separately for each day.
- 3-7. REDUCTION IN LEAVE CREDITS. When the number of nonpay status hours in a full-time employee's leave year equals the number of hours of a base pay period, the Department will reduce his/her credits for leave by an amount equal to the employee's leave accrual for that pay period.
- 3-8. ABSENCE DUE TO TRAUMATIC INJURY. An employee who sustains a traumatic job-related injury may be continued in regular pay status for a period of disability, not to exceed 45 calendar days. A traumatic injury is a wound or other condition of the body caused by external force, including physical stress or strain.
- 3-9. MANDATORY APPROVAL OF LEAVE REQUESTS. In the following instances the approval of a request for leave, supported by acceptable documentation, is mandated by statute or executive order.
 - a. Treatment for Disabled Veterans. Upon requesting and presenting an official statement from a medical authority, a disabled veteran shall be granted annual leave, sick leave, or leave without pay as needed for medical treatment. The granting of such leave is contingent upon the veteran giving prior notice of specific days and hours of the absence required for medical treatment. Also, a disabled veteran shall be granted leave (annual, sick or LWOP) for medical examinations and absences from duty in connection with the disability.
 - b. Military Service. Upon requesting and presenting official military orders, an employee who is a member of a reserve component or the National Guard, and is otherwise eligible, shall be granted military leave, annual leave, or LWOP for performance of active duty or active duty for training.
 - c. Pending Retirement. Upon requesting and presenting acceptable evidence of incapacitation to perform the duties of his/her position, an employee shall be granted any unused sick leave while awaiting a final determination, from the Office of Personnel Management, on a disability retirement claim.

- d. Incapacitation Due to Illness, Injury, or Pregnancy. An employee is entitled to use sick leave if he/she is incapacitated by illness or injury; needs to receive medical, dental or optical examination or treatment; or would jeopardize the health of others because of exposure to a contagious disease. Female employees are entitled to sick leave for medically certified confinement due to pregnancy. A handicapped employee who depends on an aid (seeing-eye dog, a wheelchair, or any other prosthetic device which is considered an extension of the person) to perform his/her work is considered incapacitated if he/she is without the aid. Therefore, the employee is entitled to sick leave for such purposes as training, replacement, or repair of the aid.

3-4

8/86

SECTION 2. ANNUAL LEAVE

3-10. ENTITLEMENT.

- a. Full-time and part-time employees with a regularly scheduled tour of duty on at least 1 day of each week in the pay period and whose appointment meets the requirements below are entitled to annual leave:
- (1) Appointment for 90 Days or More. The employee earns and may be granted annual leave from the first day of employment.
 - (2) Initial Appointment for Less Than 90 Days but is Extended to 90 Days or More. The employee retroactively earns leave from the date employment commenced and may be granted annual leave upon completing 90 days of consecutive employment.
 - (3) Initial Appointment for Less Than 90 Days and is Extended for a Period Less Than 90 Days. The employee retroactively earns leave from the date employment commenced and may be granted annual leave upon completing 90 days of consecutive employment.

3-11. EARNING RATES. Annual leave is credited at the appropriate rate to an employee's leave balance at the beginning of each pay period, and is available for use during the pay period. However, once an employee has exhausted available annual leave and is placed in a nonpay status, the leave credits may not be used until the employee returns to a pay status.

- a. Full-time Employees. A full-time employee earns annual leave at the following rates:
- (1) Four hours for each full biweekly pay period for an employee with less than 3 years of creditable service;

- (2) Six hours for each full biweekly pay period for an employee with 3 or more but less than 15 years of creditable service, except for the last full pay period of the calendar year when the employee earns 10 hours; and
- (3) Eight hours for each full biweekly pay period for an employee with 15 or more years of creditable service.

b. Part-time Employees. A part-time employee with a regularly scheduled tour of duty in both administrative workweeks of a pay period earns annual leave at the following rates:

3-5

8/86

- (1) One hour of annual leave for each 20 hours in pay status for an employee with less than 3 years of creditable service;
- (2) One hour of annual leave for each 13 hours in pay status for an employee with 3 but less than 15 years of creditable service; and
- (3) One hour of annual leave for each 1 hours in a pay status for an employee with 15 or more years of creditable service.

NOTE: A part-time employee may carry over to the next pay period any hours in a pay status earned during basic working hours which are insufficient to earn 1 hour of leave accrual credit. Once the carry over hours accumulate to earn 1 hour of leave, the employee is credited with the accrual. If a part-time employee changes to a full-time work schedule, all carry over hours are lost.

3-12. CHANGE IN EARNING RATE. When an employee completes a period of creditable service of either 3 or 15 years, the change in the rate at which the employee earns annual leave takes effect at the beginning of the pay period following the one in which the employee completes the service.

3-13. CREDITABLE SERVICE.

a. Except as provided in paragraph 3-13b, all civilian service in the executive, judicial and legislative branches of the Federal Government and all honorable active military service that is currently or potentially creditable for an annuity under the Civil Service Retirement Act is considered creditable for the purpose of determining leave earning rates.

b. For leave earnings purposes, credit for active military

service of a retired member of the uniformed service is restricted to actual service in the Armed Forces during wartime, or in any campaign or expedition for which a campaign badge has been authorized unless one or more of the three conditions listed below are met:

- (1) The employee's retirement was based upon disability resulting from injury or disease received in the line of duty as a result of armed combat; or
- (2) The retirement was based upon disability caused by an instrumentality of war incurred in the line of duty during a period of war; or

8/86

3-6

- (3) On November 3, 1964, he/she was employed in a civilian position to which the Annual or Sick Leave Act was applied, and he/she has continued to be so employed without a break in service of more than 30 days.

3-14. MAXIMUM ACCUMULATION OF LEAVE.

- a. Thirty-Day Maximum. Except as provided in paragraph 3-14b and 3-14c, the maximum amount of accumulated annual leave that an employee may carry over from one leave year to the next is 30 days. The annual leave accrued by an individual while serving in a position in the Senior Executive Service is not subject to the limitation.
- b. Forty-Five Day Maximum. An employee stationed outside the 50 United States may accumulate annual leave up to 45 days if the employee was:
 - (1) Directly recruited or transferred by the Federal Government from the United States, the Commonwealth of Puerto Rico, or a possession of the United States for employment outside the area of recruitment or from which transferred;
 - (2) Hired locally, but was originally recruited from the 50 United States (U.S.), Puerto Rico, or U.S. possession (but outside the employment areas) and has been in substantially continuous employment by Federal agencies, United States firms, international organizations in which the United States participates, or foreign governments, and the conditions of employment provided for return to the place from which recruited;
 - (3) Hired locally but at the time of employment was temporarily absent from the 50 United States (or Puerto Rico or U.S. possession) for purposes of travel or formal study, and who during the temporary absence, has maintained continuous residence in the

United States (or Puerto Rico or U.S. possessions) but outside the area of employment; or

- (4) Hired locally and although not normally a resident of the area concerned was discharged from the military service to accept employment with an agency of the Federal Government.

c. Saving Provision.

- (1) Under certain circumstances, an employee may be entitled to carry forward into a leave year a greater accumulation than is ordinarily permitted under paragraph 3-14a above.

3-7

8/86

For example, if an employee's accumulated annual leave at the end of the 1952 leave year was greater than the prescribed ceiling, that amount is carried forward as the employee's individual leave ceiling. Or, if an employee in a position permitting a 45-day accumulation has accumulated between 31 to 45 days of annual leave, that accumulation may be retained when the employee moves to a position for which the maximum ceiling is 30 days.

- (2) When an employee with an annual leave ceiling above the 30-day maximum uses more annual leave than earned in the leave year, the balance carried forward becomes the employee's new leave ceiling if it is still above the 30-day maximum limit.

3-15. GRANTING ANNUAL LEAVE.

a. Scheduling Leave.

- (1) Schedules for the use of annual leave for vacations and leave that must be used or forfeited must be established in writing as soon as practicable after the beginning of the leave year. Early scheduling is essential to effective leave planning and is a responsibility of both management and employees.
- (2) If it is necessary to cancel scheduled leave due to compelling operational demands or for other reasons, action must be taken to reschedule the leave for use before the end of the leave year. If the cancellation is caused by operational demands, the cancellation and rescheduling must be documented as prescribed in paragraph 3-22 below.

- b. Resolving Scheduling Conflict. If all requests for nonmandatory leave cannot be approved for a specified time and/or day due to the work requirements, the supervisor should consider the following factors in making a

determination on approval of the requests:

- (1) Annual leave subject to forfeiture;
- (2) Available leave balances;
- (3) Consultation with employees on volunteering to reschedule their requests; and
- (4) Previous rescheduling of an employee's leave request.

8/86

3-8

- 3-16. RECALL FROM ANNUAL LEAVE. The approving official may terminate a period of approved leave prior to completion and recall the employee to duty if the needs of the Department make such action necessary. Failure to return to duty under such circumstances may result in a charge to absence without leave (AWOL) or may lead to other disciplinary action.
- 3-17. LEAVE BEFORE SEPARATION.
- a. Terminal Annual Leave. Generally, terminal annual leave is prohibited. However, the Comptroller General has held that annual leave immediately prior to separation from the Federal Government may be authorized if:
 - (1) The employee takes annual leave in the final hours of the last day of employment which is the last working day of a pay period, after having substantially worked the rest of that pay period; or
 - (2) The employee is transferring to another Federal agency and requests annual leave for a reasonable vacation period.
- 3-18. LIQUIDATION OF UNUSED ANNUAL LEAVE. All annual leave credited to an employee at the time of separation from the Federal service will be liquidated by payment in a lump sum.
- a. The lump sum will include payment for all unused leave credited to the employee's regular annual leave account plus payment for any unused restored or recredited leave that may be maintained in a separate leave account. An employee's regular account consists of the regular carry over balance from the previous year, and any unused leave accrued during the current leave year.
 - b. An employee who separates from the Department to enter active duty in the Armed Forces has the option of either receiving lump-sum payment for annual leave in the regular leave account or maintaining the credit of annual leave until he/she returns to a Federal civilian position. This option does not apply to leave in a separate account

which must be liquidated by lump-sum payment at the time of separation to enter on active duty.

- 3-19. REFUND OF LUMP-SUM PAYMENT. If an employee is reemployed in the Federal service prior to the expiration of the period covered by the lump sum leave in the employee's regular account, the employee must refund a sum of money representing the unexpired period for which payment was received.

3-9

8/86

- a. The repayment of the refund may not be waived under the statute authorizing waiver of erroneous payments of compensation, even though the employee was unaware of the legal obligation.
 - b. The leave covered by the refund is recreditable up to the maximum amount of leave the employee was permitted to carry over into the leave year of separation.
 - c. Restored or recredited annual leave included in a lump-sum payment is not subject to refund and may not be recredited to the employee upon reemployment.
- 3-20. ANNUAL LEAVE IN LIEU OF SICK LEAVE. An approved absence which would otherwise be chargeable to sick leave may, at the request of the employee, be charged to annual leave. However, annual leave may not be substituted for sick leave on a retroactive basis solely for the purpose of avoiding a forfeiture of annual leave at the end of the leave year.
- 3-21. ADVANCING ANNUAL LEAVE.
- a. Maximum Advance. The maximum amount of annual leave advanced may not exceed the amount that the employee will accrue during the remainder of the leave year.
 - b. Documentation. The request must be submitted in writing to the approving official for review and final determination.
 - c. Restriction. Annual leave may not be advanced if it is known or reasonably expected that the employee will apply for disability retirement or voluntarily retire for health reasons.
 - d. Approval Considerations. Regardless of the circumstances, an employee does not have a right to an advance. Approval of the request is at the discretion of the leave approving official. The following must be considered in approving or disapproving the advance:
 - (1) Probability of the employee returning to work;
 - (2) Need for the employee's services;

- (3) Benefit to the Department in retaining the employee;
- (4) Employee's total employment and leave history; and
- (5) Waiver of the advanced leave debt if the employee separates prior to liquidating the advance due to disability retirement, voluntary retirement for health reasons supported by a medical certificate, or death.

8/86

3-10

e. Liquidating the Advance. It is in the interest of the government to liquidate the advance at the earliest opportunity. Therefore, an employee may make a cash reimbursement by a check or money order payable to the Department.

- (1) If the advance is not paid in full, all subsequent accruals will be applied to the outstanding advance until it is liquidated.
- (2) If the employee separates before the debt is fully liquidated, for reasons other than disability retirement; voluntary retirement due to health reasons supported by a medical certificate; or death, and the last check cannot pay the debt, a levy will be placed against the employee's retirement account.

f. Application of the Advance. If the employee returns to work before the advance is exhausted, the remaining balance is forfeited. While the employee is using the advance, he/she continues to earn annual leave; however, the annual leave earned is automatically applied each pay period to reduce the outstanding advance, therefore, the accruals are not available for use.

3-22. RESTORED ANNUAL LEAVE.

a. Circumstances Warranting Restoration. Consistent with the requirements stated in this paragraph, annual leave in excess of the maximum permissible carry over that is automatically forfeited at the end of the leave year may be restored under circumstances described in paragraphs (1) or (2) below:

- (1) A schedule for the use of the leave was planned and approved in writing before the start of the third biweekly pay period prior to the end of the leave year, and the use of the leave was subsequently denied or interfered with because of an exigency of the public business or the sickness of the employee.
- (2) The forfeited leave was accruable after June 30, 1960, but lost due to an administrative error.

b. Documentation of Leave Cancellations. If the cancellation of scheduled annual leave is required because of an exigency or because of employee's illness, the cancellation must be documented in writing as follows:

- (1) The calendar date the leave was scheduled and approved for use by the leave approving official. An Application for Leave (SF-71), or an appropriate memorandum must be provided as evidence that the annual leave was scheduled and approved

3-11

8/86

- (2) The date(s) during which leave was scheduled for actual use and the amount of leave (days/hours) scheduled for use.
- (3) An explanation of the reason(s) for the subsequent cancellation of approved leave. If the leave was cancelled because of an exigency of the public business, the following documentation must be provided:
 - (a) Copy of the exigency declaration stating the cause, inclusive dates and affected employees, signed by the official having authority to declare an exigency;
 - (b) Copy of the notice to employees informing them that they cannot use scheduled annual leave;
 - (c) Copy of SF-71 or memorandum showing originally scheduled annual leave;
 - (d) Statement of explanation for any annual leave used during the exigency period (death in family or annual leave charged in lieu of sick leave for employee illness); and
 - (e) Copy of SF-71 or memorandum showing the date and amount of cancelled leave (days/hours) that was rescheduled for use before the end of the leave year, unless the exigency covered the remainder of the leave year.

c. Determining and Documenting an Exigency Situation. It is not feasible to provide hard and fast rules for management's use in reaching a decision that specific kinds of operational requirements are of such magnitude or significance that employees cannot be excused from duty to avoid forfeiture of annual leave. However, the following guidance is provided for those officials to whom authority has been delegated or redelegated:

- (1) For the purpose of this paragraph, an exigency must

be a situation of such importance that the affected employees cannot be excused from duty for the purpose of using scheduled leave for the duration of the period involved.

- (2) A specific beginning and ending date of the "exigency" period must be fixed, and approved in writing, in advance: by the official having authority to declare an exigency, unless the suddenness or uncertainty of the circumstance prevents an advance decision. In no case may the declaration be made more than 2 weeks after the exigency commences.

8/86

3-12

- (3) The dates must establish the specific time period during which the affected employees were prevented from using scheduled annual leave and subsequently forfeited annual leave. If during the exigency period, it is determined that it will be longer or shorter than originally anticipated, the original declaration must be modified accordingly.
- (4) All affected employees must be notified by the supervisor, in writing, of the nature of the exigency and the period during which they will not be permitted to use scheduled annual leave.
- (5) There can be no reasonable alternative to the cancellation of the scheduled leave, or the assignment of those individual employees who will forfeit annual leave because of the work requirement generated by the exigency.
- (6) Under no circumstances may operation difficulties be considered as constituting an "exigency" situation when such difficulties developed because of inadequate leave planning or the failure of employees to request leave usage on a timely basis.
- (7) If an exigency occurs during the year that results in the cancellation of scheduled annual leave, action must be taken to reschedule the leave in writing for use before the end of the leave year to avoid forfeiture. Failure to schedule or reschedule cancelled leave will serve to bar restoration of forfeited annual leave.
- (8) If an exigency situation is declared to exist for certain employees, an affected employee should not be permitted to use scheduled annual leave during the time period specified for the exigency. This restriction does not prevent an employee from using annual leave under emergency conditions such as a death in the family or for charging annual leave in

lieu of sick leave for an illness.

- (9) The decision with respect to the existence of an "emergency" situation must be documented in writing and in advance. This documentation must include:
 - (a) The condition which caused the situation;
 - (b) The affected employees involved;
 - (c) The specific time period involved; and

3-13

8/86

- (d) Written approval signed by the official having authority to declare an exigency.

A copy of this documentation must accompany each request for restoration of forfeited annual leave.

d. Restoration of Leave Forfeited Due to Illness.

- (1) An illness of an employee is not in itself a basis for permitting annual leave to be forfeited and subsequently restored for later use. To warrant the restoration of forfeited leave, the period of absence due to illness must have occurred at a time late in the leave year and/or was of such duration that the annual leave could not be rescheduled for use before the end of the leave year.
- (2) Absence due to illness may generate problems because of the employee's officially assigned duties or because of overall operational demands. However, workload situations that are affected by an employee's absence due to illness may not be used as the basis for cancelling scheduled annual leave or for not rescheduling the use of annual leave to avoid forfeiture, unless the requirements relating to exigencies of the public business are satisfied.

e. Restoration of Leave Forfeited Due to Administrative Error.

- (1) Annual leave forfeited because of an administrative error may be restored provided the leave was accruable after June 30, 1960. Restoration is warranted even though the error occurred before June 30, 1960.
- (2) If official records are not available to establish the amount of annual leave to be restored, an estimate of the employee's leave account will be considered acceptable documentation provided such estimate is accompanied by an official statement

explaining the basis for the estimate.

f. Time Limit For the Use of Restored Leave. Restored annual leave is credited to a separate account and must be used by the employee within a 2-year time period. The beginning date of the time period will be one of the following depending on the circumstances that gave rise to the leave restoration:

- (1) The date of restoration if the annual leave was forfeited because of an administrative error;
- (2) The date fixed by management as the termination date of the exigency that resulted in the forfeiture; or

8/86

3-14

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

g. Scheduling The Use of Restored Leave. Managers and employees have an obligation to plan and schedule restored leave for use as expeditiously as circumstances permit. In planning the use of such leave, it must be remembered that regular annual leave also must be scheduled during the leave year to avoid forfeiture.

h. Implementation of Approval For Leave Restoration.

- (1) When leave restoration is approved, a copy of the approval and the supporting documentation must be forwarded to the Director, Personnel Systems and Payroll Division no later than the close of the fifth pay period following the leave year in which the leave was forfeited. A copy of the authorization will be forwarded to the employee, the employee's supervisor, and the servicing timekeeper. Each employee's request must be approved and submitted separately.
- (2) If the approval is consistent with the provisions of this Handbook, the leave will be credited to the employee in a separate leave account. If the approval is not consistent with the provisions of this Handbook, the Director, Personnel Systems and Payroll Division, will so advise the approving official and return the documentation without implementation.

3-15

8/86

SECTION 3. SICK LEAVE

3-23. EARNING RATES. Sick leave is credited at the appropriate

rate to an employee's balance at the beginning of each pay period, and is available for use during the pay period. However, once an employee has exhausted available sick leave and is placed in a nonpay status, the leave credits may not be used until the employee returns to a pay status.

- a. A full-time employee earns sick leave at the rate of 4 hours each full biweekly pay period.
- b. A part-time employee with a regularly scheduled tour of duty earns 1 hour of sick leave for each 20 hours in a pay status. Earned leave may not exceed 4 hours in any full biweekly pay period.
- c. There is no limitation on the amount of sick leave an employee may accumulate.

3-24. GRANTING SICK LEAVE. Sick leave may be granted in one quarter hour increments when an employee is incapacitated for the performance of duties because of illness or injury, or for the following reasons:

- a. Exposure to a contagious disease that would endanger the health of co-workers;
- b. Presence of a contagious disease in an employee's immediate family which requires the employee's personal care or requires quarantine; or
- c. To receive dental, optical, or medical examination or treatment.

Prior to approving a request for sick leave, the supervisor should check the employee's leave balance to verify that the request does not exceed the balance in the employee's account.

3-25. APPLICATION FOR SICK LEAVE.

- a. Prior Approval. Requests for sick leave must be submitted for approval prior to the beginning of the leave in the following cases:
 - (1) Scheduled appointments for medical, dental, or optical examination or treatment;
 - (2) Nonemergency hospitalization; or
 - (3) Incapacitation for work due to pregnancy and confinement.

-
- b. Reporting Illness. When an employee is unable to report for duty or remain on duty for any of the reasons stated in paragraph 3-24, notification must be given to the

appropriate supervisor as soon as possible. It is the responsibility of the employee to keep the supervisor advised regarding a continuing absence or sick leave. Failure to give early notice or to keep the supervisor advised of the need to continue sick leave may result in the absence being charged to absence without leave or may lead to other disciplinary action. An employee may not engage in any outside employment during a period for which sick leave is requested and approved.

c. Medical Certificates.

- (1) A period of absence on sick leave in excess of 3 consecutive workdays must ordinarily be supported by a medical certificate. SF-71, Application for leave, may be used. However, if the circumstances surrounding the employee's absence indicate that the services of a physician were not available or required, the employee's written statement describing the circumstances may be accepted in lieu of a medical certificate.
- (2) When an employee's absence indicates a possible abuse of sick leave, the submission of a medical certificate may be required to support any sick leave absence regardless of its duration. If such a requirement is imposed, the employee must be advised in advance in writing of the reasons for the requirements.

3-26. SUBSTITUTION OF SICK FOR ANNUAL LEAVE. If illness occurs while an employee is on annual leave, the period of illness may be charged to sick leave. Application for the substitution must be made immediately upon the employee's return to duty.

3-27. SICK LEAVE BEFORE SEPARATION.

- a. If an employee separates from the Department because of illness and furnishes a medical certificate indicating incapacity for duty, the separation may, at the request of the employee, be effected at the expiration of accumulated and accrued sick leave.
- b. If an employee separates from the Federal service with a sick leave balance, such balance may not serve as a basis for a lump sum payment. However, if the separation is by retirement on an immediate annuity, for retirement computation purposes only, the service of the employee will be increased by the number of days of sick leave remaining in the employee's sick leave account.

-
- c. Should reemployment in the Federal Government be effected within 3 years after the employee's latest separation

(except reemployment of an annuitant) the sick leave balance at the time of separation will be credited to the employee's leave account.

3-28. ADVANCING SICK LEAVE.

- a. Maximum Advance. In cases of serious disability or ailment, and when required by the exigencies of the situation, an employee may request to draw on anticipated future sick leave accruals if the disability or ailment exceeds the current sick leave balance. A maximum of 30 days sick leave may be advanced under these circumstances. Advance sick leave may be authorized even though the employee has annual leave available.
- b. Documentation. A written request, supported by a medical certificate, must be submitted to the approving official. A request may be made on behalf of the employee when the employee is too ill to initiate a written request, provided that the request is supported by a medical certificate.
- c. Restrictions. Sick leave may not be advanced if:
 - (1) It is known or reasonably expected that the employee will apply for disability retirement or voluntarily retire for health reasons;
 - (2) The employee is absent for maternity reasons after the delivery of her child and the request is for a period of adjustment and/or to make arrangements for the care of the child;
 - (3) The remaining time on a limited appointment would be insufficient to liquidate the advance by future accruals;
 - (4) The employee is terminally ill;
 - (5) Chronic ailments have necessitated the employee's absences in the past; or
 - (6) The illness lasts less than 2 consecutive days (16 hours)
- d. Approval Considerations. Regardless of the circumstances, an employee does not have a right to an advance. Approval of the request is at the direction of the approving official. The following must be considered in approving or disapproving the advance:
 - (1) Probability of the employee returning to work;

-
- (2) Benefit to the Department in retaining the employee;

and

- (3) Employee's total employment and leave history.
- e. Liquidating the Advance. The advance will be liquidated in the following order:
- (1) All subsequent accruals will be applied until the advance is paid in full; or
 - (2) The employee may make a cash reimbursement by a check or money order payable to the Department; or
 - (3) If the employee separates, other than on disability retirement; voluntary retirement due to health reasons; or death before the debt is liquidated, the lump-sum annual leave due will be applied to liquidate the advance. If the lump-sum amount is insufficient to liquidate the advance, a levy will be placed against the employee's retirement fund account.
- f. Application of the Advance.
- (1) If the employee returns to work before the advance is exhausted, the remaining balance is forfeited.
 - (2) While the employee is using the advance, the sick leave earned is automatically applied each pay period to reduce the outstanding advance, therefore, the accruals are not available for use.
- g. Termination of Advanced Sick Leave. An employee's advanced sick leave will be terminated immediately upon application for disability or voluntary retirement.

3-19

8/86

SECTION 4. LEAVE WITHOUT PAY (LWOP)

3-29. GRANTING LWOP.

- a. Administrative Discretion. Leave without pay is approved leave. The authorization of LWOP is a matter of administrative discretion. With few exceptions, employees cannot demand that they be given LWOP as a matter of right.
- (1) Exceptions. If requested, and supporting documentation is provided where required, LWOP must be granted to:
 - (a) Disabled veterans requiring medical treatment;
 - (b) Reservists and National Guardsmen desiring LWOP

for military training duties or extended active military duty; and

(c) Employees on maternity/paternity leave in the circumstances cited in paragraph 3-31.

(2) An absence due to a suspension imposed for disciplinary reasons is reported as LWOP.

b. Extended LWOP.

(1) Situations Warranting Approval of Extended LWOP.

(a) For educational purposes when such education will contribute to the Department's best interest;

(b) For illness or disability not of a permanent or disqualifying nature;

(c) For the purpose of protecting the employee's status pending action by the Office of Personnel Management on a claim for disability or pending final action by the Office of Workers' Compensation Program on a claim resulting from employment-connected injury or disease;

(d) For the purposes of permitting an employee to participate in a program in which the Government is participating in or is encouraging;

(e) To enable career-conditional employees who are dependents of members of the Armed Forces to seek employment in other areas when servicemen transfer to new locations. Generally, a period of 90 calendar

3-20

8/86

days of LWOP should make it possible for employees to work out transfers and avoid having to begin a new career-conditional period (i.e., a 3-year period of substantially continuous creditable service); or

(f) For the purpose of serving, on a temporary basis, as an officer or representative of a labor organization representing Federal employees.

(2) Reviewing Requests. Each request for extended LWOP (exceeding 30 calendar days) should be closely reviewed to assure that the value to the Government or the serious need of the employee is sufficient to offset such costs and administrative inconveniences

as:

- (a) Encumbrance of the position;
 - (b) Obligation to provide employment at the end of the approved LWOP period;
 - (c) Necessity to employ or train a replacement on a temporary basis; and
 - (d) Eligibility for continued coverage, without cost to the employee for life insurance benefits.
- (3) Standards for Approving Extended LWOP. Before approving extended LWOP, officials to whom such authority is delegated must determine that one of the following benefits or similar objectives will result:
- (a) Increased job ability;
 - (b) Protection or improvement of employee's health;
 - (c) Retention of a desirable employee; or
 - (d) Furtherance of a program of interest to the Department or the Federal Government.
- c. Duration of LWOP. Except in unusual circumstances, LWOP may not be authorized initially for a period in excess of 52 weeks.

3-21

8/86

SECTION 5. ABSENCE FOR MATERNITY REASONS

- 3-30. GENERAL. Both male and female employees may take leave connected with the birth or adoption of a child.
- 3-31. GRANTING MATERNITY/PATERNITY LEAVE. A female employee's absence for maternity purposes is chargeable to sick leave, annual leave, and LWOP, as appropriate. An absence for adoptive parents of both sexes is chargeable to annual leave or LWOP only.
- 3-32. SICK LEAVE APPROVALS. Requests for sick leave due to confinement must be supported by a medical certificate. Absences not medically certified as due to incapacitated for the performance of duty will be charged to annual leave, if available, or to LWOP.
- 3-33. ADVANCING SICK LEAVE. Sick leave may be advanced during the pregnancy if the absence is medically certified. The same criteria as stated in paragraph 3-28 applies to the advancing of sick leave during pregnancy.

SECTION 6. MILITARY LEAVE

- 3-34. DEFINITION. Military leave is an absence from duty without loss of pay or time for active duty or training, or military aid to enforce the law.
- 3-35. ENTITLEMENT. Employees who are members of the National Guard or Reserve components of the Armed Forces upon presentation of competent orders are entitled to:
- a. Military Leave-Regular if they are:
 - (1) Serving in a permanent; temporary indefinite; temporary appointment pending establishment of a register; or
 - (2) serving under an appointment of 1 year or more on either a term appointment; part-time (16 to 32 hours tour per week); on-call; or seasonal work schedule; and
 - (3) engaging in active duty or active duty for training.
 - b. Military Leave-Special if they are:
 - (1) Serving in a permanent or temporary indefinite appointment;
 - (2) Serving under a full-time work schedule; and
 - (3) Engaging in military aid to enforce the law.
- 3-36. GRANTING MILITARY LEAVE.
- a. Military Leave-Regular.
 - (1) Maximum amounts.
 - (a) Eligible full-time employees accrue 15 days per fiscal year.
 - (b) Eligible part-time employees accrue a prorated number of days per fiscal year based on their regularly scheduled workweek. The formula is: 15 days times the number of regularly scheduled hours per week divided by 40 hours equals the accrued days. For example, $15 \times 20/40 = 7 \frac{1}{2}$.
 - (2) Carry Over Provision. If all days accrued are not used during a fiscal year, the balance is carried into the next fiscal year. The maximum carry over is 15 days for a possible maximum total of 30 days

available in any fiscal year.

3-23

8/86

-
- (3) Computation of Leave Charges. Military leave is charged for intervening nonworkdays and holidays but not for nonworkdays occurring at the start or close of the military leave period.

b. Military Leave-Special.

- (1) Maximum Amount. Eligible employees, in addition to Military Leave-Regular, may use a maximum of 22 workdays of military leave in each calendar year, when ordered to active duty to provide military aid to enforce the laws of the Federal, State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States Government.
- (2) Salary Offset. Military pay (other than payments for travel, transportation or per diem), received by an employee for military leave-special service must be offset against the salary payable to the employee for his/her civilian position for that period. When an employee uses this leave, contact Personnel Systems and Payroll Division for additional information.
- (3) Computation of Leave Charges. Military leave is charged only for the workdays within the military leave period.

- c. Military Leave-National Guardsman, District of Columbia. In addition to the above authorized military leave, eligible employees who are members of the National Guard of the District of Columbia can use military leave for all days of parade or encampment ordered under Title 39, District of Columbia Code.

3-24

8/86

SECTION 7. LEAVE FOR JURY OR WITNESS SERVICE

3-37. ENTITLEMENT.

- a. Court Leave. A permanent or temporary employee working full-time or part-time is entitled to court leave when serving as a:
 - (1) Member of a jury; or
 - (2) Witness on behalf of any party in connection with any judicial proceedings to which the United States, District of Columbia, or a state or local government

is a party.

NOTE: When an employee is the plaintiff, court leave only applies to the time used while giving a deposition or serving as a witness and not for time used testifying on his/her own behalf.

- b. Official Duty Status. An employee remains in official duty status (no charge to court leave) when:
 - (1) Summoned or assigned by the Department to testify in an official capacity or to produce official records; or
 - (2) Called as a witness in the official capacity of a former position held in the Federal service.

3-38. DOCUMENTATION FOR GRANTING COURT LEAVE. Prior to granting court leave, a supervisor must obtain the following documentation from the employee:

- a. A court order, a court summons, a subpoena, an official request, an official invitation, or a call evidenced in writing by an official of the court or the authority responsible for the conduct of the proceeding which requests the employee to appear for duty;
- b. Official documentation which specifies the parties involved in the litigation; and
- c. Official written evidence from the court which verifies the actual dates of attendance.

3-39. REMITTANCE OF FEES FOR JURY/WITNESS SERVICE. The determination of whether an employee who is on court leave may retain the court's compensation or must remit it to the Payroll Branch is governed by the following:

3-25

8/86

-
- a. Any portion of the compensation defined by the state statute as an expense may be retained by the employee. In the absence of evidence that some specific portion of the amount paid by the state for court service was intended as reimbursement for expenses, all of the compensation must be remitted to the Payroll Branch.
 - b. Nonworkdays. An employee on court leave who performs jury service on a nonworkday outside the regular tour or duty for which Federal salary is not paid may retain the fees received for such service.
 - c. Nonwork Hours. An employee with a regularly scheduled tour of duty who performs jury service that does not conflict with hours of employment may retain the usual

jury 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 the employee is in a pay status, jury fees for that day may not be retained.

- d. Leave Without Pay. An employee who is in a leave without pay status when called for jury service may retain jury fees and per diem allowed for each day's attendance in court and for the time necessarily occupied in going to and from the court.

3-26

8/86

SECTION 8. INJURY COMPENSATION

3-40. ELIGIBILITY. An employee who sustains a disabling job related injury or other condition of the body caused by external force, including physical (not mental) stress or strain (traumatic injury) is entitled to continuation of pay (COP).

3-41. LEAVE.

- a. Federal Employees' Compensation Act (FECA) Disability Leave (COP) is granted for a period not to exceed 45 calendar days, including nonwork days and holidays.
 - (1) Continuation of Pay may begin at any time within 6 months of the date of injury.
 - (2) Continuation of Pay will not extend employment if it would otherwise have been terminated. However, the employee is kept on the rolls for pay purposes until the COP has terminated.
- b. An employee continues to earn annual and sick leave during the 45 day period, except in the circumstances stated in paragraph 3-41a(2) above.

3-27

8/86

SECTION 9. EXCUSED ABSENCES

3-42. DEFINITION. An excused absence is an absence from duty, administratively authorized, without loss of pay and without charge to leave.

Common examples of excused absence are:

- a. Voting and Registration.
 - (1) Policy. It is the policy of the Department to excuse employees for a reasonable time, when practicable to do so without seriously interfering with operations,

to vote or register, in any election or in referenda on civic matters in their community.

(2) Absence for Voting.

- (a) Generally, excused leave may be granted to the extent necessary to permit an employee to report for work either 3 hours after the polls open or depart from work 3 hours before the polls close, whichever requires the lesser amount of time off. In exceptional circumstances, an employee may be excused up to a full day.
- (b) If an employee's voting place is beyond the normal commuting distance and voting by absentee ballot is not permitted, sufficient time off may be granted to enable the employee to make the trip to the voting place. Where more than 1 day is required, a liberal leave policy shall be observed, and time off in excess of the day shall be charged to annual leave, if available, or to LWOP.

(3) Absence for Registration.

- (a) For an employee who votes in a jurisdiction which requires registration in person, time off may be granted on substantially the same basis as for voting, except that time off should not 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 residence.
- (b) Where registration by mail is permitted an employee may not be excused for registration.

3-28

8/86

-
- b. Civil Defense Activities. Employees who have volunteered services and who have been selected for civil defense assignments may be excused to participate in Federally recognized civil defense programs for a reasonable amount of time up to 40 hours in a calendar year.
 - c. Blood Donation. An employee who makes a blood donation may be excused for a reasonable period during and immediately following the donation.
 - d. Taking Civil Service Examinations. An employee who is required to take a Civil Service Examination for his/her present position or to qualify for another position within the Department may be excused for that purpose.

- e. Representing Labor Organizations. An employee who serves as a representative of a labor organization may be excused to attend to matters relating to union representation to the extent agreed upon in the existing union contract and as provided by law.
- f. Tardiness and Brief Absences. Brief absences from duty of less than 1 hour and occasional tardiness up to 1 hour may be excused when the reasons are justifiable to the supervisor.
- g. Nonfederal National Guard Duty. An employee who is called for nonfederalized National Guard duty by the Governor of a State may be excused without charge to leave for a period not in excess of 3 workdays.
- h. Conferences or Conventions. An employee may be excused to attend a conference or convention when it is determined by the Department that attendance will serve the best interest of Federal service. Absences of this type are generally restricted to those situations in which the employee is an official representative of the organization involved or is a contributor on the agenda.
- i. Funeral Leave.
 - (1) An employee may be excused for a maximum of 3 workdays to make arrangements for, or to attend, the funeral or memorial service for an immediate relative who dies as the result of a wound, disease, or injury incurred while serving as a member of the armed services in a combat zone. The 3 days need not be consecutive, but if not, the employee must furnish satisfactory reasons justifying a grant of funeral leave for nonconsecutive days.

For the purpose of granting funeral leave, immediate relative means the following relative of the deceased member of the armed forces:

- (a) Spouse, or the parents of the spouse;
- (b) Children, including adopted children, and their spouses;
- (c) Parents;
- (d) Brother and sister, and their spouses; and
- (e) Any individual related by blood or affinity

whose close association with the deceased was such as to have been the equivalent of a family relationship.

- (2) An employee who is a veteran may be excused up to 4 hours in a day to participate as an active pallbearer or member of a firing squad of honor in a funeral ceremony for a member of the Armed Forces whose remains are returned from abroad for final interment in the United States.