

For: FFAS Employees

**Using Annual Leave (AL) to Avoid Forfeiture and  
Declaration of Public Exigency Information for Leave Year (LY) 2013**

Approved by: Associate Administrator for Operations and Management



**1 Overview**

**A Background**

“Use or lose” AL is the amount of AL that is in excess of an employee’s applicable AL ceiling. Any accrued AL in excess of the ceiling will be forfeited if not used by the final day of the LY. Forfeited AL may be restored under 5 U.S.C. 6304(d).

An agency may restore AL that was forfeited because of an exigency of public business or sickness of the employee **only if** the AL was scheduled in writing **before** the start of the third biweekly pay period and before the end of the LY. An “exigency of public business” occurs when a critical need is sudden or unexpected, or there is an emergency or a pressing necessity that is characterized by additional work with deadlines required by statute, Executive Order, court order, regulation, or formal directive from the head of an agency or designee. Any AL scheduled after that date will be forfeited if not used by the final day of the LY. AL that was not scheduled in advance may be restored **only** under very limited conditions, such as employees affected by the Defense Base Closure and Realignment Act (5 U.S.C. 6304(d) (3)), administrative error, sickness or injury to the employee, which occurred late in the LY, and because of prolonged duration, prevented the use of the excess AL.

**B Purpose**

This notice:

- informs employees to request and schedule their “use or lose” **no later than COB November 30, 2013**, to avoid forfeiture of accrued AL for FY 2013
- provides employees general information on AL.

<b>Disposal Date</b>	<b>Distribution</b>
March 1, 2014	All FAS, FSA, and RMA employees; State Offices relay to County Offices

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**1 Overview (Continued)**

**C Contacts**

The following are Servicing Personnel Office (SPO) Contacts. All approved exigency requests should be received by the employee’s SPO contact listed in the table **on or before the end of pay period 2, February 8, 2014.**

<b>Location/Office</b>	<b>SPO Contact</b>
FSA State or County Office	State Administrative Officer (AO)
ITSD, Kansas City, and St. Louis KCCO	Dana Candler by: <ul style="list-style-type: none"> <li>• e-mail at <b>dana.candler@kcc.usda.gov</b></li> <li>• telephone at 816-926-6117</li> <li>• FAX at 816-926-6156.</li> </ul>
HRD APFO MSD, Kansas City FMD, Kansas City HRD, Kansas City BUD, Kansas City RMA, Kansas City	Patty Gepford by: <ul style="list-style-type: none"> <li>• e-mail at <b>patricia.gepford@kcc.usda.gov</b></li> <li>• telephone at 816-926-6259</li> <li>• FAX at 816-926-6156.</li> </ul>
FAS, Washington, D.C. employees FSA, Washington, D.C. employees RMA, Washington, D.C. employees	Linda Watkins by: <ul style="list-style-type: none"> <li>• e-mail at <b>linda.watkins@wdc.usda.gov</b></li> <li>• telephone at 202-401-0688</li> <li>• FAX at 202-401-9140.</li> </ul> Kedra Watts by: <ul style="list-style-type: none"> <li>• e-mail at <b>kedra.watts@wdc.usda.gov</b></li> <li>• telephone at 202-401-0678</li> <li>• FAX at 202-401-9140.</li> </ul>

**D Labor Management Obligations**

This notice covers both bargaining and nonbargaining unit employees. Where exclusive representation exists, bargaining may be requested to the extent allowed by applicable statutes. Where contract language already addresses these policies and procedures for bargaining unit employees, contract language prevails.

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### 2 AL

#### A AL Carryover Limits

There are limits to the number of hours of AL that may be carried forward into the new LY. Limits are:

- 240 hours of regular AL for Federal and County Office employees within the U.S.
- 360 hours of regular AL for FAS employees currently assigned overseas
- 720 hours of regular AL for Senior Executive Service, Senior Foreign Service, or Senior Level positions, unless exempt.

#### B Exempted Employees

Employees who are exempt from the 240-hour rule may contact their SPO to verify the status of their current AL ceiling.

#### C FAS Employees Returning to the U.S.

An employee returning to the U.S. after serving overseas will have the higher of either of the following:

- a leave balance of 240 AL hours
- their leave balance at the end of LY.

**Note:** Once the employee falls below the 240 hours leave balance at any time during LY, the 240 hours becomes the LY ceiling.

#### D Lapse in Appropriations Impact

Both employees and agencies should make every effort to schedule, within the time limits specified by regulation, any additional “use or lose” AL made available to an employee whose previously approved AL was canceled during the lapse in appropriations. If, however, the employee is unable to reschedule this AL and it is forfeited at the end of the LY, the amount of AL that was canceled during the lapse in appropriations may be considered for restoration under 5 CFR 630.308 (56 Comp. Gen 393 (1977)).

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### 2 AL (Continued)

#### E Restored AL

Employees who are approved for an exigency and restoration of leave shall have some or all of their forfeited AL hours restored. Processing restored AL will take place after pay period 2, 2014, and after all required documents are received at the SPO. SPO shall notify employees and their timekeepers after the restoration. Restored AL is a separate leave category from regular AL, and employees shall use “**Restored Leave**” to record the employee’s use of restored AL.

- Employees who have had AL restored from a previous LY need to **verify the restored date** of this AL. If the restored AL is scheduled for forfeiture at the end of LY 2013, the employee should request this AL before November 30, 2013, and must use this AL before January 12, 2014.
- Restored AL should be used in the LY in which it is restored, but may be carried forward into the following LY and used. This allows approximately two LY’s to use restored AL. If restored AL is **not** used within this timeframe, it is forfeited and **cannot** be restored a second time.
- Employees, who are approved for an exigency, shall have their forfeited AL restored as soon as possible **after** pay period 2, 2014. AL restored from LY 2013 must be used by the end of LY 2015, or it will be forfeited. Restored AL is eligible for lump sum payout, if the employee resigns or retires before the end of LY 2015.

#### F Scheduling Use or Lose AL

County Office and GS employees who **currently** have use or lose AL before the end of LY 2013, shall schedule (requested and approved) use of their excess AL on or before November 30, 2013. Employees shall submit their leave request by completing SF-71 or through the WebTA system. Supervisors, in consultation with DD’s and/or Administrative Officers (AO), may **disapprove** all or part of the leave hours requested.

#### G Supervisory Action

Managers and supervisors shall accept leave requests (both WebTA leave requests and/or SF-71’s) from employees requesting to use their excess AL. Employees are **required** to submit leave requests to their first-line supervisor for any excess AL **no later than COB** November 30, 2013. All leave requests for excess AL shall either be approved or disapproved/canceled as soon as possible after receipt.

If a leave request for excess AL must be denied, supervisors shall deny leave and either write “canceled” in the remarks of the WebTA leave request or in item 8A on the employee’s SF-71 and note the reason. If the leave request is denied, managers/supervisors and employees must attempt to reschedule the excess leave prior to the end of the LY, if possible.

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### 3 Exigencies of Public Business and Sickness

#### A Definition of Exigency of Public Business

An exigency of public business occurs when a **critical** need is sudden or unexpected, an emergency, or a pressing necessity, characterized by additional work with deadlines required by statute, Executive Order, court order, regulation, or formal directive from the head of an agency or designee.

**Note:** Poor leave planning, a heavy workload, or recurring cyclical peaks, alone, does not constitute an exigency.

Employees who have a family member serving on active duty and have questions about qualifying exigencies should contact their AO or their SPO according to subparagraph F.

#### B Exigency Because of Sickness

The employing agency will determine whether the AL was forfeited because of a period of absence due to an employee's sickness or injury that occurred late in the LY or was of such duration that the excess AL could not be rescheduled for use before the end of LY.

An agency may consider restoring AL that was forfeited because of sickness of the employee only if the AL was scheduled in writing before the start of the third biweekly pay period before the end of the LY.

An employee must schedule and use restored AL no later than the end of the LY ending 2 years after the date the employee is determined to be recovered from illness or injury and able to return to duty.

#### C Employee Procedures for Requesting Exigency Consideration

Employees, who will forfeit AL because their job-related duties are impacted by the conditions of an exigency, may request approval for restoration of their forfeited AL hours by sending a short memorandum through their immediate supervisor or to their SED, as appropriate. The memorandum should reference this notice and specify hours forfeited and also hours to be restored that have been denied. The denied leave request in the WebTA system or SF-71's must be attached. The State Office shall confirm receipt and approval of all exigency requests.

To request exigency consideration and restoration of forfeited AL, employees **must**:

- have submitted their leave requests to use their excess AL no later than COB **November 30, 2013**

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**3 Exigencies of Public Business and Sickness (Continued)**

**C Employee Procedures for Requesting Exigency Consideration (Continued)**

- prepare a brief memorandum addressed to their authorizing official that shall include the following:
  - their proper name
  - justification for the exigency
  - an estimate of the number of excess AL hours they would like restored
  - copies of their “canceled” or “denied” leave requests
  - leave audit for 2013 from WebTA
  
- compare their Employee Personal Page (EPP) and their WebTA balances for any discrepancies

**Note:** If any discrepancies are found, employees must work with their timekeeper to resolve them.

- forward the memorandum and attachments to their first-line supervisor for review, then to their HR Service Providing Office.

**D Authorizing Officials for Exigencies**

The following table provides FFAS approval authorities for exigencies.

<b>IF office is...</b>	<b>THEN the approving official will be...</b>
any <b>FAS</b>	Administrator.
any <b>RMA</b>	Administrator.
<b>FSA:</b> <ul style="list-style-type: none"><li>• Deputy Administrator</li><li>• National Office, Kansas City, and APFO</li><li>• State and County Offices</li></ul>	<ul style="list-style-type: none"><li>• Administrator</li><li>• Administrator or Deputy Administrator</li><li>• SED.</li></ul>

Authorizing officials or their designee shall approve or disapprove exigency requests. Once the exigency decision is made, the authorizing official shall have the exigency requests returned to the appropriate office.

**Important:** Division directors, office managers, and State Office supervisors shall ensure that approved exigency packages, including attachments, are forwarded or FAXed to the employee’s SPO, according to subparagraph F, and shall notify the employee of the approving official’s decision.

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### 3 Exigencies of Public Business and Sickness (Continued)

#### E Exigencies for FSA County Offices

CED's, FLM's, COC's, and DD's shall discuss the potential of other exigencies within their area of authority. If it is decided that an exigency situation may exist, it shall be discussed with the State AO and/or SED. If SED's decide that an exigency of the public business exist, then the affected offices or employees shall be notified. Employees affected by an exigency shall follow the instructions in subparagraph B.

SED's shall decide who will provide preliminary approval for exigencies **before** forwarding them to the State AO for review. AO's will review each request on a case-by-case basis, and forward recommendations to SED for approval. Employees who are affected by an exigency will be notified of approval or disapproval in a timely manner.

**Note:** DAFO will be available to provide guidance and oversight to State Offices.

#### F Exigencies for All Other FFAS Offices

DD's, office managers, and State Office supervisors shall discuss the appropriateness of exigencies for employees with their authorizing official, according to subparagraph C.

If an exigency does exist, notification will be made to the proper mid-level supervisors or staff members. Affected employees shall follow the instructions in subparagraph C to request an exigency and forward their request to their first-line supervisor.

First-line supervisors shall review and initial their concurrence on the exigency requests **before** forwarding the request to the division director, office manager, or AO for preliminary approval.

Division directors, office managers, and State Office supervisors will then forward their recommendations to the appropriate authorizing official.

Employees who have requested an exigency will be notified of approval or disapproval in a timely manner.

#### G SPO Actions for Exigencies

After receiving an **approved** exigency memorandum, SPO shall verify the receipt of the following information:

- exigency memorandum signed by an authorizing official, according to subparagraph C
- copies of employee's leave requests that were canceled or denied.

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### 3 Exigencies of Public Business and Sickness (Continued)

#### G SPO Actions for Exigencies (Continued)

During or after pay period 2, 2014, SPO shall:

- verify the amount of AL that was forfeited by the employee by checking NFC's TINQ screens under the category "Leave Forfeited"
- verify employee's leave balances by using the employee's leave audit to compare the balance in WebTA to the NFC leave database
- document the hours to be restored
- process the restoration
- notify employees and their timekeepers of the pay period in which the restoration will take place
- advise timekeepers how to update the employee's T&A record.

### 4 Compensatory Leave

#### A Rules

Earned compensatory leave should be used **before** AL, except when usage will cause forfeiture of excess AL at the **end** of the LY.

**Note:** There are employees who begin the LY at their maximum AL carryover balance. This does **not** mean that employees must use their compensatory leave first because the employee is starting the year in a use-or-lose status. It is understood that employees will use AL for vacations, etc., throughout the year. Compensatory leave should always be the first leave considered, but AL can be used when there is a compensatory leave balance when there is a realistic expectation that the compensatory leave will be used before expiration.

Supervisors and employees should plan leave usage to avoid both forfeiture of AL and expiration of compensatory leave.

#### B Expiration of Compensatory Leave

Compensatory leave **will expire 26 pay periods** after the pay period in which it was earned.

**Example:** If compensatory leave is earned in pay period 10 of the current year, the leave will expire at the end of pay period 10 of the following year.

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### 4 Compensatory Leave (Continued)

#### C Payment for Expired Compensatory Leave

Employees unable to use their compensatory leave hours before they expire are entitled to be paid for their expired compensatory leave hours at the overtime rate in effect when the compensatory leave was earned. Employee and/or timekeeper must submit a leave audit and written documentation for total hours of payment.

**Note:** Employees are responsible for contacting their SPO to request payment when applicable. The NFC payroll system does **not** issue these payments automatically.

### 5 Donating Excess AL to Leave Transfer Program (LTP) or Leave Bank (LB)

#### A Donations to LTP Recipient

Under the voluntary LTP, GS employees may donate their excess AL and/or restored AL to another GS employee who is an approved leave recipient. County Office employees may donate their excess and/or restored AL to an approved County Office recipient. By law, GS and County Office employees are **not** considered to be in the same leave system, so AL **cannot** be donated from a GS employee to a County Office employee or vice versa.

To donate:

- within FFAS, employees shall use the “Leave Donor” feature in WebTA
- within USDA, but outside of FFAS, follow instructions in **Exhibit 1** about how to donate leave in WebTA
- outside of USDA, use OPM-630B, available online at <http://www.opm.gov/forms/html/opm.asp>.

**Note:** Employees shall use the “Leave Donor” feature in WebTA to donate use-or-lose leave and submit a leave donation request for an outside agency (OPM-630B) to their SPO **no later than December 1, 2013**.

#### B Information on Approved LTP Recipients

**FAS and RMA** shall contact their SPO listed in subparagraph 1 C for information on LTP recipients.

**FSA** employees shall access FSA’s Intranet web site at [http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa\\_lv\\_transfer.htm](http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa_lv_transfer.htm) for a list of approved GS and County Office LTP recipients.

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### 5 Donating Excess AL to Leave Transfer Program (LTP) or Leave Bank (LB) (Continued)

#### B Information on Approved LTP Recipients (Continued)

Employees may access the following LTP forms on the HRD web site at [http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa\\_lv\\_transfer.htm](http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa_lv_transfer.htm):

- **AD-1046**, Leave Transfer Recipient Application
- **OPM-630a**, Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (within the USDA agency)
- **OPM-630b**, Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (outside of USDA agency).

**Note:** All leave donations shall be completed in WebTA using the “Donate Leave” category. The box for “Remarks” must be completed by the employee stating whether the leave is **excess**, a **gift**, or a **membership**. The employee must also state whether the leave is to be deducted for **2013** or **2014**.

See 17-PM, Part 10, Section 1 for additional information about the Voluntary LTP.

#### C National Office Donations to Voluntary Leave Bank Program

The LB allows employees to become members of the FFAS LB by donating leave. If LB members or a member of their family experience an extended medical emergency, the LB member may qualify to become a recipient of paid leave from the LB (National Office employees only at this time). See the following for additional details:

- FFAS Leave Bank - Open Enrollment  
([http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa\\_lv\\_transfer.htm](http://fsaintranet.sc.egov.usda.gov/ffas/hrd/fsa_lv_transfer.htm))
- Leave Bank FAQ's  
([www.fsa.usda.gov/Internet/FSA\\_File/leave\\_bank\\_faqs\\_cc.doc](http://www.fsa.usda.gov/Internet/FSA_File/leave_bank_faqs_cc.doc)).

Open season to donate leave to LB is December 23, 2013, to January 25, 2014. FAS, FSA, and RMA **National Office** employees may donate their excess and/or restored AL to the LB by following the instructions for donating leave in WebTA according to **Exhibit 1**. The leave donation request will last for 26 pay periods.

It is **mandatory** that before the hours can be credited to the appropriate pay period, the donated leave must be approved by HR administrators before the T&A is validated and certified.

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**5 Donating Excess AL to Leave Transfer Program (LTP) or Leave Bank (LB) (Continued)**

**D Donation Limitations**

Donations of **excess** AL to an approved LTP recipient or to the LB are **limited** to the lesser of either of the following:

- half of the donating employee's accrued AL entitlement for LY 2013
- the number of pay period hours remaining for the LY.

**Notes:** There are no donation limits when donating **restored** AL. Approved leave recipients are **not** limited to the amount of AL they may carry from one LY to the next.

Exemptions to LTP donation limits may be granted by FFAS Leave Transfer Coordinators **only** when the donation is for an approved LTP recipient who is still in need of leave.

**Instructions for Donating Leave in WebTA and/or Registering for Enrollment in LB**

Employees shall follow the instructions in this table to donate leave in WebTA and/or register for enrollment in LB.

Step	Action
1	Log into WebTA using the eAuthentication user ID and password at <a href="https://wtausda.nfc.usda.gov/usda/">https://wtausda.nfc.usda.gov/usda/</a> .
2	From the <b>Employee Main Menu</b> , CLICK <b>“Leave/Prem Pay”</b> .
3	CLICK <b>“Donation”</b> .
4	CLICK <b>“New Donation”</b> .
5	CLICK <b>“Search”</b> next to the working <b>“Leave Account.”</b> A list of recipients will be displayed.  <b>Note:</b> Users may also use this instruction to enroll in LB for <b>FAS, FSA, and RMA - Headquarters only</b> .
6	CLICK <b>“Select”</b> next to a recipient’s name.
7	Enter position title, grade, and step (optional).
8	Enter the number of hours to donate.
9	Account will usually say <b>“NFC stored account;”</b> otherwise, select your accounting code.
10	Select type of leave being donated; that is, <b>“Donate Annual leave”</b> or <b>“Donate Restored Annual leave”</b> . Ignore the other option.
11	Remarks (optional).
12	CLICK <b>“Save”</b> .
13	Wait for approval. Once a donation has been approved, hours will automatically be subtracted from the donor’s account and added to the recipient’s account. The donation will show on the T&A, and WebTA will notify the employee of approval.