

FFAS
HANDBOOK

Leave Administration

For FAS, FSA, and RMA Offices

SHORT REFERENCE

17-PM
(Revision 2)

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

Leave Administration 17-PM (Revision 2)	Amendment 4
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Approved by: Deputy Administrator, Management



Amendment Transmittal

A

**Reasons for
Amendment**

Subparagraph 161 D has been clarified for the granting of up to 4 hours for preventive health screenings. Employees shall reference Exhibit 13 for Q&A's about this entitlement.

B

Applicability

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.

All nonbargaining unit FFAS employees are covered by this handbook, including CO employees.

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Part 1 General Information**1 Overview**

**A
Handbook
Purpose**

This handbook provides information about Federal regulations and includes **generic** policies on leave administration for all FFAS employees. The majority of the information in this handbook comes directly from **Federal** laws and regulations governing leave administration. For the areas where agencies are allowed discretionary authority, past practice and USDA supplements have been used.

- **Bargaining unit employees** shall refer to:
 - their union contract for information on negotiated work schedules and leave guidance
 - this handbook for laws, regulations, and policy not covered by their union contract.
- **Nonbargaining unit employees** shall refer to:
 - this handbook for leave guidance
 - current work schedule options and policies.

Note: Labor-management obligations. 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.

Continued on the next page

1 Overview (Continued)

B

Sources of Authority

Authority for managing leave administration is authorized by:

- 5 U.S.C.
 - 5 CFR Parts 550, 610, and 630
 - 29 CFR Part 825
 - OPM regulations
 - Comptroller General decisions
 - civilian personnel law
 - USDA leave supplements
 - State Department's 3 Foreign Affairs Handbook and 3 FAM 3000 and 7000
 - 7 CFR.
-

C

Alternative Work Schedules

For general information about AWS, offices may review OPM's Handbook on Alternative Work Schedules. This handbook is available using either of the following sources:

- offices with access to the Internet, may review the Handbook at "www.opm.gov/ocp/aws/index.htm"

Note: Offices wanting to download the Handbook, may use the Internet address of "www.opm.gov/oca/aws/index.htm".

- offices without access to the Internet may contact their office's servicing personnel office.
-

2 Responsibilities

A Supervisory Responsibilities

All supervisory employees are responsible for knowing basic leave laws, regulations, applicable union contract language, and Agency policies and work schedules. Supervisors shall:

- ensure that a copy of the bargaining unit’s union contract and this handbook are maintained within each division, staff, and office
 - ensure that each employee has an approved FSA-956 on file
 - approve or disapprove all SF-71’s
 - approve biweekly:
 - Agency sign-in and sign-out logs or work schedule logs
 - T&A documents
 - contact their servicing personnel office when there are leave or work schedule questions.
-

B Employee Responsibilities

All employees shall abide by Federal laws and regulations. Bargaining unit employees shall abide by the language in their union contract.

Each employee shall:

- have general knowledge regarding leave and work schedule responsibilities
 - have a documented and approved FSA-956
 - use the Agency’s sign-in and sign-out log or work schedule log, such as FSA-958, to record hours of work and leave on a daily basis
 - complete SF-71 for **all** leave requests
 - know their Agency’s official business and core workhours.
-

Continued on the next page

2 Responsibilities (Continued)

C

Leave Administration Responsibilities

HRD and KCMO, PD are responsible for the information in this handbook and for:

- interpreting Federal laws and regulations
 - establishing recommended leave policy where the law allows
 - counseling managers and employees regarding leave benefits and responsibilities
 - interpreting and advising employees on AWS options
 - determining acceptability of medical documentation, when requested.
-

3 Official Work and Core Hours

A

Official Workhours

The Agency Administrator shall do either of the following:

- determine an Agency's official workhours
- redelegate this responsibility to other agency officials.

Telephone coverage and Agency services must be available to employees and clients during official workhours.

B

Core Office Hours

Agency core hours are negotiated and agreed to by union and/or management officials. Refer to applicable union contract language, past practice, or published Agency policy.

4 Holidays and Office Closures

**A
Federal Holidays
for All
Employees**

The following are, by law, Federal holidays. Employees shall not be charged leave on a holiday or an in-lieu-of holiday.

Exception: If an employee is in a nonpay status, such as LWOP, the day before and the day after the holiday, there is no entitlement to a paid holiday. See Part 5 for more information.

Date of Holiday	Name of Holiday
January 1	New Years Day
third Monday in January	Martin Luther King, Jr. Birthday
third Monday in February	Washington's Birthday
last Monday in May	Memorial Day
July 4	Independence Day
first Monday in September	Labor Day
second Monday in October	Columbus Day
November 11	Veteran's Day
fourth Thursday in November	Thanksgiving
December 25	Christmas Day

Continued on the next page

4 Holidays and Office Closures (Continued)

B

In-Lieu-Of Holidays

When a holiday falls on a full-time employee's **scheduled** nonworkday, the employee is entitled to a day off "in-lieu of holiday". The "in-lieu-of holiday" shall be the employee's previously scheduled workday before the holiday, usually Friday. If the holiday falls on the first Monday of the pay period, the previous Friday is the "in-lieu of holiday", even when it falls in the previous pay period. Nonworkdays are always nonworkdays.

Exception: Occasionally, a holiday will fall on a Sunday and the holiday is observed on Monday, which will be the nonworkday. When this occurs, the "in-lieu-of holiday" falls forward to the employee's next scheduled workday, usually Tuesday.

When a holiday falls on a part-time employee's scheduled nonworkday, the employee is **not** entitled to a day off "in-lieu-of holiday".

C

Local Holidays for Overseas Employees

Overseas posts will issue an administrative order excusing employees from duty on certain local national holidays. Foreign Service Nationals shall refer to 3 FAM 7440 for holiday regulations.

- Annual or sick leave approved and scheduled for use after the issuance of an order, which falls on a local holiday, will not be charged to the employee. However, an employee is not entitled to any local holidays after departure from post on home leave, transfer orders, or rest and recuperation travel.
 - In certain circumstances, local celebration of holidays not included in the administrative order excusing employees from duty, will prevent some employees from reporting for duty. In these cases, other employees, whose regular duties, such as working with local ministries and agencies, cannot be performed because of the local holiday, but who are otherwise present and available for duty may be excused if not needed and will not be charged leave.
-

Continued on the next page

4 Holidays and Office Closures (Continued)

D
State, Local, and
Territorial
Holidays

Inauguration Day, January 20, every 4 years:

- only applies to employees who work in the Washington, D.C., metropolitan area
- does not apply to employees in travel status or performing official duties outside the Washington, D.C., metropolitan area on Inauguration Day.

When past practice, union contract, or an authorized U.S. Government official determines that a State, Local, or Territorial holiday prevents employees from working, employees may be excused without loss of pay or charge to leave.

Note: Excused absences shall not apply to experts and consultants compensated at per diem or per hour rates unless otherwise stated in their contract.

E
***--Authorized**
Excused Absence

Employees may be excused by Federal Statute, Executive Order, USDA Secretary, OPM directive, or Agency Administrator and shall not be charged leave on a workday declared a holiday or for work hours officially excused.--*

Excused absences shall not apply to experts and consultants compensated at per diem or per hour rates unless otherwise stated in their contract.

F
Office Closures
***--and Early**
Dismissals

See Part 9 for details.--*

5 General Leave Information

A

**Who Earns
Leave**

All permanent full-time and part-time employees earn annual and sick leave.

Temporary employees with an appointment of:

- 90 days or less earn sick leave only
 - more than 90 days earn annual and sick leave.
-

B

**Who Does Not
Earn Leave**

Intermittent employees, who work on an as needed basis, are excluded by law from general leave-earning provisions.

C

**How Often
Leave Is Earned**

Annual and sick leave are earned on a biweekly basis, which is termed a **pay period**. There are normally 26 biweekly pay periods in a leave year. See Parts 3 and 4 for further details on earning leave.

D

**Definition of
Leave Year**

A leave year begins with the first day of Pay Period 1. Pay Period 1 normally begins within the first 10 days of the new calendar year. See FSA-367 for a pay period schedule for the current leave year.

6 Work Schedule Logs and T&A's

A

Recording Time

Each employee shall record their arrival and departure times each workday along with any leave they have used on FSA-958 or other Agency approved work log. The employee and employee's timekeeper shall ensure that absences are recorded on the work log.

B

**Recording
T&A's**

Timekeepers shall record information from the employee's work log into an automated T&A system.

C

**Maintaining
T&A Records**

T&A records are retained for 6 years.

- The most recent 3 years remain in the office where they were prepared.
- The previous 3 years may be stored offsite by contacting MSD.

If an employee transfers to another Federal or CO position, do **not** transfer their T&A records. The original T&A records remain with the office where they were prepared.

7 Requesting and Notifying Supervisor of Leave

A

**Requesting
Leave**

All requests for leave shall be made on SF-71 (Exhibit 6), except for:

- holidays
- excused absence granted by OPM or Executive Order
- AWOL.

Employees may request leave in increments of 15 minutes. All leave must be requested and approved before use, except for emergencies.

B

Approving Leave

An employee’s immediate supervisor or someone acting for the supervisor shall approve or disapprove leave requests.

C

**Who to Notify
When Absent**

Employees, or someone acting on their behalf, shall notify their immediate supervisor, designee, or Office Head, as early as possible on the first day of absence when they are unable to report to their official worksite as scheduled. They must continue to call in each workday until they return, unless they are excused from work for a specific period of time.

D

**Supporting
Leave
Documentation**

Employees shall submit documents supporting leave for:

- jury duty
- court leave
- military leave
- sick leave for adoption
- organ or bone-marrow donation
- advanced sick leave.

Supervisors have the discretionary authority to request medical documentation for absences of more than 3 workdays because of illness or injury.

Continued on the next page

7 Requesting and Notifying Supervisor of Leave (Continued)

E

Tardiness of Less Than 1 Hour

An occasional or unavoidable absence or tardiness of less than 1 hour may be excused by the employee’s immediate supervisor without charge to leave.

Employees who are habitually tardy may be:

- charged leave in 15-minute increments
- asked to change their AWS to better suit their arrival times
- charged AWOL.

Note: A supervisor, dealing with a habitually late employee, should seek advice from the employee relations staff in their servicing personnel office before charging AWOL.

F

Unexcused Absence From Work

An employee, who is absent from duty without notification or prior authorization, or provides insufficient reasons for being unable to notify the employee’s supervisor, may be charged AWOL. AWOL can lead to disciplinary action.

8 Family Related Leave

A

Family Friendly Leave

Family Friendly Leave (Part 10) includes laws and regulations for:

- *--voluntary LTP, Section 1
 - FMLA, Section 2
 - SLFC, Section 3
 - sick leave for adoption, Section 4
 - excused absence for bone-marrow or organ donation, Section 5
 - LB, pending implementation.--*
-

Continued on the next page

8 Family Related Leave (Continued)

B

Maternity Leave An employee may use sick leave for any period during pregnancy, delivery, recovery, and confinement, when medical documentation requires the employee’s absence from work. The employee may also request annual leave and LWOP. See Family Friendly Leave options in Part 10, Sections 1 through 3.

C

Paternity Leave An employee may request annual leave and LWOP for paternity leave. See Family Friendly Leave options in Part 10, Sections 2 through 4.

D

Leave for Adoption An employee may request annual leave, sick leave, and LWOP for adoption purposes. See Family Friendly Leave options in Part 10, Sections 2 through 4.

9 Involuntary Leave

A

Placing Employees on Involuntary Leave

Employees who are mentally or physically unable to work and who possess a safety threat to themselves or others in the workplace may be:

- detailed to other duties
- asked to take annual or sick leave
- placed on LWOP for a limited period of time
- granted administrative leave.

Supervisors must clear all requests for involuntary leave through the employee relations staff of their servicing personnel office.

10-30 (Reserved)

Part 2 (Reserved)

31-50 (Reserved)

Part 3 Annual Leave

51 Full-Time Employees

A

Annual Leave Accruals * * * Full-time employees accrue annual leave after completing their first **full** biweekly pay period.

The number of annual leave hours earned biweekly depends on the employee's years of qualified Federal or CO service. The following is an annual leave accrual table for a full-time employee.

Annual Leave Category	IF a full-time employee has...	THEN they accrue...
4	less than 3 years of service	4 hours of annual leave each pay period.
6	at least 3 years of service, but less than 15 years	6 hours of annual leave each pay period. Also, these employees accrue 10 hours during the last biweekly pay period before the end of the calendar year.
8	15 years or more of service	8 hours of annual leave each pay period.

B

Partial Pay Period

Employees do **not** accrue annual leave when either of the following occurs:

- a new employee's EOD date falls in the **middle of the pay period**

Exception: When EOD is Sunday and the first Monday of the pay period is:

- a holiday
- the new employee's scheduled nonworkday.

- an employee retires or resigns in the **middle of the pay period.**

Exception: When the effective date is the last Friday of the pay period and that day is:

- a holiday
- the employee's scheduled nonworkday.

Note: Effective December 8, 1998, employees in CO positions shall follow Federal accrual regulations.

Continued on the next page

51 Full-Time Employees (Continued)

C

Employee Transfer

Full-time leave-earning employees transferring **without** a break in service to another Federal or CO position will keep their current annual leave balance and continue to accrue annual leave, as usual.

D

Loss of Accrual

Full-time leave-earning employees do not earn annual leave in a pay period where their cumulative balance of nonpay status leave hours equals or exceeds 80 hours or any 80-hour increments thereafter. This rule is termed “the 80-hour rule” and does **not** apply to part-time employees.

See paragraph 111 for information about unpaid leave.

52 90-Day Appointments

A

***--90-Day Appointment**

Employees with a 90-day appointment or less are not entitled to earn annual--* leave. See paragraph 81 for sick leave entitlement.

B

90-Day Appointment Extended

Employees with a * * * 90-day appointment who are granted an extension beyond 90 days without a break in service, must retroactively be credited with annual leave that would have been earned from the date of initial appointment to the date of the appointment extension. The employee will continue to earn annual leave biweekly from the appointment extension date.

53 Part-Time Employees

A

Part-Time Annual Leave Accruals

Annual leave accruals for a part-time employee are based on **pay status hours** reported for the pay period. Nonpay status leave hours, such as LWOP, are not used in computing accruals for a part-time employee. The following table estimates the approximate annual leave accrued by a part-time employee each pay period, but the table does not reflect part-time carryover hours.

Annual Leave Category	IF a part-time employee has...	THEN they accrue 1 hour for every...
4	less than 3 years of service	20 hours in pay status.
6	at least 3 years of service, but less than 15 years	13 hours in pay status.
8	15 years or more of service	10 hours in pay status.

B

Disregard Pay Status Hours Over 80

When calculating leave accruals for a part-time employee, disregard any pay status hours exceeding 80 for the pay period. Pay status hours over 80 are **not** carried forward or used in any subsequent accrual computations.

C

Part-Time Carryover Hours

Part-time carryover hours or unapplied hours are those pay status hours remaining after the computation of the annual leave accrual for the current pay period. These unapplied hours are automatically carried forward, added, and used in calculating accruals for the next pay period.

D

Employee Converting From Part-Time to Full-Time

--An employee who converts from a part-time to a full-time position forfeits any unused part-time carryover or unapplied hours to their credit.--

54 Other Leave Categories

A
Effective Date of Accrual Change The effective date of a change in an employee’s annual leave accrual rate is the beginning of the next pay period following the date on which the employee becomes eligible.

B
Accruals During Training Employees engaged in outside training at Government expense during their scheduled workhours accrue annual leave as if they were in regular duty status.

C
Intermittent Employees Employees holding intermittent appointments do not earn leave.

55 Granting Earned Annual Leave

A
Granting Annual Leave Accrued or earned annual leave may be granted for any reason. Supervisors should maintain a liberal policy on the use of earned annual leave. The timing of annual leave use, however, remains at the discretion of the supervisor. Annual leave shall be requested in advance, when possible.

B
Planning Use of Annual Leave Supervisors and employees are encouraged to plan the use of earned annual leave as far in advance as possible. This is important to:

- the efficient operations of the work unit and mission area
- prevent the forfeiture of annual leave at the end of the leave year.

56 Advanced Annual Leave

A

**Granting
Advanced
Annual Leave**

Leave-earning employees may request the use of advanced or unearned annual leave. Supervisors have the discretionary authority to approve advanced annual leave up to the projected number of annual leave hours the employee is expected to earn between the pay period following the request date and the end of the current leave year.

Employees requesting advanced or unearned annual leave must indicate their intentions to continue in Federal or CO service until the end of the leave year.

B

**Temporary
Employees**

Temporary employees may only be granted the annual leave they will earn in the current pay period.

C

**Refunds for
Advanced
Annual Leave**

Employees, who are granted advanced annual leave, shall understand that a Federal payrolling office may bill them for salary repayment of any advanced annual leave hours that are not offset with earned annual leave before the end of the leave year.

57 Requesting and Reporting Annual Leave

A

**Requesting
Annual Leave**

Annual leave may be requested in increments of 15 minutes. All requests shall be made in advance, when possible, and documented on SF-71.

Example: See Exhibit 6 for an example of SF-71.

B

**Reporting
Annual Leave**

Employees shall record all annual leave used on FSA-958 or other Agency approved work schedule log.

58 Lump-Sum Annual Leave

A**Lump-Sum Annual Leave Payment**

By law, employees are entitled to a lump-sum payment for their accumulated annual leave upon:

- voluntary or involuntary separation of 1 or more workdays
 - transfer to a position:
 - as an intermittent
 - in the Senate or House of Representatives
 - under a different leave system with a break in service of 3 or more days.
-

B**Restored Annual Leave Payment**

By law, any restored annual leave remaining to the employee's credit at the time of separation shall also be paid in lump-sum.

59 Terminal Annual Leave

A**Granting Terminal Annual Leave**

*--Terminal annual leave is annual leave requested or granted after it is known that the employee is leaving Federal service or CO employment.

Employees shall **not** be granted terminal annual leave, unless 1 of the following occurs:--*

- employees waiting approval of disability retirement
 - employees involved in an Agency's downsize or RIF actions.
-

60 Annual Leave Ceilings

A**Annual Leave Ceiling Information**

Each leave-earning employee, by law, has an annual leave ceiling. The annual leave ceiling represents the maximum number of annual leave hours an employee may carry from 1 leave year into the next leave year.

At the end of the leave year, if an employee's annual leave balance exceeds their annual leave ceiling, the hours in excess are forfeited. Annual leave hours **not** in excess of the employee's ceiling will be carried forward into the next leave year.

B**Maximum Annual Leave Ceilings**

Following are the annual leave ceilings set by law:

- **240 hours** (30 days) for all civilian employees, including Foreign Service Officers stationed in the U.S. or its territories or possessions
 - **360 hours** (45 days) for Federal employees who are directly recruited or transferred from the U.S. or its territories or possessions, to employment outside the U.S. in an overseas duty location
 - **720 hours** (90 days) for employees in SES or SFS positions.
-

C**Employees Working in U.S.**

Employees, who work in the U.S. or its territories or possessions, are entitled to a 240-hour (30-day) annual leave ceiling each leave year.

61 Overseas Ceilings

A

Employees Assigned Overseas

Federal employees who are directly recruited or transferred from the U.S. or its territories or possessions to employment outside the U.S. in an overseas duty location are entitled to a 360-hour (45-day) annual leave ceiling each leave year.

The 360-hour ceiling is effective on the date the employee arrives at the overseas duty location or on the date the employee begins performing the duties of the overseas position.

B

Overseas Employees Returning to U.S.

Employees reassigned from an overseas duty location to the U.S. or its territories or possessions are subject to reinstatement to the 240-hour maximum annual leave ceiling. Entitlement to the 360-hour leave ceiling ends when the employee departs the overseas duty location for reassignment in the U.S. However, the law allows a returning employee to establish a **personal** annual leave ceiling when they return with an annual leave balance greater than 240 hours.

C

Determining Ceiling Entitlement

The **annual leave ceiling** entitlement of an employee returning from an overseas assignment is based on the employee's annual leave balance at the end of the pay period in which they are reassigned to the U.S. Returning employees are entitled to 1 of the following.

IF an employee is returning to U.S. with an annual leave balance of...	THEN the employee...
240 hours or less	immediately becomes subject to the 240-hour ceiling.
over 240 hours	<p>carries forward their annual leave balance to their new position and must use any annual leave over 360 hours by the end of the leave year.</p> <p>At the end of the current leave year, the employee's end-of-leave-year balance becomes their personal annual leave ceiling.</p> <p>At the end of each subsequent leave year, if the employee's end-of-leave-year balance is less than the employee's personal annual leave ceiling, revise the personal annual leave ceiling to the lower end of leave year balance. Continue to revise the employee's personal annual leave ceiling until the employee's end-of-leave-year balance is at or below 240 hours.</p>

62 SES and SFS Ceilings

A**SES and SFS
Employees**

Employees accepted into SES and SFS are entitled to a 720-hour (90-day) annual leave ceiling each leave year, unless they are exempt.

To be exempt, the employee must have served in an SES or SFS position on and before October 13, 1994, and must have had an annual leave accumulation of more than 720 hours. The employee's annual leave balance as of that date would have been established as their personal annual leave ceiling.

- At the end of each subsequent leave year, if the employee's end-of-leave-year balance is less than the employee's personal annual leave ceiling, revise the personal annual leave ceiling to the lower end of leave year balance.
 - Continue to revise the employee's personal annual leave ceiling until the employee's end-of-leave-year balance is at or below 720 hours.
-

B**Converting to
SES or SFS
Position**

Based on the employee's annual leave at the end of the pay period in which they are converted to an SES or SFS position, they must use all annual leave in excess of their established annual leave ceiling before the end of the leave year that is current. Any accruals accumulated after their conversion to SES or SFS will be applied to the personal annual leave ceiling of 720 hours. For more information, see 5 CFR 630.301.

Continued on the next page

62 SES and SFS Ceilings (Continued)

C**Converting From
SES or SFS
Position**

Employees converting from an SES or SFS position to a non-SES or non-SFS position immediately becomes subject to a 240-hour ceiling, but retains the annual leave balance they had at the end of the pay period in which they were converted.

If their annual leave balance is less than 720 hours, that annual leave balance becomes their personal annual leave ceiling.

Before the end of the leave year in which they were converted, they must use any excess annual leave over 720 hours or any excess annual leave over their established personal annual leave ceiling. At the end of each subsequent leave year, if the employee's end of leave year balance is less than the employee's personal annual leave ceiling, revise the personal annual leave ceiling to the lower end of leave year balance.

For more information, see 5 CFR 630.301.

D**Established
Ceiling
Forfeiture**

Annual leave exceeding the employee's established annual leave ceiling shall be forfeited on the first day of the new leave year, unless an exigency of public business is approved by the Agency's Administrator or designees. See paragraph 66 for more information.

63 Restoring Forfeited Annual Leave

A

**Restoration
Conditions**

By law, the following are 3 conditions under which annual leave may be restored:

- administrative error
 - employee illness
 - exigency of public business.
-

64 Restoration Because of Administrative Error

A

**Reason for
Administrative
Error**

An administrative error is the loss of annual leave, which otherwise would have been accrued after June 30, 1960, when the loss of leave occurred through no fault of the employee.

B

**Requesting
Restoration**

Affected employees shall write a memorandum to their servicing personnel office or State administrative officer requesting a review of their annual leave for the period in question.

C

**Personnel Office
Determination**

If it is determined that a loss of annual leave has occurred because of administrative error, the servicing personnel office or State administrative officer shall:

- authorize the restoration of lost annual leave
 - advise the employee and the employee's timekeeper of the leave restoration.
-

65 Restoration Because of Employee Illness

**A
Requirements for
Restoring Leave
Because of
Illness or Injury**

Annual leave forfeited because of personal illness or injury may be approved for restoration by the employee's servicing personnel office or State administrative officer when all of the following apply:

- the employee's **excess annual leave** was approved for use before the end of the leave year
- absence because of illness or injury occurred so late in the leave year that the employee's excess annual leave could not be rescheduled for use before the end of the leave year
- medical certification of illness or injury along with dates and prognosis or diagnosis were provided.

Note: Illness or injury is not in itself a basis for permitting annual leave to be forfeited and later restored, since the law allows an employee the right to substitute annual leave for sick leave or LWOP.

**B
Requesting
Restoration**

Employees, who have forfeited annual leave because of illness or injury, shall contact their servicing personnel office or State administrative officer and:

- request a restoration of forfeited annual leave
 - provide any required T&A and medical documentation requested.
-

66 Restoration Because of Exigency of Public Business

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.

Notes: This is the **legal** definition.

A heavy workload or recurring cyclical peak, alone, does **not** constitute an exigency.

B

Authority to Approve Exigencies

An exigency of public business may be requested and approved by an Agency Administrator or his or her designee. Exigencies shall not be approved by an official whose own leave would be affected by the decision.

Note: For FSA only. Effective October 20, 1998, all FSA Deputy Administrators and SED's are granted the authority to determine and approve an exigency of public business for employees within their organization or State. The approval of an exigency involving a large group of employees, an entire State or County Office, or multiple offices, shall be done in consultation with the FSA Administrator or his designee.

C

Eligibility Requirements for Restoring Annual Leave

To qualify for the restoration of forfeited annual leave when an exigency of public business has been declared or approved, the:

- employee must have applied, on SF-71, to **use excess annual leave before the end of pay period 23**
- supervisor **must** have canceled the employee's request to use the employee's excess annual leave by writing "**Canceled**" across SF-71 before the end of the leave year
- employee's supervisor **must attempt to reschedule** the employee's use of excess annual leave before the end of the leave year, if possible.

Note: Employees shall be advised to **retain** a copy of canceled SF-71's, because this documentation will be needed when requesting an annual leave restoration.

Continued on the next page

66 Restoration Because of Exigency of Public Business (Continued)

D**Requesting
Restoration of
Annual Leave**

A request for restoration of annual leave forfeited because of an exigency of public business shall **not** be submitted to a servicing personnel office or State administrative officer **before pay period 1 of the new leave year**. Offices processing restorations **must know exactly** how many hours the employee actually forfeited.

A request for restoration shall:

- be made in writing to the appropriate processing office identified in subparagraph E
- include the following:
 - the employee's name and SSN
 - the exact number of annual leave hours forfeited
 - a copy of the approved exigency
 - copies of all SF-71's where use or lose annual leave was "canceled" or "denied".

FAX, send, and/or process restoration requests according to subparagraph E.

Continued on the next page

66 Restoration Because of Exigency of Public Business (Continued)

E
Exigency
Approval and
Restoration
Processing Chart

Following is a chart of the exigency approval authority and restoration processing offices.

Employee and Office Location	Exigency Approval Authority	Restoration Processing Office
CO employees	SED	County Office
GS employees in County Offices		PD
State Office employees, except SED		
SED's	EDSO	HRD, Performance Management, Benefits and Awards Branch
FSA National Office employees	Administrator, designee, or appropriate Deputy Administrator	
FAS National Office and Overseas employees RMA National and Field Office employees, except Kansas City	Administrator or his or her designee	
RMA employees in Kansas City		PD

Continued on the next page

66 Restoration Because of Exigency of Public Business (Continued)

F

Using Restored Annual Leave

Employees will be allowed up to 3 leave years to use restored annual leave. The 3 leave years are the leave year in which the leave is restored plus 2 years. Timekeepers shall use transaction code 63 to record the use of restored annual leave on T&A's.

It is recommended that restored annual leave be used before regular annual leave, except when it will cause forfeiture of regular annual leave at the end of the current leave year. Any unused restored annual leave hours not used by the end of the third leave year shall be forfeited.

G

Tracking Use of Restored Annual Leave

Regular annual leave and restored annual leave are tracked separately for Federal employees payrolled by NFC.

CO employees shall track the use of restored annual leave on FSA-134, "Remarks" section. For T&A purposes, restored annual leave and regular annual leave may be combined into 1 total.

67-80 (Reserved)

Part 4 Sick Leave

81 Full-Time Employees

A

**Sick Leave
Accrual**

*--Full-time leave-earning employees **and** temporary full-time employees with a limited appointment **accrue 4 hours** of sick leave for each **80-hour** biweekly pay period they work or take leave.

Note: When a new employee's EOD date falls on the first Sunday of the pay period and the following day is a holiday or scheduled nonworkday, then the employee is entitled to accrue sick leave for the pay period.

B

**Accrual
Exceptions**

Full-time employees do **not** accrue sick leave when:

- a new employee is unable to complete an 80-hour pay period because of their EOD date falling in the **middle of the pay period**
- an 80-hour increment of unpaid leave is reached in the current pay period

Note: See subparagraph 111 B for more information.

- an employee retires or resigns in the middle of the pay period and does not complete their biweekly requirement of 80 hours
- an employee has an intermittent appointment.--*

Note: Effective December 8, 1998, employees in CO positions shall follow Federal accrual regulations.

Continued on the next page

81 Full-Time Employees (Continued)

*--C

Recredit of Sick Leave

5 CFR 630.502 states that when an employee transfers between positions within the same leave system or to a position in a different leave system, **without a break in service**, the agency from which the employee is transferring shall certify the employee's sick leave balance on the date of transfer and the receiving agency shall recredit the employee's sick leave balance. See Exhibit 2 for definitions of same leave system and different leave system. Also see 5 U.S.C 6312 for reference to FSA (former ASCS) employees.

If a **break in service** occurs, an employee is entitled to a recredit of sick leave without regard to the date of their separation, **if** the employee is re-employed on or after December 2, 1994, and **if the employee returns to the leave system** in which their previous sick leave was earned.

Exception: If the employee was re-employed into government service before December 2, 1994, and forfeited their previous sick leave balance based on the 3-year sick leave rule, the sick leave remains forfeited.

All sick leave recredits must be supported by written documentation acceptable to the agency. A copy of this documentation shall be kept in the employee's OPF.--*

**D
Cumulative Sick
Leave**

Earned sick leave accumulates without limit or ceiling. At the end of the leave year, all accumulated sick leave is carried forward into the next leave year.

**E
Loss of
Accrual**

Full-time leave-earning employees do not earn sick leave in a pay period where their cumulative balance of nonpay status leave hours equals or exceeds 80 hours or any 80-hour increments thereafter. This rule is termed "the 80-hour rule" and does **not** apply to part-time employees. See paragraph 111 for information about unpaid leave.

82 Part-Time Employees

A

**Sick Leave
Accruals**

Sick leave accruals for part-time employees are based on their hours in pay status each pay period. One hour of sick leave accrues for every 20 hours in pay status reported for the pay period.

B

**Part-Time
Carryover Hours**

Part-time carryover hours or unapplied hours are those pay status hours remaining after computing the sick leave accrual for the current pay period. These unapplied hours are automatically carried forward, added, and used in calculating accruals for the next pay period.

An employee who converts from a part-time to a full-time position in the middle of the pay period forfeits any part-time carryover or unapplied hours to their credit.

C

**Disregard Pay
Status Hours
Over 80**

When calculating accruals for a part-time employee, disregard any pay status hours exceeding 80 for the pay period.

83 Earned Sick Leave

A

Granting Sick Leave

Earned or advanced sick leave may only be granted to an employee for medically justifiable reasons, including when the employee is:

- going to receive medical, optical, dental, or psychiatric examination or treatment from a licensed medical practitioner or facility
 - incapacitated because of illness, injury, surgery, or physician recommended confinement because of pregnancy or recovery
 - receiving services through the Employee Assistance Program
 - required to care for or seek care for a family member, according to Part 10, Section 3
 - exposed to a contagious disease, which would jeopardize the health of fellow workers.
-

B

Notifying Supervisor

An employee or someone acting on their behalf shall notify the employee's immediate supervisor of illness or injury before core time or as soon as practical on the first day of absence.

For a scheduled absence, such as surgery or medical appointment, supervisory notification shall be made in a **timely** manner before absence.

84 Advanced Sick Leave

A

**Granting
Advanced Sick
Leave**

Advanced sick leave may be granted for medically justifiable reasons according to subparagraph 83 A.

Permanent leave-earning employees may request advanced sick leave up to a maximum of 240 hours. Supervisors have the discretionary authority to approve advanced sick leave, but approval should be based on a reasonable expectation that the employee will be returning to work and able to repay the advanced leave.

Medical documentation is required when requesting approval of advanced sick leave.

Supervisors shall review all requests for advanced sick leave and respond to the employee in a **timely** manner. Approval of advanced sick leave shall be made in a fair and equitable manner according to laws, regulations, and Agency policy.

B

**Earned Sick
Leave Exhausted**

When an employee has exhausted their earned sick leave, they are eligible to request advanced sick leave. Requesting advanced sick leave does not require the employee to exhaust accumulated annual leave. Requests for advanced sick leave should be documented and approved before use, when practical.

See Part 10, Sections 1 through 3 for guidance about family friendly leave programs.

Continued on the next page

84 Advanced Sick Leave (Continued)

**C
Repaying
Advanced Sick
Leave**

Granting authorities shall ensure that employees are advised of the following advanced sick leave repayment options:

- offset by subsequent earned sick leave
- buy-back of advanced sick leave
- donations from LTP, when the employee qualifies to be a leave recipient, according to Part 10, Section 1
- upon leaving Federal or CO service, employees must repay monies owed for their negative sick leave balance

Note: NFC has the authority to do any of the following to obtain monies owed:

- withhold monies from an employee's last pay check
 - offset an indebtedness with an employee's retirement contributions
 - offset a future Federal income tax refund.
- indebtedness is forgiven and no repayment will be required for:
 - disability retirement
 - death.

Continued on the next page

84 Advanced Sick Leave (Continued)

D

Limitations

Supervisors shall not grant advanced sick leave:

- when it is unlikely that the employee will be returning to duty
- after an employee has received notice of separation, furlough, or has resigned
- when an employee is on leave restrictions.

Do not grant an employee serving a probationary period advanced sick leave in excess of the sick leave that they will earn from date of request until the end of their probationary period or until retention of the employee is known.

Employees holding a limited appointment, ending on a specific date, may be granted advanced sick leave equal to the amount of sick leave they will earn before the end of their appointment.

85 Requesting and Reporting Sick Leave

A

Requesting Sick Leave

Employees shall use SF-71 (Exhibit 6) to request sick leave as follows:

- for requesting sick leave for scheduled appointments or treatments, SF-71 shall be submitted and approved in advance
- for using sick leave for unscheduled illness or emergency, complete SF-71 for approval upon return to duty.

Employees, who attend outside training at Federal or CO expense and who become ill or injured, shall notify their immediate supervisor of the need for sick leave as soon as possible on the first day of absence from training.

B

Reporting Sick Leave

Employees shall record the use of sick leave on FSA-958 or other Agency approved work schedule log.

Continued on the next page

85 Requesting and Reporting Sick Leave (Continued)

C

Medical Documentation

For absences of 3 workdays or **less** because of illness or injury, medical documentation is **not** required, unless the:

- supervisor has sufficient reason to question the validity of the sick leave request
- employee has been cited for leave abuse

Note: See subparagraph D.

- advanced sick leave is requested. See paragraph 84.

For absences of **more than** 3 workdays, the supervisor may require medical documentation. In situations where the medical services of a physician were not sought, the supervisor may request a signed statement from the employee stating the nature of the illness along with an explanation of why a licensed medical practitioner was not sought.

D

Sick Leave Abuse

Sick leave is provided to employees as a benefit and may be used only under the conditions in this part. If there is reasonable doubt concerning the valid use of sick leave, the supervisor may:

- require the employee to submit acceptable medical documentation

Note: If medical documentation is unacceptable or inadequate, supervisors shall contact an employee relations specialist in their servicing personnel office for assistance.

- initiate leave restrictions with the review and concurrence of the employee relations staff.

Sick leave abuse can lead to disciplinary action.

86-110 (Reserved)

Part 5 Nonpay Status Leave

111 Unpaid Leave

A

Categories of Unpaid Leave

Nonpay status leave or unpaid leave is made up of the following leave categories:

- LWOP
 - AWOL
 - suspension
 - military furlough
 - civilian furlough.
-

B

80-Hour Increments of Unpaid Leave

For every 80 hours of unpaid leave that a full-time employee accumulates, they will lose their **annual and sick leave accruals** in the pay period in which they reach or exceed an accumulation of 80 hours or any 80-hour increments thereafter.

*--C

End of Leave Year T&A Adjustment

At the end of the leave year, all unpaid leave hours are reset to zero (0) for T&A purposes only. Do not carry unpaid leave hours into the new leave year.--*

112 LWOP

A

Granting LWOP

Supervisors have the discretionary authority to approve LWOP for up to 30 calendar days. LWOP may be granted regardless of whether the employee has annual, sick, or compensatory leave to their credit. Employees shall use SF-71 to request LWOP. For extended LWOP of more than 30 calendar days, see subparagraphs D and E.

Approval of LWOP requests is mandatory by law, when an employee is:

- seeking medical treatment as a disabled veteran
- a reservist or National Guardsperson under orders to report for military duty
- qualified and invokes their rights to LWOP under FMLA, according to Part 10, Section 2.

Note: Check with the OWCP specialist in the employee's servicing personnel office for LWOP entitlements for worker's compensation.

Continued on the next page

112 LWOP (Continued)

B**LWOP for FAS Employees**

FAS employees shall refer to Exhibit 11 for policy on LWOP and extended LWOP.

C**LWOP of Less Than 30 Days**

LWOP may be requested in 15-minute increments for up to 30 calendar days for any reason, including at least 24 hours for parental or family needs and responsibilities, including, but not limited to, the following:

- attending early childhood education activities
 - accompanying children to routine medical and dental exams
 - tending to the needs of older relatives.
-

D**Extended LWOP**

The following employees have the discretionary authority to approve **extended** LWOP of more than 30 calendar days:

- Deputy Administrators
- *--Director, HRD or designee
- Chief, PD or designee
- SED's.--*

Requests for extended LWOP shall be made in writing on SF-71 and include a reason for the request. Extended LWOP must be requested and approved in advance of being taken, when possible.

Note: The approval of extended LWOP will require the preparation of SF-50 or FSA-50.

Exception: SF-50 or FSA-50 is not needed when the employee is an approved leave recipient in LTP.

Continued on the next page

112 LWOP (Continued)

D**Extended LWOP
(Continued)**

Supervisors who approve extended LWOP shall be reasonably certain that employees:

- plan to return to Federal or CO service after the period of LWOP
 - are actively seeking Federal or CO employment elsewhere because of transfer of their spouse or partner from the local commuting area.
-

E**Appropriate
Reasons for
Granting
Extended LWOP**

Since each Agency will have unique situations where extended LWOP is appropriate, supervisors shall check with the Deputy Administrator's Office for further details. Extended LWOP can be considered for approval for the following reasons:

- recovery, protection, and improvement of employee's health when supported by medical documentation

Note: See FMLA entitlements in Part 10, Section 2.

- educational purposes, when the course of study or research will benefit the Agency
 - temporary service to non-Federal public or private enterprise when the experience gained by the employee will benefit the interests of the Agency
 - services performed that will contribute to public safety and welfare
 - actions pending an OPM decision on disability retirement
 - actions pending approval of an OWCP claim
-

Continued on the next page

112 LWOP (Continued)

E

**Appropriate
Reasons for
Granting
Extended LWOP
(Continued)**

- pregnancy, delivery, rest, recovery, and confinement, when supported by medical documentation
- Note:** See FMLA entitlements in Part 10, Section 2.
- participation in programs sponsored by the Federal Government, such as the Peace Corps
 - to avoid a break in service between Federal and CO positions.

F

**Holidays During
Period of LWOP**

If a holiday occurs during a period of LWOP and the day **before and** the day **after** the holiday are charged to LWOP, there is no entitlement to holiday pay. Charge LWOP for the holiday.

Do not charge LWOP for a holiday if the employee is in pay status on the day before **or** the day after the holiday.

113 AWOL

A

Charging AWOL

AWOL is a discretionary tool that supervisors may use for attendance-related disciplinary purposes, such as:

- tardiness
- unauthorized absence
- leave restrictions, when requested medical documentation is not provided by an employee.

Note: Supervisors should contact an employee relations specialist in their servicing personnel office if they have questions on charging AWOL.

114 Military and Civilian Furlough

A

Furloughs

A military furlough may involve the call-up of employees, who are in active reserves, to serve for a definite or indefinite period of time.

A civilian furlough may involve the lack of appropriated funds to pay salaries.

115-135 (Reserved)

Part 6 Military Leave

136 Regular Military Leave

A

Eligibility

--Title 5 U.S.C. Section 6323(a) was amended effective on December 21, 2000. To be entitled to military leave, an employee must be a member of a Reserve-- component of the Armed Forces or the National Guard, whose employment status is 1 of the following:

- permanent full-time
- permanent part-time
- temporary, with an appointment that exceeds 1 year.

The following employment types are **not** eligible for regular military leave:

- intermittent employees
- temporary employees with an appointment of less than 1 year.

In addition to military leave for active duty or training, an employee in the D.C. National Guard may be granted military leave for days of:

- parade
 - encampment
 - other service ordered by the proper authority.
-

B

Entitlement for Full-Time Employees

Reserve members of the Armed Forces or National Guard are entitled to a leave of *--absence, without loss of pay, for 120 hours each FY for active duty or active or inactive duty training.

The entitlement to military leave:

- begins on the date of employment
 - is **not** prorated for permanent full-time employees
 - is prorated for permanent part-time employees.--*
-

Continued on the next page

136 Regular Military Leave (Continued)

C
Entitlement for
Part-Time
Employees

Calculate military leave entitlement for a permanent part-time employee as follows.

Step	Action
1	Divide the employee's weekly scheduled workhours by 40.
2	*--Multiply the answer times 120 hours.
3	Round down to the nearest number of whole hour.

Example of part-time employee scheduled to work 32 hours each week:

$$32 \div 40 = 0.8, 0.8 \times 120 = 96 \text{ hours--*}$$

D
Military Duty
Not Eligible

The following types of military duty are **not** eligible for military leave, but the employee can use annual leave or LWOP for:

- participation in parades by the State National Guard
 - *--summer training as a member of ROTC
 - temporary Coast Guard Reserve
 - training with a military or defense organization that is **not** affiliated with the U.S. Armed Forces or National Guard--*
 - Civil Air Patrol.
-

*--**E**
Minimum
Charge

The minimum charge for military leave is 1 hour. Additional charges of military leave must be in multiples of the minimum charge.

Military leave will **no** longer be charged for nonworkdays, weekends, and holidays that occur within a period of military service.--*

137 Requesting and Using Military Leave

A**Unused Military Leave**

*--Up to 120 hours of **unused** military leave can be carried forward into the new FY.

B**Charging Military Leave**

Military leave shall **only** be charged for hours during which the employee would otherwise be scheduled to work and receive pay.

C**Requesting Military Leave**

Employees shall request regular military leave of 1 workday or more on SF-71 in a timely manner. A copy of the military orders to report or certification from an officer of the military Reserves or National Guard component shall be attached to SF-71.

D**Inactive Duty Training**

For inactive duty training, which is generally 2, 4, or 6 hours in length, employees will be charged **only** the number of hours necessary to cover the period of training and necessary travel. Hours that are not chargeable to military leave must be worked or leave taken. Employee must provide a copy of "orders" to the supervisor before training begins.

E**Active Duty - Outside the U.S.**

A military Reserve **technician** on active duty **without pay**, in support of operations outside the U.S., its territories and possessions, is entitled to up to 44 workdays of leave in a calendar year without loss of or reduction in pay, accrual of leave, credit for time in service, performance or efficiency rating, or other benefits.--*

138 Emergency Military Leave (EML)

A

EML

Entitlement

Reserve members of the Armed Forces or National Guard:

- *--are entitled to 176 hours of leave, each calendar year, for emergency military service
 - may be activated by the President, Congress, or a State Governor to--* provide:
 - military aid to enforce the law
 - assistance to civil authorities in the protection or saving of life and property or the prevention of injury
 - *--are not charged EML hours for nonworkdays or holidays.--*
-

B

**Civilian or
Military Pay
Offset**

Employees, using EML, must refund any monies paid by the military for emergency military service.

Exception: Employees do not need to repay monies received for the following allowances:

- travel
- transportation
- per diem allowances.

Refund any military pay balance through the employee's servicing personnel office.

No refund of military pay is necessary when the employee uses annual leave or LWOP instead of EML.

C

Additional Leave

Entitlement to EML is in addition to regular military leave.

139-160 (Reserved)

Part 7 Excused Absence

161 Granting Excused Absences

A**Types of Absence**

Following are 3 terms used to describe a short absence from duty with pay:

- excused absence
 - administrative leave
 - official time.
-

B**Excused Absence
--of Up to--
1 Hour**

Supervisors have the discretionary authority to excuse an absence or tardiness of up to 1 hour for:

- weather related traffic conditions
- transportation delays or emergencies
- office activity, luncheon, or recognition ceremony
- *--EAP counseling. See subparagraph D for more detailed information. --*

For T&A purposes, these brief absences should be reported as regular time.

C**Excused Absences of More Than 1 Hour**

Each Agency Administrator has limited authority to grant an excused absence or administrative leave of more than 1 hour for:

- the benefit of the Agency's mission
- the benefit of the Agency's employees
- enhancement of employee's professional development
- an officially sponsored or sanctioned USDA or Agency event
- an emergency situation
- *--EAP, when travel time is involved. See subparagraph D for more EAP information. --*

For T&A purposes, report these absences as follows:

- Federal offices shall use transaction code 66, Other Leave, unless instructed otherwise
 - CO offices shall use the category "Other".
-

Continued on the next page

161 Granting Excused Absences (Continued)

D**Excused Absences Mandated by Law**

The following are **nondiscretionary** entitlements to an excused absence:

- registration to vote and voting

Note: See paragraph 163.

- *--attendance at USDA and Agency-sponsored **onsite** health events shall be considered hours of work

- employees with less than 80 hours of accrued sick leave shall be granted up to 4 hours **of excused absence** each year to participate in preventive health screenings, without charge to leave or loss of pay

Note: See Exhibit 13 for OPM's Q&A's on preventive health entitlement.--*

- requested participation in a military funeral

Note: See subparagraph 164 A.

- funeral of an immediate relative who died as a result of wounds, disease, or injury that occurred while serving as a member of the U.S. Armed Forces.

Note: See subparagraphs 164 B and C.

- EAP counseling.

Note: With supervisory approval, employees may be allowed up to 1 hour or more of excused absence, as necessitated by travel time, for each counseling session during the assessment/referral phase of rehabilitation. Other absences during duty hours for rehabilitation or treatment must be charged to sick, annual, or LWOP according to leave regulations.

161 Granting Excused Absences (Continued)

E

Other Excused Absences

Other excused absences are discretionary on the part of the Agency. The following discretionary policies should conform with past Agency practice, union contract, or the recommended policy as noted for nonbargaining unit employees:

- blood donations
- examinations or licensing
- before and after travel
- health unit visit
- emergency or disaster
- change of official duty station
- first-aid training
- conferences or conventions
- special event
- volunteer activities sanctioned by the Department.

Note: See paragraph 165 for more information on discretionary excused absences.

Continued on the next page

161 Granting Excused Absences (Continued)

--F*NASCOE Meetings**

Certain NASCOE members are authorized excused absences to attend meetings that are authorized excused absences to attend meetings that are beneficial to both FSA and NASCOE.

The following are authorized a total of 56 workdays of excused absence:

- NASCOE national officers
- Area committee members
- the immediate past NASCOE President.

Note: NASCOE has sole discretion in apportioning the 56 workdays. Excused absences shall be approved in advance by DD.

The NASCOE National President shall prepare a Report of Excused Leave for Certain NASCOE Members (PE-167R). Send the quarterly report to the Deputy Administrator, Management. The report shall:

- list the names of those using the excused leave, according to this paragraph
 - include the number of hours used by each employee
 - be filed on the following dates to cover the previous 3 months:
 - January 1
 - April 1
 - July 1
 - October 1.--*
-

162 Excused Absence for Official Time

**A
Requesting
Official Time**

Employees serving as a union representative or any bargaining unit employee may request **official time** to attend a union sanctioned activity or meeting.

Supervisors shall grant official time, except when the mission of the Agency is in jeopardy.

163 Excused Absence for Voting

A

Registration and Voting

Supervisors shall allow employees an excused absence to register for or vote in National, State, or local:

- elections
 - civic referendums.
-

B

Registering to Vote

Employees may be granted an excused absence to register to vote in voting jurisdictions that require "registration in person" and do not provide an opportunity to register on a nonworkday. Absences granted for registration shall not seriously interfere with office operations.

C

Voting

Employees may be excused from duty for whichever of the following results in the lesser amount of time off:

- up to 3 hours after the polls in their voting district open
 - up to 3 hours before the polls in their voting district close.
-

D

Absentee Voting

Employees should plan ahead when they expect to be on travel outside their commuting area and vote by absentee ballot.

E

Supervisory Responsibility

It is the responsibility of the employee's supervisor to be informed about voting hours and legitimate voting issues in the political subdivisions in which their employees reside.

164 Excused Absence for Participation in Military Funerals

A

Participating in Military Funerals

Any of the following employees may be granted an excused absence of up to 4 hours on any 1 day to participate as a pallbearer, member of a firing squad, or guard of honor in a funeral ceremony for a member of the U.S. Armed Forces whose remains are returned from abroad for final interment in the U.S.:

- veterans of declared wars
 - veterans who served in a campaign or expedition for which a campaign badge was authorized
 - members of an honor or ceremonial group for the veterans described in this subparagraph.
-

B

Military Funerals for Immediate Relatives

An employee shall be excused from work for up to 3 workdays to make arrangements for and attend the funeral or memorial service of an immediate relative who died as a result of wounds, disease, or injury that occurred while serving as a member of the U.S. Armed Forces in a combat or conflict zone.

C

Definition of Immediate Relative

The term immediate relative, as it relates to military funerals, means a:

- parent, including stepparent and adopted parent
 - child, including stepchild and adopted child
 - spouse
 - brother or sister, including:
 - stepbrother or stepsister
 - half brother or sister
 - adopted brother or sister
 - grandchild
 - grandparent
 - father- or mother-in-law
 - daughter- or son-in-law
 - brother- or sister-in-law.
-

165 Discretionary Excused Absences

A**Blood Donations**

An employee donating blood **without** compensation or pay may be granted an excused absence without loss of pay for up to 4 hours for travel, rest, and recuperation. The actual time needed for the donation process is in addition to the 4 hours.

The employee's immediate supervisor must approve absences for blood donations in advance. Employees donating blood offsite from their workplace shall provide their supervisor with documentation on their blood donation.

B**Examinations or Licensing**

Employees shall be granted administrative leave for the period necessary to take an examination, certification, or to obtain a professional license when:

- it is required by or in support of their current position
 - the examination is for a position to which transfer, promotion, or reassignment is recommended by the Department
 - the examination is related to fitness for duty
 - it is a physical examination for military induction or enlistment.
-

C**Leave Before and After Government *--Travel or Training**

Employees may be excused without loss of leave or pay for a reasonable period of time **before** and **upon return from** Government travel or training.

The term "a reasonable period of time" shall be determined by the employee and their immediate supervisor. The maximum excused time before and upon return from travel or training shall not exceed 2 hours.--*

Continued on the next page

165 Discretionary Excused Absences (Continued)

D**Health Unit,
First Aid Room,
or Rest Area**

An employee may be excused for up to 1 hour to go to the health unit, first aid station, or rest area. If the employee is unable to return to work after 1 hour, the employee shall be sent home and the employee's supervisor advised. Leave shall be charged for the balance of the employee's workday.

E**Emergency or
Disaster**

Employees whose **official worksite is closed** because of a disaster or emergency, with no designated alternative worksite, are excused from work as long as their office remains closed. These employees will be on administrative leave until the office reopens at which time they must return to work or be charged leave.

Employees whose offices are closed, but who are performing emergency prevention or recovery work as part of a National, State, or local effort will be considered in duty status during the hours spent in performance of this work. These employees shall make every effort to notify their supervisor in advance of their intent to participate in an emergency effort.

F**Change of
Official Duty
Station**

Permanent employees relocating and changing their official duty station may be granted a reasonable amount of excused absence without charge to leave or loss of pay. The employees former or new supervisor may grant the excused absence, but the total time excused cannot exceed 80 hours. Contact FMD, Travel and Relocation Staff for more information about relocating.

G**First Aid
Training**

Employees who are designated to take first aid training will be excused to attend these classes. For T&A purposes, report these absences as regular time.

166 Excused Absence for Court Leave

A**Definition of Court Leave**

Court leave is an authorized absence, without charge to leave or loss of pay for **jury service** or **witness service** under certain conditions. All leave-earning employees are eligible for court leave.

B**Evidence of Subpoena, Summons, and Attendance**

Employees requesting court leave shall provide a copy of the subpoena or summons to their immediate supervisor as soon as possible after receipt. If witness service or jury service lasts for more than 2 workdays, evidence of court attendance is required.

C**Return to Duty**

Employees attending witness service or jury service are expected to return to duty once dismissed by the courts, unless their return would have them returning to work at the end of their scheduled workday. Employees who do not return to work shall use leave for the balance of their workday.

167 Witness Service

A**Subpoenaed as Witness**

Charge **court leave** to an employee summonsed or subpoenaed to serve as a **witness** on behalf of any party in a judicial proceeding to which the U.S., the District of Columbia, a State, a U.S. territory or possession, or a local government is a party to the proceedings. The employee may be summonsed or subpoenaed in an:

- official capacity as a Federal or CO employee
 - unofficial capacity as a U.S. citizen.
-

B**Definition of Party to the Proceedings**

Party to the proceedings means the U.S., the District of Columbia, a State, a U.S. territory or possession, or a local government is named as either the plaintiff or defendant on the summons or subpoena.

Continued on the next page

167 Witness Service (Continued)

C

Charging Leave Employees **must use leave or LWOP** when the summons or subpoena does not name the U.S., the District of Columbia, a State, a U.S. territory or possession, or a local government as a party to the proceedings.

168 Court Fees or Payments

A

Retention of Fees Employees may retain court fees paid when:

- the fees cover mileage and subsistence
 - they use their own leave to attend court
 - serving the courts on their nonworkday or outside their normal tour of duty hours.
-

B

Remit Court Payments Employees, who are paid for their service as a witness or juror on a normally scheduled workday, shall check with their servicing personnel office for instructions on remitting these service fees.

C

Travel Expenses An employee is entitled to retain monies paid for travel expenses when subpoenaed or summonsed to testify or produce official records on behalf of the U.S. Government.

169-190 (Reserved)

Part 8 (Reserved)

191-210 (Reserved)

Part 9 Group Dismissals and Office Closures

211 National Office Policy

A

**Washington,
D.C. Area
Dismissals**

Group dismissals or closures in the Washington, D.C., metropolitan area because of an emergency or hazardous weather condition shall be permitted **only** by notification from OPM.

When an emergency or hazardous condition develops before regular working hours, OPM will disseminate instructions to employees through:

- the news media
- their Internet site at <http://www.opm.gov>.

Note: During the winter months, click on the penguin.

B

**Emergencies
Before the
Workday Begins**

OPM will provide 1 of the following announcements to the media when an emergency occurs **before the workday begins**. The following announcements apply to Federal agencies located inside the Washington, D.C., Capital Beltway.

- “Federal agencies are **OPEN**; employees are expected to report for work on time.
- “Federal agencies are operating under an **UNSCHEDULED LEAVE** policy; employees may take leave without prior approval.
- “Federal agencies are operating under an **ADJUSTED HOME DEPARTURE** policy. Employees are requested to leave home ## hours later than their normal departure time.
- “Federal agencies are operating under an **ADJUSTED HOME DEPARTURE/ UNSCHEDULED LEAVE** policy. Employees are requested to leave home ## hours later than their normal departure time, and employees may take leave without prior approval.
- “Federal agencies are **CLOSED**.”

If it is announced that the Federal Government is open, but an employee is unavoidably delayed in arriving for work, supervisors may grant up to 1 hour of excused absence.

Continued on the next page

211 National Office Policy (Continued)

C

**Emergencies
During
Normal
Workhours**

*--When a weather or other emergency occurs within the Washington, D.C. metropolitan area, OPM consults with the metropolitan Washington, D.C. Council of Governments and the State and Local transit authorities to determine the best course of action. Under normal circumstances, OPM will **not** issue an office closure after the workday begins, but an early dismissal may be issued. However, when an early dismissal is authorized by OPM, employees should be dismissed--* relative to their normal departure times from work.

Example: If a 3-hour early dismissal is announced as a result of a snowstorm or hurricane, workers who normally leave their offices at 5 p.m. would be authorized to leave at 2 p.m. Workers who normally leave at 6 p.m. would be authorized to leave at 3 p.m.

*--**Note:** See paragraph 213 for general dismissal and closure policies during normal workhours.

212 Field Office Policy

A

**Field Offices
Including
Overseas Posts**

Office dismissal or closure decisions in the Field or Overseas due to an emergency or hazardous weather condition shall be made according to this table.

Authorizing Official	Based on Consultation With or Information From 1 of the Following
SED CED FLM Service Center Manager DD Office Director	Local Food & Agriculture Council Inter-Agency Committee State or Local Emergency Officials
Ambassador or other Embassy Official	Overseas Emergency Officials

Authorizing officials shall take into account publicly announced driving--* restrictions when making dismissal or closure decisions.

See paragraph 213 for general dismissal and closure policies during normal workhours.

Continued on the next page

212 Field Office Policy (Continued)

B

Area Affected

There are situations in the Field where an emergency, hazardous driving condition, or road closures may affect an employee's place of residence or their official duty location but **not** always both locations.

--When the official worksite is open, office directors and Service Center-- managers **may excuse** tardiness or early dismissal without loss of pay or charge to leave, when either the area of the worksite or the employee's place of residence is affected by:

- publicly announced road closures or restricted use advisories
 - publicly announced hazardous driving conditions
 - family hardships, such as child, disabled, or elder care
 - other emergency situations declared by State and/or local authorities.
-

213 General Dismissal and Closure Policy

A

Emergencies During Workhours

*--The following 2 official "release from duty" terms apply in an emergency situation:

- early dismissal
- office closure.

It is the responsibility of authorizing officials, as described in subparagraph 212 A, to determine which term is appropriate when announcing an emergency release during workhours.

Note: See subparagraph B for early dismissal policy and subparagraph C for office closure policy.

B

Early Dismissal Policy

Early dismissals shall be announced by an authorizing official as described in subparagraph 212 A or by OPM for Washington, D.C. metropolitan area.

Dismissal policy only applies to those employees who are at work or who were scheduled to return to work on the day of dismissal. The following policies apply to a day of dismissal.

- Employees will be excused **without charge to leave** or loss of pay from the time of authorized or adjusted dismissal until the end of their established workday.--*
-

Continued on the next page

213 General Dismissal and Closure Policy (Continued)

B***--Early
Dismissal Policy
(Continued)**

- Supervisors shall allow employees faced with a hardship to be excused **before** the announcement of an official dismissal time **without charge to leave** when, for example:
 - younger children are released from school early
 - an elderly or disabled family member needs attention
 - handicapped employee or any “confirmed or familiar” hardship.

Note: The determination of whether a “hardship” exists shall be made by the employee’s supervisor, office manager, or office director.

- If an employee leaves work **before** a dismissal notification is received and is **not** affected by a hardship, the employee shall request leave from the time of the employee’s departure until the end of the employee’s established workday.
- If an employee leaves work **after** the office has been notified of a dismissal, but before the official dismissal time and is not affected by a hardship, the employee shall request leave from the time of the employee’s departure until the time of dismissal. The employee shall be excused, without charge to leave, from the time of official dismissal through the end of their established workday.
- If an employee is approved to take leave for the entire day of dismissal, the leave charge stands.
- If an employee is on approved leave and is expected to return to work, but due to the emergency and announced dismissal **does not return**, the employee shall request leave until the dismissal time. The employee shall be excused, without charge to leave, from the official dismissal time through the end of their established workday.

Note: If the employee is unable to return to work because of hardship or is **prevented** from returning to work because of the emergency situation, they may be excused before official dismissal time, but should make every effort to advise their supervisor of the situation.--*

Continued on the next page

213 General Dismissal and Closure Policy (Continued)

C

***--Office Closure Policy**

OPM regulations define an office closure as the act of closing an office and preventing employees from either going to work or staying at work because of an emergency or potential emergency situation.

Office closures will be announced by an authorizing official as described in subparagraph 212 A or OPM for the Washington, D.C. metropolitan area. **An office closure applies to all employees** who work in an office or work in the telecommute site affected by the “office closure” announcement.

Exception: These office closure policies **do not apply** to an employee:

- on extended LWOP or charged AWOL
- suspended from duty
- on furlough.

Note: Policies for office closure **are not identical to dismissal policy**, read all details carefully.

The following policies apply to an official office closure.

- When an **office closure** is announced **before** the start of the workday, **all employees** who report to the affected office shall be excused from work without charge to leave or loss in pay for the number of hours they are approved to work that day. Employees on **approved leave** that day shall also be excused, see **exceptions**.
- When an **office closure** is announced **after** the workday begins, **all employees** who report to the affected office shall be excused **without charge to leave or loss of pay** from the time of the announced closure until the end of their established workday. Employees on approved leave that day shall also be excused from the time of announced closure through the end of their established workday.

Supervisors shall allow employees faced with a hardship to be excused **before** the official **closure time without charge to leave** when, for example:

- younger children are released from school early
- an elderly or disabled family member needs attention
- handicapped employee
- any “confirmed or familiar” hardship.

The determination of whether a “hardship” exists shall be made by the employee’s supervisor, office manager, or office director.--*

Continued on the next page

213 General Dismissal and Closure Policy (Continued)

C

***--Office Closure Policy (Continued)**

- If an employee leaves work **before** or **after** the closure announcement, but **before** the official closure time and is **not** affected by a hardship, the employee shall request leave from the time of the employee's departure until the official **closure** time. The employee shall be excused, without charge to leave, from the official closure time through the end of their established workday.
- If an employee is on approved leave and expected to return to the work, but due to the emergency and announced closure **does not return**, the employee shall request leave until the official time of closure. The employee shall be excused, without charge to leave, from the time of the closure through the end of their established workday.

Note: If the employee is unable to return to work due to hardship or is **prevented** from returning to work because of the emergency situation, the supervisor has the discretion to excuse the employee before the official closure time, but the employee shall make every effort to advise their supervisor of the situation.--*

D

Flexiplace

Employees approved to work flexiplace are **not excused** from work on days when their official duty station is publicly declared "closed" and their alternative workplace is their home. Flexiplace employees, whose alternative worksite is a *--telecommuting center, are expected to work unless their telecommuting center is publicly announced to be closed.--*

E

Emergency Fire or Rescue Volunteers

Employees who are active members of a State or local fire, rescue, law enforcement, or official emergency organization, who are called to work during an emergency situation, according to subparagraph F, shall be provided time-off without charge to leave or loss of pay when they are officially requested to participate in an emergency situation. The amount of time-off granted shall not exceed the duration of the emergency situation and the mission of the office shall not be jeopardized by the employee's participation in the emergency effort.

Continued on the next page

213 General Dismissal and Closure Policy (Continued)

F

Other Possible Emergencies

OPM regulations consider the following as emergencies, potentially *--dangerous, or serious conditions that may warrant early dismissal or office closure:--*

- floods
 - severe storm
 - tornado
 - strikes
 - hurricane
 - utility outages
 - other natural or manmade disasters
 - snow
 - severe icing
 - air pollution
 - earthquake
 - fire
 - riot.
-

G

Definition of Emergency Situation

OPM regulations define an emergency situation as 1 of the following:

- loss of life has occurred
 - threat of loss of life is great
 - loss of property has or threatens to occur
 - *--potential for serious health risk.
-

214-235 (Reserved)

Part 10 Family Friendly Leave

Section 1 Voluntary Leave Transfer Program

236 Authority and Benefits

A

Source of Authority

The source of authority for Voluntary Leave Transfer Program is in 5 CFR 630.901 through 630.913, effective January 1, 1995.

B

Federal Program Benefits

LTP allows Federal employees to voluntarily donate earned annual leave to another Federal employee with a medical emergency.

C

CO Program Benefits

All entitlements to LTP are extended for use by CO employees, except CO employees may **only** donate earned annual leave to another CO employee.

237 LTP Definitions

A

Definition of Medical Emergency

A medical emergency is a medical condition:

- of an employee or an employee's family member
 - that is likely to require the employee's absence from duty for a prolonged period of time and result in a substantial loss of income to the employee because of the lack of paid leave.
-

Continued on the next page

237 LTP Definitions (Continued)

B**Definition of Family Member**

A family member includes:

- employee's spouse and spouse's parents
 - employee's children, including adopted children, and the children's spouses
 - employee's parents
 - employee's brothers and sisters, and their spouses
 - any individual related by blood or affinity whose close association with the employee is equivalent to a family member.
-

238 Recipient Eligibility and Application

A**Recipient Eligibility**

To be eligible as a recipient in LTP, it must be determined that the:

- employee is in a leave-earning category
- medical emergency is of a personal nature or that of a family member

Note: See definition of a family member in subparagraph 237 B.

- absence would result in unpaid leave for a minimum of either of the following:
 - 24 hours for a full-time employee
 - 30 percent of the scheduled biweekly workhours of a part-time employee

Note: For part-time employees, workhours or workdays do not have to be consecutive to qualify.

Continued on the next page

238 Recipient Eligibility and Application (Continued)

A**Recipient Eligibility (Continued)**

- employee has exhausted **all** earned:
 - annual and sick leave to qualify for a **personal** medical emergency
 - annual leave to qualify for a **family** medical emergency
- Note:** Earned leave does not include advanced leave.
- documentation justifying the medical emergency was received and must:
 - be on the doctor's, hospital's, or clinic's letterhead
 - be signed and dated by a practicing physician, psychiatrist, psychologist, or physician's assistant
 - include the beginning date of the medical emergency and the approximate date the emergency should end
 - include a diagnosis or prognosis of the employee's or family member's condition.

Employees must apply to be a recipient within 366 calendar days after the beginning of the medical emergency.

Continued on the next page

238 Recipient Eligibility and Application (Continued)

**B
Employees
Applying To Be
Leave Recipient**

Employees seeking to become a leave recipient, or an applicant's designee, shall contact 1 of the following offices to apply to be a leave recipient.

- Federal employees shall contact the leave transfer coordinator in their servicing personnel office, according to subparagraph 241 A.
- State Office employees shall contact their administrative officer or the KCMO leave transfer coordinator, according to subparagraph 241 A.
- CO employees shall contact their CED or State administrative officer.

Employees, or their designee, shall:

- request and receive a copy of AD-1046 (Exhibit 16)
 - complete AD-1046, including a brief description of the nature, severity, and anticipated duration of the medical emergency
 - in cases where employees are unable to apply because of their medical emergency, the employee's designee shall contact the employee's immediate supervisor to advise the supervisor of the medical emergency
 - submit AD-1046, and the required medical documentation according to subparagraph A, to their immediate supervisor for concurrence
 - send or FAX the completed and signed AD-1046 and medical documentation for final approval as follows:
 - Federal employees shall forward AD-1046 and medical documentation to the leave transfer coordinator in the employee's servicing personnel office
 - CO employees shall forward AD-1046 and medical documentation to the State administrative officer.
-

239 Responsibilities

**A
Recipient's
Responsibilities**

Leave recipients shall:

- use donated leave for those leave hours specifically related to the current approved medical emergency
- advise timekeeper on how to handle leave hours **not** covered by leave donations; such as, advanced annual leave, advanced sick leave, and LWOP
- be sure to complete AD-1046, item 16 by entering either of the following:
 - the approximate number of hours needed for the medical emergency
 - "unknown" for ongoing or terminal medical situations
- provide a second medical opinion, if requested by the Agency

Note: The Agency shall reimburse the recipient, or pay the practitioner directly, if additional medical documentation is necessary.

- solicit leave donations according to subparagraph B
- comply with regulations and policies of LTP

Note: Failure to comply may result in termination of program eligibility.

- advise their leave transfer coordinator or State administrative officer if they are approved for OWCP worker's compensation or disability retirement during a period covered by LTP

Continued on the next page

239 Responsibilities (Continued)

A
Recipient's
Responsibilities
(Continued)

- advise their leave transfer coordinator or State administrative officer if they remain absent from work **continuously** for more than:
 - 10 pay periods for leave category 4 employees
 - 7 pay periods for leave category 6 employees
 - 5 pay periods for leave category 8 employees

- contact their leave transfer coordinator or State administrative officer upon ***--return to work and upon termination of the medical emergency**

- request that any excess donated leave be applied to LWOP, advanced--* annual leave, or advanced sick leave upon termination of their medical emergency, as long as the LWOP or advanced leave was taken in connection with the current medical emergency

- *--provide the following medical information to their leave transfer--***
 coordinator or State administrative officer.--*

IF...	THEN provide...
the medical emergency continues for more than 3 months from the start date	quarterly medical certification.
the medical emergency is diagnosed as terminal	semiannual medical certification.
a physician certifies the medical condition to be lifelong	annual medical certification.

Continued on the next page

239 Responsibilities (Continued)

B

Recipient's Responsibilities for Soliciting Leave Donations

The recipient is responsible for finding donors, and:

- when applicable, a designee, acting on behalf of the recipient may solicit donations
 - resolicitations can be made if the need for donated leave continues to exist
 - managers and supervisors may voluntarily solicit donations for a recipient, if the following criteria are met:
 - voluntary solicitation and disclosure of medical situation is cleared through the recipient or recipient's designee
 - fairness and consistency is provided to all recipients within the office.
-

C

Recipient's Accruals

Recipients will continue to accrue leave while receiving and using donated or paid leave. No accruals will be earned in pay periods where an increment of 80 hours of LWOP or nonpay status leave is reached. See paragraph 111 for information about unpaid leave.

Recipients, whose medical emergency only requires intermittent use of donated leave, shall have their donated leave tracked separately from their regular earned *--leave. Donated leave may **only** be used for hours of absence related to the approved medical emergency.--*

Continued on the next page

239 Responsibilities (Continued)

**D
Supervisor's
Responsibilities**

The applicant's immediate supervisor:

- shall verify that the employee's AD-1046 includes medical documentation
- shall review, concur, and return AD-1046 and the associated medical documents to the employee or designee within 5 workdays of receipt
- may, in a case where the employee qualifies as a leave recipient, but is unable to personally apply:
 - verify the employee's medical emergency
 - write a brief statement of condition
 - complete and sign AD-1046
 - mail or FAX the statement and AD-1046 to the State administrative officer or the leave transfer coordinator in subparagraph 241 A

Note: This statement will temporarily satisfy medical certification requirements for approval, but the employee or designee must still provide certified medical documentation as soon as possible.

- shall monitor the use of donated leave by an approved leave recipient
- shall forward questionable recipient requests to the leave transfer coordinator or State administrative officer with an explanation of their concerns
- may request a second medical opinion or require medical certification more frequently than described in subparagraph A, if the validity of the medical emergency is in question.

Continued on the next page

239 Responsibilities (Continued)

**E
Timekeeper's
Responsibilities**

Timekeepers shall:

- ensure donated leave is only applied to those hours related to the recipient's current medical emergency
 - track a recipient's regular leave separately from donated leave when the medical emergency requires only **intermittent use** of donated leave
 - attach leave transfer documents to the employee's T&A for the pay period
 - make appropriate leave adjustments to the donor's or recipient's automated T&A records
 - on the T&A, in the "Remarks" section, enter either of the following:
 - the number of leave hours donated by the leave donor
 - the number of leave hours received by the leave recipient
 - contact the recipient's leave transfer coordinator or State administrative officer for instructions regarding accrual limitations, if the recipient remains absent from work **continuously** for more than:
 - 10 pay periods for leave category 4 employees
 - 7 pay periods for leave category 6 employees
 - 5 pay periods for leave category 8 employees
 - provide the servicing personnel office or State administrative officer with a leave audit, if requested.
-

240 Donations of Annual Leave

A**Applying To Be
Leave Donor**

Employees wanting to donate annual leave to an employee **within** the Agency shall:

- obtain and complete AD-1043 (Exhibit 17), specifying the number of accrued **annual** leave hours to be transferred to the recipient
- donate annual leave in 1-hour increments
- sign and date AD-1043
- FAX, mail, or deliver AD-1043 to the leave transfer coordinator in **their** servicing personnel office or to their State administrative officer.

Note: CO employees may **only** donate leave to another CO employee.

B**Donations
Outside Agency**

Federal employees wanting to donate to a Federal recipient **outside** of their Agency shall:

- follow subparagraph A
 - ***--Note:** Some Federal Departments or Agencies require the use of OF-630-B, Request to Donate Annual Leave to Leave Recipient (Outside Agency) Under the Leave Transfer Program, or their own in-house donor form. Ask the outside agency to provide the form they require, if other than AD-1043.--*
 - provide the name and telephone number of the **outside recipient's** leave transfer coordinator on AD-1043, items 17 and 18
 - **not** send their AD-1043 to the recipient's personnel office. A transfer of leave must be approved and processed by the donor's servicing personnel office **before** being forwarded to the recipient's Agency for processing.
-

Continued on the next page

240 Donations of Annual Leave (Continued)

**C
Donor
Limitations and
Waivers**

Donors may donate earned annual leave, but they are limited to:

- one half of the annual leave they will earn in the donation leave year

Example: A leave category 8 employee will earn 208 hours a leave year and may donate up to 104 of those earned hours.

- the number of workhours they have remaining in the leave year.

Example: At the end of the leave year with 1 pay period remaining to be worked, a full-time employee may donate a maximum of 80 hours.

Exception: A donor may request a waiver to these limitations from their leave transfer coordinator or State administrative officer, if the intended recipient is still in need of leave for their medical emergency.

*--Donors shall **not** donate leave to their immediate supervisor. Most Federal employees can donate annual leave to another Federal employee, with the following exceptions:

- Postal Service employees
 - FBI
 - Central Intelligence Agency (CIA)
 - National Security Agency (NSA)
 - Active duty military.--*
-

241 Leave Transfer Coordinators

A
List of Leave Transfer Coordinators

The following table contains the location of the:

- employee's (donor or recipient) office
- leave transfer coordinators.

Employee (Donor or Recipient) Location	Leave Transfer Coordinator Location
National Offices	Leave Transfer Coordinators HRD, Performance Management, Benefits and Awards Branch Washington, D.C.
FAS	
SED's	
RSO's	
Compliance Offices, except Kansas City, MO	
APFO	Leave Transfer Coordinators KCMO, PD, Employee and Labor Relations Branch Kansas City, MO
KCCO	
KCMO	
Kansas City Compliance Field Office	
Research and Development, RMA	
State Office, except SED	
St. Louis	
Caribbean Area Office	
GS County Office	
CO	State Administrative Officer

Continued on the next page

241 Leave Transfer Coordinators (Continued)

**B
Processing
AD-1046's**

Leave transfer coordinators and State administrative officers shall:

- have all AD-1046's date stamped when received
- determine whether AD-1046 is from a Federal or CO employee
- verify that AD-1046 was sent to the correct servicing office.

Leave transfer coordinators and State administrative officers shall process AD-1046's as follows:

- verify that AD-1046 has been completed properly and that it was signed and dated by the applicant or applicant's designee and the applicant's immediate supervisor
- ensure that the medical documentation is attached to AD-1046 or that the applicant's immediate supervisor has provided appropriate verification of the medical emergency
- ensure that dates on the medical documentation correspond with the dates of employee's absence or expected absence
- verify employee's eligibility according to subparagraph 238 A
- approve AD-1046 within 10 workdays of receipt
- ensure that, for Federal employees, the NFC database is updated for recipient status
- by FAX, e-mail, or mail, notify applicant or applicant's designee and applicant's immediate supervisor of approval into LTP
- based on the amount of leave requested on AD-1046, item 16, accept a **reasonable** amount of donated leave over the hours requested or needed by the recipient. At this point, donations to the recipient may be temporarily closed.

Continued on the next page

241 Leave Transfer Coordinators (Continued)

C**Processing
AD-1043's**

Leave transfer coordinators and State administrative officers shall verify that AD-1043:

- was signed and dated by the leave donor
- was sent to the correct processing office.

Leave transfer coordinators and State administrative officers shall process AD-1043 as follows:

- verify current annual leave balance in either of the following:
 - NFC database, for Federal employees
 - automated T&A system, for CO employees
- complete AD-1043, Part II
- approve AD-1043 within 10 workdays of receipt
- ensure that, for Federal employees, the NFC database is updated for donor and recipient leave adjustments
- ensure that donor's timekeeper is advised of the amount donated
- ensure that recipient's timekeeper is advised of total hours received each pay period
- ensure that donated leave is not transferred from 1 recipient to another. Donations that are **not** accepted shall be returned to the donor.

Note: SED's may redelegate the processing of CO employees' AD-1043's to CED's.

Continued on the next page

241 Leave Transfer Coordinators (Continued)

D**Disapproving
AD-1046 and
AD-1043**

When disapproval of AD-1046 or AD-1043 is justified, the CED, State administrative officer, or leave transfer coordinator shall:

- check “No” in Part II
 - state the reason for disapproving
 - return the application to the donor or recipient.
-

E**Periodically
Reviewing Files**

Leave transfer coordinators and State administrative officers shall:

- periodically review current recipient cases to ensure the recipient’s continued eligibility
 - periodically review current recipient files for appropriate quarterly, semiannual, or annual medical documentation
 - ensure that recipients seeking disability retirement are counseled on the
*--negative impact of remaining in LTP and understand that LTP is **not** meant to be a substitute for disability retirement.--*
 - ensure that recipients, who have been in LTP for more than 12 months, are counseled about their leave and retirement choices.
-

242 Termination of Voluntary Leave Transfer Program

A

Recipient Returns to Work

When leave recipients return to work, they must contact (FAX, e-mail, or telephone) and advise their leave transfer coordinator or State administrative officer of:

- their desire to terminate LTP
- the status of their medical emergency.

Recipients who return to work, but did not receive enough donated leave to cover the leave hours they **used for their medical emergency**, may request and shall be granted up to 90 calendar days to solicit and receive additional donated leave hours.

B

Followup Visits and Therapy

A recipient may remain in LTP until all aspects of their emergency, such as therapy and followup medical visits related to the approved emergency, have been completed.

C

Termination of Eligibility

A recipient's leave transfer eligibility terminates and no further leave donations can be accepted, when 1 of the following occurs:

- the recipient provides the leave transfer coordinator or State administrative officer with a written (faxed, mailed, or e-mailed) notification that the medical emergency has ended
- 90 calendar days from the date of an approved eligibility extension

Note: See subparagraph A.

- 30 calendar days from the date the recipient returns to work, when a 90-day extension is not requested and written notification of termination is not received

Note: See subparagraph B.

Continued on the next page

242 Termination of Voluntary Leave Transfer Program (Continued)

C

Termination of Eligibility (Continued)

- the employee resigns or retires
- the recipient's application for disability retirement is approved
- the recipient begins to receive unemployment benefits or OWCP benefits for the medical emergency
- the recipient dies
- death of the family member with the medical emergency

Note: See Section 3 for entitlement for arranging and attending a funeral of a family member.

- determination that falsified medical documentation was used to gain approval as a recipient.
-

D

Excess Donated Leave Hours

When a leave recipient terminates LTP and has **excess** (unused) donated leave hours, the leave transfer coordinator or State administrative officer shall:

- request a leave audit from the recipient's timekeeper
 - ensure that **all** leave hours, such as, advanced annual or sick leave or LWOP, used in conjunction with the recipient's current medical emergency have been covered with donated leave
 - adjust recipient's leave balance for any unused excess donated leave
 - restore any unused donated leave hours to leave donors. See paragraph 243 for restoration instructions.
-

243 Restoring Unused Annual Leave

**A
Restoring
Donated Leave**

The leave transfer coordinator, State administrative officer, or designee shall:

- prorate and restore excess donated leave to leave donors, except when the number of eligible donors exceeds the number of restorable hours

Note: See subparagraphs B and C for restoration example and instructions.

- then ensure that:
 - the NFC database is updated for restored leave to Federal employees
 - automated T&A records are updated for restored leave
 - donor and donor's timekeeper are advised of restored leave.

Restorations shall be made in the current leave year, except when the restoration will place the employee in a use or lose annual leave situation at the end of the leave year. In this case, restore the annual leave in pay period 2 of the following leave year.

A leave donor, who has retired, resigned, separated from service, or died, has **no** entitlement to restored leave.

Continued on the next page

243 Restoring Unused Annual Leave (Continued)

B

Restoration Example

Following is an example of a leave restoration list.

Restoration of Unused Annual Leave Under Leave Transfer Program					
Donor's Name	Social Security No.	Location of Donor	Hours Donated	Percent of Total	Hours to Restore
Jones	222-22-2222	State OR	8	13.3	4
Smith	333-33-3333	DC, FMD	9	15.0	5
Williams	444-44-4444	State OK	16	26.7	8
Garcia	555-55-5555	Caribbean	18	30.0	9
Morgan	666-66-6666	State CA	5	8.3	2
Reed	777-77-7777	DC, HRD	4	6.7	2
Totals			60	100.0 %	30

Continued on the next page

243 Restoring Unused Annual Leave (Continued)

C

Calculating Restorations The leave transfer coordinator, State administrative officer, or designee shall use the following steps to calculate restored annual leave.

Step	Action
1	Obtain the recipient's leave transfer folder.
2	List all donor's names, Social Security numbers, locations, and hours donated. See an example in subparagraph B.
3	Total the "Hours Donated" column.
4	For each donor: <ul style="list-style-type: none"> • divide the number of hours donated by the "Total Hours Donated" • enter the answer in the "Percent of Total" column.
5	In the total line of the "Hours to Restore" column, enter the total of unused donated hours.
6	Multiply the total of unused donated hours in step 5, times the donor's percent of total in step 4.
7	Enter the answer to step 6 in the "Hours to Restore" column for each donor. Note: Round the restored hours up or down as appropriate.
8	Add the "Hours to Restore" column. Note: This total must be equal to the total number of hours restored.
9	Notify the donor and the donor's timekeeper according to subparagraph A.

244 General Provisions

A

Transfer of Recipient to Another Federal Agency

A leave recipient who transfers to another Federal or CO position **without** a break in service:

- may take donated annual leave
 - retains recipient status.
-

B

End of Leave Year

A leave recipient may maintain and carry into the new leave year an annual leave balance that is greater than their annual leave ceiling. The 240- and 360-hour rules do not apply to an employee in “recipient” status.

C

Leave Recipient Considering Disability Retirement

A leave recipient, who has applied for **disability** retirement, should discuss the impact of remaining in LTP with their retirement counselor.

245 Confidentiality and Employee Files

A

**Confidentiality
of Leave
Transfer**

Anyone involved in processing leave transfer documents must protect the privacy and confidentiality of:

- all parties involved in the leave transfer
- all leave transfer documents.

Persons with access to leave transfer information must not disclose that information to anyone, except someone who has a need to know.

B

**Leave Transfer
Files**

Files maintained for LTP constitute a system of records under the Privacy Act. Keep these files separate from other personnel files.

All documentation and correspondence associated with a recipient's case shall be kept for 6 years and then destroyed.

246-265 (Reserved)

Section 2 Family and Medical Leave Act

266 Overview

A

Introduction

FMLA, Title II, covers all employees, except for intermittent employees.
 --Intermittent employees are covered by FMLA, Title I. See paragraph 272--
 for Title I information.

267 FMLA, Title II, Authority and Benefits

A

Source of Authority

FMLA, Title II:

- is authorized by 5 CFR Part 630
 - was effective August 5, 1993, and finalized January 1, 1996
 - covers all employees, except intermittent employees.
-

B

Summary of Benefits

FMLA provides eligible employees with a total of up to **12 administrative**
 *--**workweeks** (or 480 hours) of LWOP, during a 12-month period for:

- the care of a specified family member
- recovery from a serious health condition.

Note: See subparagraph 270 B for definitions.

C

Nonworkday During FMLA

Holidays authorized or granted by Executive Order and nonworkdays established by Federal Statute or administrative order that occur **during** a period of FMLA leave shall **not** be counted towards the 12 administrative workweeks entitlement.--*

268 Coverage

A
Eligibility and Service Requirements

All leave-earning employees covered by 5 U.S.C. 630 are eligible for FMLA, Title II benefits as long as they have completed at least **12 months** of service, *--which does not have to be continuous. This includes:--*

- permanent full- and part-time employees
- temporary employees earning leave.

B
Invoking Right to FMLA

Employees must invoke their rights to use family medical leave in writing. FMLA *--cannot be retroactively invoked or applied unless the employee can prove that they were not physically or mentally able to invoke their FMLA entitlement during their **entire** absence from work. Medical documentation will be required. See subparagraph 271 A.--*

C
Specific Purposes

Family medical leave may be used for 1 or more of the following purposes.

Purpose Number	Purpose
1	Birth of a son or daughter and care of newborn.
2	Placement of a child with an employee for adoption or foster care.
3	Care of spouse, son, daughter, or parent with a serious health condition. Note: See definitions in subparagraph 270 B.
4	Serious health condition of the employee that makes the employee unable to perform the duties of the employee's position.

Continued on the next page

D**Authorized Uses
of FMLA**

This subparagraph provides procedure for authorizing family medical leave in subparagraph C.

- **For purpose 1 and 2, the entitlement to family medical leave:**
 - may begin on or before the actual date of birth or placement of the child
 - *--shall be on a continuous basis and expire no later than 12 workweeks after the date of birth or placement of a child
 - shall **not** be used on an occasional or reduced work schedule basis **unless** the supervisor and employee can agree on a reduced work schedule that is beneficial to both the Agency and the employee.--*
- **For purpose 3 and 4, family medical leave may be taken continuously, occasionally, or as part of a reduced work schedule.** The family medical leave shall be:
 - medically certified and necessary
 - tracked by the employee's timekeeper
 - accumulated on an hour-for-hour basis, until the medical emergency ends or the 12-workweek maximum is reached.

Note: Occasional leave or reduced work schedules must be discussed and receive prior approval from the employee's immediate supervisor, division director, office manager, DD, or their designee.

269 Documentation and Notification

A**Required
Medical
Documentation**

Require the following medical documentation for employees requesting family medical leave for the purposes in subparagraph 268 C.

- For purpose **1** or **2**, employees shall provide evidence of birth, adoption, or foster care.
- For purpose **3** or **4**, employees shall provide medical certification from a licensed health care provider or medical treatment center. This certification shall include:
 - date serious health condition started
 - the probable duration of the serious health condition
 - the appropriate medical facts, within the knowledge of the health care provider, concerning the serious health condition, including a general statement about when the incapacitation or treatment may be required
 - a statement concerning a spouse, son, daughter, or parent of the employee who requires psychological comfort, physical care, or both

Examples: Examples of physical care include assistance for basic medical, hygienic, nutritional, safety, or transportation needs.

- dates of planned medical treatment and the duration of that treatment.

The Agency, at its own expense, may require a second medical opinion if there are concerns over the validity of the original medical documentation.

***--Note:** An employee who does **not** provide medical certification that includes all of the information required is **not** entitled to family medical leave.--*

Continued on the next page

269 Documentation and Notification (Continued)

B Notification Requirements

The timeframe for notifying an employee's immediate supervisor of the need for family medical leave, depends upon either of the following circumstances.

- When the need is foreseen, employees shall provide their supervisor with 30 calendar days notice.
- When the need is **not** foreseen, employees shall notify their supervisor as soon as possible of their intent to request family and medical leave.

***--Note:** An employee who does not comply with the notification requirement is **not** entitled to family medical leave.--*

270 Substitutions, Definitions, and Work Status

A Substituting Leave

LWOP may be substituted with the following paid leave during FMLA, but use of paid leave must be consistent with current laws and regulations governing the use of that specific type of leave:

- accrued or advanced annual leave
- accrued or advanced sick leave, when the use of sick leave complies with established sick leave laws and regulations
- leave made available through LTP
- accumulated compensatory time or credit hours.

Supervisors may **not** require employees to use accrued leave.

Employees cannot **retroactively substitute** paid leave for unpaid leave taken during a period of family medical leave.

Continued on the next page

270 Substitutions, Definitions, and Work Status (Continued)**B****FMLA
Definitions**

A serious health condition is an illness, injury, surgery, impairment, or physical or mental condition that involves:

- inpatient care in a hospital, hospice, or residence care facility
- continuing outpatient therapy or treatment by a licensed or certified health care provider
- a health recovery period
- continuing medical evaluations or examinations.

Note: This term does not cover short-term conditions for which treatment and recovery are brief. These conditions are covered by normal annual and sick leave policy.

The following are FMLA family members:

- son or daughter, who is a biological, adopted, stepchild, or legal ward
- spouse, an individual who is a husband or wife by legal union, including common law marriage between a man and a woman, where legal
- child, who is given 24-hour foster care by, or with an agreement with, the State of residence
- parent, who is a biological parent or an individual who substituted as a parent to the employee when the employee was a child. This term does not include in-laws.

C**Employment
Status on Return
to Work**

After returning to the Agency from family medical leave, the employee shall be restored to either of the following:

- the same position held before the family medical leave started
- an equivalent position, with equivalent benefits, pay, status, and other terms and conditions of employment in the same commuting area.

271 FMLA Responsibilities

**A
Employee's
Responsibilities**

Employees invoking their rights to family medical leave shall:

- complete SF-71, dated 12-97 or after, Section 5
 - sign and date SF-71
 - be sensitive to their supervisor's workload situation when requesting intermittent leave or a reduced work schedule
 - *--attach or provide appropriate medical documentation within 15 workdays of their request.--*
-

**B
Timekeeper's
Responsibilities**

Timekeepers shall:

- on the employee's automated T&A, in the "Remarks" area, enter FMLA and the number of FMLA hours **used** during the current pay period
 - maintain an employee file containing all FMLA-related documents
 - track the cumulative use of family medical leave
 - *--notify the employee and supervisor when the 12-workweek or 480-hour--* limit is reached.
-

**C
Supervisor's
Responsibilities**

Supervisors shall:

- grant qualified employees their entitlement to family medical leave
 - ensure receipt of medical certification or evidence of birth or placement
 - try to reach a mutually beneficial arrangement with their employees about using family medical leave.
-

272 FMLA, Title I, Coverage for Intermittent Employees

A

Source of Authority

Intermittent employees are covered by FMLA, Title I, regulations which are issued by the Department of Labor.

B

Employee's Entitlements

FMLA, Title I and Title II have the same entitlements and rules except for eligible service and call to duty.

C

Eligible Service

Use either of the following to determine the eligibility of an intermittent employee:

- employee has been employed for at least 12 months

Note: The 12-month period does not have to be consecutive. Pay status during any part of a week allows the entire week to be counted as a week of employment when computing the required 12 months of employment. 52 weeks are equal to 12 months.

- employee is in pay status at least 1,250 hours during the 12-month period immediately preceding the request for family medical leave.
-

D

Called to Duty

Intermittent employees shall **not** be called to duty during a period of approved family medical leave.

273-290 (Reserved)

Section 3 Sick Leave for Family Care

291 General Provisions

A**Source of Authority**

Effective June 20, 2000, FFLA of December 1994 is renamed to Sick Leave for Family Care (SLFC). The regulations are in 5 CFR 630.401.

B**Introduction**

Besides the name change, this new legislation has added provisions for “Expanded Family Care”. There are currently 3 levels of coverage under SLFC:

- Basic Coverage
- Additional Coverage
- Expanded Coverage.

The employee must be a leave earning employee and the amount of sick leave an employee may use for each level of coverage will be dependent on their type of employment; full-time or part-time, and their current sick leave balance.

C**Provisions**

SLFC allows the use of sick leave to:

- be with and provide care for a family member experiencing:
 - a medical condition, either physical or mental
 - an illness, injury, surgery, or disability
 - pregnancy or incapacitation because of childbirth
 - a communicable disease that could jeopardize the health of others, as determined by the health authorities having jurisdiction or by a health care provider
 - a serious health condition, as defined in subparagraph F
 - accompany a family member receiving a medical, psychiatric, dental, or optical examination, treatment, or therapy
 - make arrangements necessitated by the death of a family member, attend the funeral of a family member, or both.--*
-

291 General Provisions (Continued)

D***--Leave
Transfer Impact
of SLFC**

By law, employees who consider applying to LTP or LB because of a medical emergency affecting a family member **must** first exhaust their maximum entitlement to SLFC and their earned annual leave before they are **eligible** to be a leave recipient.

E**Definition of
SLFC Family
Members**

The following are defined as family members for SLFC purposes:--*

- employee's spouse and spouse's parents
 - employee's children, including adopted children, and children's spouses
 - employee's parents
 - employee's brothers, sisters, and their spouses
 - any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
-

--F*Definition of
Serious Health
Condition**

Under Expanded Coverage, a serious health condition is an illness, injury, impairment, or physical, or mental condition that involves:

- inpatient care in a hospital, hospice, or residential medical care facility
 - a regimen of continuing treatment or therapy by a health care provider
 - a period of incapacity of more than 3 consecutive calendar days, including complications because of pregnancy or childbirth
 - incapacity or treatment because of a chronic serious health condition
 - a continuing period of incapacity because of episodic medical condition, such as asthma, diabetes, epilepsy, etc.
 - a period of incapacity that is permanent, long-term, or terminal.--*
-

*--292 SLFC Entitlements

A
Entitlements for
Full-Time
Employees

A full-time leave earning employee is entitled to use:

- Basic Coverage up to 40 hours of earned **or advanced** sick leave per leave year
- Additional Coverage up to an additional 64 hours of earned sick leave may be used each leave year, but only to the extent that the additional hours do not cause the employee's sick leave balance **to fall below 80 hours**

Note: These additional hours **cannot** be advanced.

- Expanded Coverage up to **480 hours of earned sick leave** per leave year to care for a family member with a **serious health condition** according to subparagraph 291 F, but the employee must maintain an earned sick leave balance of **no less than 80 hours**.

Note: If an employee has previously used any amount of SLFC during the leave year, those hours **must be subtracted** from the expanded hours entitlement.

B
Entitlements for
Part-Time
Employees

A part-time leave earning employee is entitled to use the following:

- Basic Coverage. A part-time employee is entitled to an amount equal to the average number of work hours they are scheduled to work in a workweek. These sick leave hours may be either earned or advanced.

Example: A part-time employee who is scheduled to work 32 hours a week is entitled to use up to 32 hours of earned or advanced sick leave per leave year.

- Additional Coverage. A part-time employee who maintains an accrued sick leave balance **greater than** the number of hours they are scheduled to work **bi-weekly**, may use additional sick leave hours. Any additional sick leave hours used for SLFC must not cause the employee's sick leave balance to fall below their "biweekly" work hours total and must not cause their total SLFC hours for the leave year to exceed the total number of sick leave hours they will earn for the leave year.--*
-

Continued on the next page

***--292 SLFC Entitlements (Continued)**

**B
Entitlements for
Part-Time
Employees
(Continued)**

Example: A part-time employee in leave category **4**, who works 64 hours a pay period is entitled to use additional sick leave hours up to a maximum of 83 hours per leave year, but the employee's earned sick leave balance **may not fall below 64 hours**.

Note: The additional hours **cannot** be advanced.

- Expanded Coverage. A part-time employee may use up to 12 times the average number of hours they work weekly, but they must maintain an accrued sick leave balance equal to their biweekly work hours.

Example: A part-time employee scheduled to work 32 hours a week could use up to a maximum of 384 earned sick leave hours (32 x 12) during a leave year, but the employee's earned sick leave balance may not **fall below 64 hours**.

Note: If an employee has previously used any amount of SLFC during the leave year, those hours **must be subtracted** from the expanded hours entitlement.--*

Continued on the next page

***--293 SLFC Responsibilities**

**A
Employee's
Responsibilities**

Employees requesting the use of sick leave under SLFC shall:

- complete SF-71, dated 12/97 or after, and enter "Sick Leave for Family Care" or SLFC in the "Remarks" section
 - request SLFC leave in advance, when possible
 - provide acceptable medical documentation or death notification when advanced sick leave is requested
 - be required to provide acceptable medical documentation to support a "serious health condition" when sick leave is to be used for Expanded SLFC Coverage.
-

**B
Timekeeper's
Responsibilities**

Timekeepers shall:

- on AD-1098, record the number of hours by pay period and total cumulative sick leave hours used under SLFC during LY

Example: See an example of AD-1098 in subparagraph E.

- notify the employee and supervisor when requested SLFC hours will exceed SLFC limitations, according to paragraph 292
 - update AD-1098's each pay period
 - file AD-1098 with the current T&A information
 - record the use of SLFC with prefix 62 and transaction code 62 when preparing T&A's.--*
-

Continued on the next page

--293 SLFC Responsibilities (Continued)--

**C
Supervisor's
Responsibilities**

Supervisors:

- shall ensure that timekeepers are aware of their reporting responsibilities on AD-1098

- *--shall require acceptable medical documentation or death notification when **advanced** sick leave is requested

- shall require acceptable medical documentation for “serious health condition” under Expanded Coverage option

- may ask for acceptable medical documentation or death notification for an--* absence of more than 3 workdays.

Continued on the next page

*--293 SLFC Responsibilities (Continued)

D
Summary of
Entitlement
Under SLFC

Summary of Entitlements Under SLFC Effective June 20, 2000			
Item	Hours/Coverage	SLFC Regulations	Definition of Medical Condition
A	Basic Coverage Up to 40 Hours Earned or Advanced Sick Leave	A full-time leave-earning employee with less than 80 hours of earned sick leave may use up to 40 hours of earned or advanced sick leave per leave year.	To provide care for a family member experiencing: <ul style="list-style-type: none"> • a medical condition, either physical or mental • illness, injury, or disability • pregnancy or incapacitation due to childbirth • medical, psychiatric, dental, or optical examination, treatment, or therapy • a communicable disease. For purposes relating to the death of a family member, including time to make funeral arrangements, attend the funeral, or both.
B	Additional Coverage Up to 64 Hours Earned Sick Leave	A full-time leave-earning employee, with more than 80 hours of sick leave may use up to an additional 64 hours of earned sick leave each leave year, but the employee's sick leave balance cannot fall below 80 hours.	For the same purposes as Item A.
C	Expanded Coverage Up to 480 hours Earned Sick Leave	A full-time leave-earning employee may use up to 480 hours of earned sick leave each leave year for the serious health condition of a family member , but the employee's sick leave balance cannot fall below 80 hours.	To care for a family member with a serious health condition (illness, injury, surgery, impairment, or physical or mental condition) that involves, for example, but is not limited to heart attacks, heart conditions, cancers, back conditions requiring therapy and/or surgery, kidney dialysis, physical therapy, strokes, severe nervous disorders, injuries caused by serious accidents on or off the job, clinical depression, recovery from major surgery, final stages of a terminal illness, Alzheimer's disease and includes pregnancy, childbirth, miscarriages, complications, or illness related to pregnancy.

Notes: Items A and B are identical to the previous FFLA regulations enacted in 1994 and Item C was enacted on June 20, 2000.

If an employee uses sick leave hours under Item A or B during the current leave year, those hours used must be subtracted from hours available under SLFC for the balance of the leave year.--*

--293 SLFC Responsibilities (Continued)--

E

Example of
AD-1098

This is an example of a completed AD-1098.

SICK LEAVE HOURS USED FOR FAMILY MEMBERS

REPRODUCE LOCALLY. Include form number and date on all reproductions. See Reverse for Regulatory Limitations.

AD-1098 (02-14-95) U.S. DEPARTMENT OF AGRICULTURE

PAY PERIOD	A. John Smith		B. Susie Jones		C. Joe Johnston		D.		E.		F.		G.		H.		I.	
	CURRENT	CUMULA-TIVE	CURRENT	CUMULA-TIVE	CURRENT	CUMULA-TIVE	CURRENT	CUMULA-TIVE	CURRENT	CUMULA-TIVE	CURRENT	CUMULA-TIVE	CURRENT	CUMULA-TIVE	CURRENT	CUMULA-TIVE	CURRENT	CUMULA-TIVE
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TOTAL																		

294-310 (Reserved)

Section 4 Sick Leave for Adoption

311 Authority and Benefits

A**Source of Authority**

5 CFR 630.401:

- authorizes the use of sick leave for adoption
 - permits employees to use earned sick leave for purposes related to the adoption of a child.
-

B**Benefits**Employees may request the use of **earned** sick leave for:

- appointments with adoption agencies, social workers, or attorneys
- court proceedings
- required travel
- absences, including bonding periods, ordered or required by the adoption agency or the court
- any activity that is necessary to allow the adoption to proceed.

Note: Sick leave for bonding is not included, unless **ordered or required**. See FMLA in Section 2 for leave that may be used for bonding purposes.

312 Requesting Use of Advanced Sick Leave

**A
Requesting and
Documenting
Sick Leave**

The initial written request to use sick leave for adoption-related purposes shall include any known details of the adoption which will require time off from work. Employees shall:

- continue to keep their supervisor updated until the process is completed
- submit SF-71 in advance, when possible
- complete SF-71, dated 12/97 or after, and enter "Adoption" in the "Remarks" section.

Supervisors may request evidence for adoption-related activities.

**B
Requesting
Advanced Sick
Leave**

Advanced sick leave may be requested for adoption-related purposes, but only when the urgency of the situation requires the employee's absence. Employees shall provide evidence for needing the advanced sick leave for adoption-related activities.

**C
Filing
Documentation**

Any documentation that is provided to the supervisor about the adoption shall be kept with the appropriate biweekly T&A information.

313-330 (Reserved)

Section 5 Excused Absence for Bone-Marrow or Organ Donation

331 Authority and Benefits

A

Source of Authority

Pub. L. 103-329 authorizes a period of **excused absence** for bone-marrow and organ donors.

B

Benefits

*--Employees donating bone-marrow may be granted an excused absence for up to 7 workdays in a calendar year.

Employees serving as organ donors may be granted up to 30 workdays each calendar year.

Note: Annual, sick, or other paid leave may be granted with the excused absence.--*

332 Responsibilities

A

Employee's Responsibilities

Participating employees shall:

- notify their immediate supervisor as soon as possible after the donor procedure has been scheduled
 - complete SF-71 as follows:
 - use SF-71, dated 12/97 or after
 - check the leave type "Other Paid Absence"
 - in the "Remarks" section, enter "administrative leave" and the type of donation being made
 - submit SF-71 and provide their supervisor with documentation that includes:
 - date of scheduled donor procedure
 - period required for post-operative recuperation
 - post-operative certification that the procedure has been performed.
-

Continued on the next page

332 Responsibilities (Continued)

A

Employee's Responsibilities (Continued)

The medical documentation shall be on business stationary and be certified by 1 of the following:

- an attending physician
 - the donor hospital
 - the medical center.
-

B

Timekeeper's Responsibilities

Timekeepers shall:

- report the employee's hours of excused absence on the automated T&A
 - retain all related documentation with T&A's.
-

C

Supervisor's Responsibilities

Supervisors shall:

- review medical certification
 - request additional medical certification, as needed
 - approve the request for absence in a timely manner.
-

333-355 (Reserved)

Part 11 Compensatory Leave and Credit Hours

356 Compensatory Leave

A

**Compensatory
Leave Earned**

Compensatory leave may be ordered or requested, but must be approved in advance of being worked. Compensatory leave is earned in increments of 15 minutes.

Compensatory leave earned during the current leave year may be used during the current leave year or carried into the following leave year. Compensatory leave must be used by the end of the leave year **following the leave year** in which it was earned, or it is subject to payment. See subparagraph B.

***--Note:** For more information on compensatory leave, see 32-PM.--*

B

**Compensatory
Leave Not Used**

If compensatory leave is not used according to subparagraph A, it is dropped from the NFC database. Employees may contact their servicing personnel office to request payment for expired compensatory leave. Currently, automated T&A records must be updated manually for compensatory leave adjustments.

C

**Using
Compensatory
Leave**

Compensatory leave may be used for any reason, but must be used before annual leave, * * * except when the use of compensatory leave will cause forfeiture of *--annual leave at the end of leave year.

Note: Before March 31, all employees are expected to schedule the use of their projected excess annual leave and their compensatory time that will expire at the end of the current leave year. Leave not taken as planned should be **rescheduled** as soon as possible.--*

357 Religious Compensatory Time

A

Using Religious Compensatory Leave

Religious compensatory leave allows employees to be **advanced** compensatory leave. An employee that does not have compensatory leave to their credit may use compensatory leave **before it is earned** to observe a religious holiday.

Religious compensatory leave will be recorded on T&A's as negative compensatory hours. The employee and their supervisor shall work together to ensure that the negative compensatory balance is repaid within a reasonable amount of time.

358 Credit Hours

A

Earning Credit Hours

Credit hours may only be earned by employees who work **flexible work schedules**. See OPM's Handbook on Alternative Work Schedules at "www.opm.gov/ocp/aws/index.htm" for definitions of flexible work schedules. Bargaining unit employees shall refer to credit hour information in their union contract.

Earning credit hours is similar to earning compensatory time with a few exceptions. Credit hours:

- are worked voluntarily by the employee, they are not ordered by management
- are earned in increments of 15 minutes
- *--must be earned before used--*
- must be requested and approved in advance of being used
- are limited to a carryover total at the end of the pay period not to exceed 24 hours

Note: Credit hours **over 24** at the end of a pay period will be forfeited.

- *--may be earned and used in the same pay period--*
 - are paid at an hourly rate, if an employee resigns, retires, or transfers to another Agency
 - *--cannot be earned on Saturday, Sunday, or other scheduled nonworkday
 - may not be earned by SES or SFS employees.--*
-

359-380 (Reserved)

--Part 12 Home Leave and Rest and Recuperation (R&R)--**381 Home Leave for Overseas Assignments**

A**Home Leave**

Home leave is an additional amount of **leave with pay** earned by Federal employees who are assigned outside the U.S. or its territories or possessions to an overseas position for at least **2 years** of continuous service.

--See 3 FAM 3430.--

B**Eligibility**

Who is eligible and how much home leave they earn, depends on the employee's overseas position. The following table describes the different types of overseas positions along with the corresponding amount of home leave earned yearly.

Type	Type of Overseas Position	Home Leave Earned Yearly
1	Employee who accepts, as a condition of employment, assignments anywhere in the World.	15 days
2	Employee serving with a U.S. mission to a public international organization.	15 days
3	Employee serving at a post where payment of foreign or nonforeign differential is 20 percent or more.	15 days
4	Employee not covered by type 1, 2, or 3 serving at a post where payment of foreign or territorial differential is at least 10 percent, but less than 20 percent.	10 days
5	Employee serving overseas that is not covered by type 1, 2, 3, or 4.	5 days
6	Employee covered by type 1, 2, 3, 4, or 5, whose civilian service is interrupted by a tour of duty in the U.S. Armed Forces.	0 days

Continued on the next page

381 Home Leave for Overseas Assignments (Continued)

C
Accruing Home Leave

Eligible employees will earn home leave based on creditable service overseas. For each month of creditable service overseas, employees will earn home leave according to the following table.

Months of Service Overseas	15-Day Eligibility (Days)	10-Day Eligibility (Days)	5-Day Eligibility (Days)
1	1	0	0
2	1	1	0
3	1	1	1
4	2	1	0
5	1	1	1
6	1	1	0
7	1	0	0
8	2	1	1
9	1	1	0
10	1	1	1
11	1	1	0
12	2	1	1
Total Days Earned Annually	15	10	5

D
Accumulating Home Leave

Home leave is credited to the employee's leave account starting with their first month of service overseas, but cannot be taken until the employee has continuously served 18 months overseas. Home leave can accumulate without limitation.

382 Computing Continuous Service Overseas

A**Service Overseas Begins**

For the purpose of computing home leave entitlement, service overseas begins on either of the following:

- the date the employee arrives at the overseas post
 - the employee's EOD date, if recruited overseas.
-

B**Service Overseas Ends**

Service overseas ends on the date:

- the employee departs from the overseas post because of separation from duty or reassignment to a position in the U.S. or its territories or possessions
 - of separation from duty, if separated overseas.
-

C**Computing Service Overseas**

Computing service overseas includes:

- nonpay status leave, such as LWOP, up to a maximum of 2 workweeks within each 12 months of service overseas
 - time spent in the U.S. Armed Forces, which interrupts service abroad, but only for eligibility, not leave-earning purposes
 - a period of detail
 - full credit for the day of arrival and departure.
-

383 Granting Home Leave

A**Using Home Leave**

After serving overseas continuously for 18 months, an employee may request use of their home leave from the Area Officer. Granting a period of home leave is at the discretion of the Agency. Home leave must be used in the U.S. or its territories or possessions and may be combined with other leave to extend a period of leave at home. Home leave must be requested and approved in advance of being taken.

B**Charging of Home Leave**

The minimum charge for home leave is 1 day or multiples thereof. Home leave shall be charged for all days on which the employee would otherwise be scheduled to work.

Home leave shall not be charged for any day on which an employee has been authorized time for community relations and public affairs activities. Time spent on these authorized activities is considered performance of duty time.

C**Limitation on Use of Home Leave**

Home leave is only for use:

- in the U.S., or if the employee's place of residence is outside the area of employment, in the Commonwealth of Puerto Rico, or a U.S. territory or possession
 - during an employee's period of service abroad, or within a reasonable period after their return from service abroad when it is contemplated the employee will return to service abroad immediately or on completion of an assignment in the U.S.
-

Continued on the next page

383 Granting Home Leave (Continued)

D**Home Leave Not Granted**

Home leave not granted **during the period** described in subparagraph C may only be granted when the employee has completed a further substantial period of service abroad. This further substantial period of service abroad may not be less than the tour prescribed for the employee's post of assignment, except when the Agency determines that an earlier grant of home leave is warranted in an individual case.

E**Refund of Home Leave**

An employee shall be indebted for home leave used, if the employee fails to:

- return to service abroad after the period of home leave
- complete 1 year of their tour after returning to service abroad
- complete, after a period of home leave, at least 6 months of an assignment in the U.S. or its territories or possessions.

However, a refund is not required when the Agency:

- determines that the employee's failure to return overseas was because of compelling personal reasons of a humanitarian or compassionate nature
 - that granted the home leave determines that it is in the public interest not to return the employee to the overseas assignment.
-

384 Other Home Leave Issues

A

**Transfer and
Recredit of
Home Leave**

An employee is entitled to have their home leave balance transferred and recredited to their leave account when moving between Agencies or when re-employed without a break in service of more than 90 days.

B

**Transfers
Between Earning
Categories**

If an employee moves between different home leave earning rates during a month of service overseas, credit the employee with the amount of home leave they were entitled to before the change in the home leave earning rate.

C

**No Lump-Sum
Entitlement**

There is no entitlement to payment for home leave under lump-sum payment rules and home leave may not be used as terminal leave before resignation from Federal service.

***--385 R&R Travel**

A**Purpose of R&R Travel**

R&R travel is to provide a measure of relief from onerous environmental conditions at existing posts of assignment. Service continuity at a post is important, but at certain posts, the benefits of continuity may be significantly diminished by the progressive loss of efficiency because of conditions of life at the post. At most such posts, it is impractical to expect that an employee and the employee's family travel at their own expense to the closest place that offers beneficial change of environment. See 3 FAM 3720 for detailed R&R regulations.

B**Applicability**

Entitlement to R&R applies to all U.S. citizen Foreign Service employees and their eligible dependents stationed at posts abroad that have been specifically identified as R&R-eligible posts.

C**Designated Posts and Relief Areas**

A list of R&R-designated posts and relief areas where employee's and their dependents may go for R&R is in 3 FAH-1 H-3700. This list changes from time-to-time so employees should be sure to request the latest H-3700 information.

D**Charge to Leave**

The employee's absence from post for R&R and necessary travel time is charged to annual leave, sick leave, earned compensatory time, or LWOP, as appropriate. However, an employee is **not** entitled to any local holidays which occur after departure from post on R&R travel orders.

E**Scheduling R&R Travel**

The respective overseas establishments of each agency are responsible for scheduling employees and families to take R&R at Government expense.

F**Eligibility for R&R**

To qualify for R&R travel, an employee must be assigned to 1 or more of the posts designated as R&R-eligible for a total period at such posts of at least 2 years **unbroken by home leave.--***

Reports, Forms, Abbreviations, and Redelegations of Authority

Reports None

Forms This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-1043	Leave Transfer Program - Donor Application	Ex. 17	240, 241
AD-1046	Leave Transfer Program - Recipient Application	Ex. 16	238, 239, 241
AD-1098	Sick Leave Hours Used for Family Members	293	
FSA-50	Notice of Personnel Action County FSA Committee Employees		112
FSA-134	Daily County Office Time and Attendance Record		66
FSA-367	19XX Leave Record		5, Ex. 2
FSA-956	Request for Alternative Work Schedule		2
FSA-958	Work Schedule Log		2, 6, 57, 85
OF-630-B	Request to Donate Annual Leave to Leave Recipient (Outside Agency) Under the Leave Transfer Program		240
SF-50	Notification of Personnel Action		112
SF-71	Request for Leave or Approved Absence	Ex. 6	Text

Continued on the next page

Reports, Forms, Abbreviations, and Delegations of Authority (Continued)

Abbreviations Not Listed in 1-CM The following abbreviations are not listed in 1-CM.

Approved Abbreviation	Term	Reference
AWOL	absent without official leave	7, 111, 113
AWS	alternative work schedule	1, 2, 7, 358
CO	County Office	Text, Ex. 2
EAG	Executive Advisory Group	Ex. 11
EAP	Employee Assistance Program	161
EML	Emergency Military Leave	138
EOD	entry on duty	51, 81, 382
FAH	Foreign Affairs Handbook	Part 12
FAM	Foreign Affairs Manual	1, 4
FMLA	Family and Medical Leave Act	8, 112, 266-268, 270-272, 311, Ex. 2, 11
GS	general schedule, Civil Service	66, 241
LB	leave bank	8, 291
LTP	leave transfer program	8, 84, 112, Part 10, Ex. 2
LWOP	leave without pay	Text, Ex. 11, 16
OWCP	Office of Workman's Compensation Program	112, 239, 242
PD	Personnel Division, KCAO	2, 66, 112, 241
RIF	reduction-in-force	59
R&R	rest and recuperation	Part 12
ROTC	Reserve Officers Training Corps	136
SES	Senior Executive Service	60, 62
SFS	Senior Foreign Service	60, 62, 357
SLFC	sick leave for family care	291, 292, 293
T&A	time and attendance	Text

Continued on the next page

Reports, Forms, Abbreviations, and Delegations of Authority (Continued)

Redelegations of Authority

The following redelegations of authority are in this handbook.

Redelegation	Paragraph Reference
An Agency's official workhours are determined by the Agency Administrator who may redelegate this responsibility to other agency officials.	3
The FSA Administrator redelegated authority to determine and approve exigencies of public business to: <ul style="list-style-type: none"> • Deputy Administrators • SED's. 	66
SED's may redelegate the processing of AD-1043's for CO employees to CED's.	241

Definitions of Terms Used in This Handbook

Court Leave Court leave is an authorized absence, without charge to leave or loss of pay for **jury service** or **witness service** under certain conditions. All leave-earning employees are eligible for court leave.

Different Leave System *--Federal Law considers the Federal leave system and the County Office leave system as 2 separate and unique leave systems. Thus, the term different leave system is used. This term applies to employees changing from a Federal leave earning position to a CO leave-earning position or vice versa.

Note: This term applies to FSA employees only.--*

Emergency Situation OPM regulations define an emergency situation as 1 of the following:

- loss of life has occurred
 - threat of loss of life is great
 - loss of property has or threatens to occur
 - *--potential for serious health risk.--*
-

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.

* * *

FMLA Family Members The following are FMLA family members:

- son or daughter, who is a biological, adopted, stepchild, or legal ward
- spouse, an individual who is a husband or wife by legal union, including common law marriage between a man and a woman, where legal
- child, who is given 24-hour foster care by, or with an agreement with, the State of residence
- parent, who is a biological parent or an individual who substituted as a parent to the employee when the employee was a child. This term does not include in-laws.

Continued on the next page

Definitions of Terms Used in This Handbook (Continued)

Immediate Relative

The term immediate relative, as it relates to military funerals, means a:

- parent, including stepparent and adopted parent
 - child, including stepchild and adopted child
 - spouse
 - brother or sister, including:
 - stepbrother or stepsister
 - half brother or sister
 - adopted brother or sister
 - grandchild
 - grandparent
 - father- or mother-in-law
 - daughter- or son-in-law
 - brother- or sister-in-law.
-

Leave Year

A leave year begins with the first day of Pay Period 1. Pay Period 1 normally begins within the first 10 days of the new calendar year. See FSA-367 for a pay period schedule for the current leave year.

LTP Family Members

The following are LTP family members:

- employee's spouse and spouse's parents
 - employee's children, including adopted children, and the children's spouses
 - employee's parents
 - employee's brothers and sisters, and their spouses
 - any individual related by blood or affinity whose close association with the employee is equivalent to a family member.
-

Continued on the next page

Definitions of Terms Used in This Handbook (Continued)

**Medical
Emergency**

A medical emergency, for LTP purposes, is a medical condition:

- of an employee or an employee’s family member
 - that is likely to require the employee’s absence from duty for a prolonged period of time and result in a substantial loss of income to the employee because of the lack of paid leave.
-

***--Office Closure**

An office closure is an act of closing an office and preventing employees from either going to work or staying at work because of an emergency or potential emergency situation.--*

**Party to the
Proceedings**

Party to the proceedings means the U.S., the District of Columbia, a State, a U.S. territory or possession, or a local government is named as either the plaintiff or defendant on the summons or subpoena.

**Same Leave
System**

--Refers to an employee who is transferring within the same leave system, for example, from a Federal position to another Federal position or from a CO-- position to another CO position.

**Serious Health
Condition**

*--A serious health condition is an illness, injury, surgery, impairment, or physical or mental condition that involves:

- inpatient care in a hospital, hospice, or residence care facility
 - continuing outpatient therapy or treatment by a licensed or certified health care provider
 - a health recovery period
 - continuing medical evaluations or examinations.--*
-

Continued on the next page

Definitions of Terms Used in This Handbook (Continued)

***--SLFC Family Member**

The following are SLFC family members:

- employee's spouse and spouse's parents
 - employee's children, including adopted children, and children's spouses
 - employee's parents
 - employee's brothers, sisters, and their spouses
 - any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.--*
-

Terminal Annual Leave

Terminal annual leave is annual leave requested or granted after it is known that the employee is leaving Federal service or CO employment.

Terminal Leave

Terminal leave is leave taken by an employee immediately before separation from service when it is known that the employee will **not** be returning to Federal or CO employment.

SF-71, Request for Leave or Approved Absence

REQUEST FOR LEAVE OR APPROVED ABSENCE							
1. NAME (Last, First, Middle Initial) Johnson, John J.				2. EMPLOYEE OR SOCIAL SECURITY NUMBER 123-45-6789			
3. ORGANIZATION FFAS-FSA-HRD							
4. TYPE OF LEAVE/ABSENCE (Check appropriate box(es) below.)	DATE		TIME		TOTAL HOURS	5. FAMILY AND MEDICAL LEAVE	
	From:	To:	From:	To:			
<input checked="" type="checkbox"/> Accrued Annual Leave	6/22/XX	6/22/XX	8:00	4:30	24	If annual leave, sick leave, or leave without pay will be used under the Family and Medical Leave Act of 1993, please provide the following information: <input type="checkbox"/> I hereby invoke my entitlement Family and Medical Leave for: <input type="checkbox"/> Birth/Adoption/Foster Care <input type="checkbox"/> Serious Health Condition of Spouse, Son, Daughter, or Parent <input type="checkbox"/> Serious Health Condition of Self	
<input type="checkbox"/> Restored Annual Leave							
<input type="checkbox"/> Advance Annual Leave							
<input checked="" type="checkbox"/> Accrued Sick Leave	6/26/XX		1:30	4:30	3	Contact your supervisor and/or your personnel office to obtain additional information about your entitlements and responsibilities under the Family and Medical Leave Act of 1993.	
<input type="checkbox"/> Advance Sick Leave							
Purpose: <input type="checkbox"/> Medical/dental/optical examination of requesting employee <input type="checkbox"/> Other <input checked="" type="checkbox"/> Care of family member/bereavement, including medical/dental/optical examination of family member							
<input type="checkbox"/> Compensatory Time Off							
<input checked="" type="checkbox"/> Other Paid Absence (Specify in Remarks)	6/26/XX		8:00	1:00	5		
<input type="checkbox"/> Leave Without Pay							
6. REMARKS: Other - Credit Hours Used FFLA - Son to dentist, using accrued Sick Leave							
7. CERTIFICATION: I hereby request leave/approved absence from duty as indicated above and certify that such leave/absence is requested for the purpose(s) indicated. I understand that I must comply with my employing agency's procedures for requesting leave/approved absence (and provide additional documentation, including medical certification, if required) and that falsification of information on this form may be grounds for disciplinary action, including removal.							
EMPLOYEE SIGNATURE /s/ John J. Johnson				DATE 6/19/XX			
8. OFFICIAL ACTION ON REQUEST: <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED (If disapproved, give reason. If annual leave, initiate action to reschedule.)							
SIGNATURE /s/ Sara S. Smith				DATE 6/19/XX			
PRIVACY ACT STATEMENT							
Section 6311 of title 5, United States Code, authorizes collection of this information. The primary use of this information is by management and your payroll office to approve and record your use of leave. Additional disclosures of the information may be: To the Department of Labor when processing a claim for compensation regarding a job connected injury or illness; to a State unemployment compensation office regarding a claim; to Federal Life Insurance or Health Benefits carriers regarding a claim; to a Federal, State, or local law enforcement agency when your agency becomes aware of a violation or possible violation of civil or criminal law; to a Federal agency when conducting an investigation for employment or security reasons; to the Office of Personnel Management or the General Accounting Office when the information is required for evaluation of leave administration; or to the General Services Administration in connection with its responsibilities for records management.							
Where the employee identification number is your Social Security Number, collection of this information is authorized by Executive Order 9397. Furnishing the information on this form, including your Social Security Number, is voluntary, but failure to do so may result in disapproval of this request.							
If your agency uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.							
NSN 7540-00-753-5067 PREVIOUS EDITION MAY BE USED			STANDARD FORM 71 (Rev. 12-97) PRESCRIBED BY OFFICE OF PERSONNEL MANAGEMENT, 5 CFR PART 630				

FAS LWOP Policy

Purpose:

This policy has been developed to provide additional consistency and transparency to FAS LWOP policy, and to add discretion for approval below the level of EAG.

Approval of LWOP, when not mandatory or contract, is contingent upon the Agency's budget situation at the time LWOP or extension of LWOP is requested.

This policy applies equally to FAS employees in the U.S., and both Foreign Service and Civil Service employees stationed at overseas posts. Terms and conditions for foreign national employees will continue to be governed by post policy and host country regulations. In considering granting LWOP requests, heads of overseas offices are required to coordinate closely with FAA/W to ensure adequate office coverage, and to keep their Deputy Chief of Mission fully apprised of the situation.

Reasons for LWOP

Mandatory:

These entitlements are by law or contract:

- leave of absence for military training for Reservists and National Guardsman for required military training under 38 USC 2024(d)
- for FMLA eligible employees
- for disabled veterans receiving medical treatment under Executive Order 6396
- for employees receiving worker's compensation, unless permanently disabled.

Employees will be placed on the Agency target ceiling after LWOP exceeds 90 days. Up to 4 workweeks may be approved by the supervisor, up to 2 years may be approved by the program area, and over 2 years must be approved by EAG, to be reviewed by EAG annually.

Note: Supervisor may approve up to 12 weeks for leave authorized under FMLA.

Continued on the next page

FAS LWOP Policy (Continued)

Recommended:

In general it is the policy of the Agency to approve LWOP requests based upon the following:

- Peace Corps Service
- transfer to international organizations whose mission is similar to FAS

Note: Reemployment rights may be granted instead of LWOP.

- Intergovernmental Personal Agreement or training opportunity in support of FAS mission
- accompanying Foreign Service or Civil Service spouse assigned overseas by the U.S. Government
- accompanying FAS spouse assigned with the U.S.
- pending approval of disability retirement.

Employees will be placed on the Agency target ceiling at the time LWOP is approved, if LWOP is anticipated to exceed 1 year. Up to 4 workweeks may be approved by the supervisor, up to 2 years may be approved by the program area, and over 2 years must be approved by EAG. Denials by the program area are appealable to EAG.

Discretionary:

LWOP may usually be approved for:

- accompanying a non-FAS spouse or partner out of the commuting area
- receiving education in support of the FAS mission
- a physician-certified medical condition, beyond entitlement under FMLA
- a hardship related to a serious physician-certified medical condition of the employee's immediate family member, beyond entitlement under FMLA.

Employees will be placed on the Agency target ceiling **after** LWOP exceeds 2 years. Up to 4 workweeks may be approved by the immediate supervisor, up to 1 year may be approved by the program area, and over 1 year must be approved by EAG. It is anticipated that after 2 years, LWOP will be terminated.

Continued on the next page

FAS LWOP Policy (Continued)

Other reasons:

LWOP may be granted for other reasons when workload permits. Up to 4 workweeks may be approved by the immediate supervisor, up to 1 year may be approved by the program area, and over 1 year must be approved by EAG. It is anticipated that after 1 year, LWOP will be terminated. Employees will be placed on the Agency target ceiling only in exceptional circumstances, and this placement must be approved by EAG.

Requesting LWOP:

Requests for LWOP should be initiated by the employee, signed by the supervisor, and should indicate how the employee's work will be accomplished during the employees's absence.

In deciding whether or not to backfill behind the employee on LWOP, Deputy Administrators should assess how the work is to be accomplished and whether an undue burden will be placed upon the other employees.

Return from Extended LWOP:

FAS employees returning to duty from the Program area shall be placed within their program area.

FAS employees returning to duty from the Agency target ceiling shall be placed by EAG or the Washington Placement plan somewhere within the Agency.

All placement will be according to applicable Civil Service and Foreign Service regulations. The return rights of a Civil Service employee are to a position at the grade equivalent to the position vacated to go on LWOP, unless the employee is placed in a higher graded position according to the Merit Promotion Plan. The return rights of a Foreign Service employee are to a position in the Agency, but the Agency will encourage placement in a position equivalent to the employee's rank.

FAS employees may not bid on overseas posts while on LWOP, unless their return to duty date provides sufficient time to prepare for posting.

Effect of LWOP on Ceiling:

Employees not on the Agency target ceiling will remain on the ceiling of their program areas.

While they are on extended LWOP, they will not count against the program area ceiling. However, program areas must plan for the employees return when filling positions at the grade level targeted for employee's return.

Continued on the next page

FAS LWOP Policy (Continued)

Reasons for LWOP	Approval				Placed on Agency Target Ceiling
	Up to 4 workweeks	4 workweeks to 1 year	1 year to 2 years	Over 2 years	
Mandatory	Supervisor <u>1/</u>	Deputy Administrator	Deputy Administrator	EAG	after LWOP exceeds 90 days
Recommended	Supervisor	Deputy Administrator	Deputy Administrator	EAG	if LWOP is anticipated to exceed 1 year
Discretionary	Supervisor	Deputy Administrator	EAG	EAG	after LWOP exceeds 2 years
Other	Supervisor	Deputy Administrator	EAG	EAG	only in exceptional circumstances, with EAG approval

1/ Supervisor may approve up to 12 weeks under FMLA.

In situations when LWOP is not anticipated to exceed 4 weeks, the position should not be backfilled on a permanent basis.

In situations when the employee is not placed on the Agency target ceiling, the Deputy Administrator is responsible for ensuring appropriate placement for the employee at any time, should the employee request to terminate LWOP.

*--OPM Preventive Health Services and Screenings



The U.S. Office of Personnel Management
Preventive Health Services and Screenings
(Absence and Leave Issues)

Questions and Answers:

- Q. Who is eligible to receive 4 hours of excused absence for preventive health screenings?
- Q. What are "preventive health screenings?"
- Q. May I use the 4 hours of excused absence for preventive health screenings if I have more than 80 hours of accrued sick leave?
- Q. May I use the 4 hours of excused absence on different days, or must I use it all on 1 day?
- Q. If, during a pay period, my sick leave balance drops below 80 hours, may I use 4 hours of excused absence for preventive health screenings?
- Q. Can my agency deny my request for time off for a preventive health screening on a particular day?
- Q. May I be granted excused absence to participate in smoking cessation activities?
- Q. May I be granted excused absence for other types of preventative health services?
- Q. May I be granted excused absence to accompany a family member receiving preventive health screenings, such as stress tests, children's immunizations, and flu shots, etc.?

Q. Who is eligible to receive 4 hours of excused absence for preventive health screenings?

- A. Employees with fewer than 80 hours of sick leave to their credit are eligible to use 4 hours of excused absence each year for preventive health screenings. For purposes of this directive, "year" means "leave year."

Q. What are "preventive health screenings?"

- A. Examples of "preventive health screenings" include, but are not limited to, screening for prostate, cervical, colorectal, and breast cancer, and screening for sickle cell anemia, blood lead level, and blood cholesterol level. Other examples include screening for immunity system disorders such as HIV and blood sugar level testing for diabetes.

--*

***--OPM Preventive Health Services and Screenings (Continued)**

Q. May I use the 4 hours of excused absence for preventive health screenings if I have more than 80 hours of accrued sick leave?

A. No. Employees with more than 80 hours of accrued sick leave have sufficient reserves of paid leave to use for this purpose. In addition, you may use credit hours or previously earned compensatory time off for preventive health screenings.

Q. May I use the 4 hours of excused absence on different days, or must I use it all on 1 day?

A. The 4 hours of excused absence may be used a portion at a time over more than 1 day during a leave year for preventive health screenings. The days on which excused absence is used do not have to be consecutive.

Q. If, during a pay period, my sick leave balance drops below 80 hours, may I use 4 hours of excused absence for preventive health screenings?

A. Yes, you may use 4 hours of excused absence for preventive health screenings if you have fewer than 80 hours of sick leave to your credit at the time of your request for time off from work for preventive health screenings.

Q. Can my agency deny my request for time off for a preventive health screening on a particular day?

A. Your agency should accommodate your request for time off from work for preventive health screenings to the greatest extent practicable. However, your agency may ask you to schedule your health screening for another day if it would adversely affect agency operations. Of course, if you had a compelling health reason for an immediate health screening or test, your agency would take that into consideration.

Q. May I be granted excused absence to participate in smoking cessation activities?

A. Yes, if such services are sponsored by your agency. Agencies may grant excused absence to employees to participate in agency-sponsored preventive health activities, such as smoking cessation.

Q. May I be granted excused absence for other types of preventive health services?

A. Yes, if such services are sponsored by your agency. Agencies may grant excused absence for programs on nutrition education, health promotion activities, and annual health fairs. Employees are encouraged to take maximum advantage of the Federal Government's leave and work schedule flexibilities to participate in preventive health services offered by outside companies and facilities.

Q. May I be granted excused absence to accompany a family member receiving preventive health screenings, such as stress tests, children's immunizations, and flu shots?

A. Excused absence is not appropriate for these purposes. However, Federal employees are encouraged to make maximum use of existing work schedule and leave flexibilities to allow them to accompany a family member receiving a preventive health screening.

--*

Continued on the next page

Using AD-1046, Leave Transfer Program - Recipient Application

A

**Completing
AD-1046**

Follow the instructions in this table to complete AD-1046.

Item	Instructions
Part I - Application and Certification	
1 through 9	The applicant or applicant's designee shall complete the items requested. Note: Some versions of AD-1046, item 1 incorrectly show "donor" in the title. Enter the name of the employee who is requesting approval to receive leave donations.
10	Enter applicant's timekeeper's name.
11	Enter applicant's timekeeper's office telephone number.
12	Enter applicant's timekeeper's office address. Note: National Offices shall include a STOP code.
13	Do not complete this item.
14	Enter the beginning and approximate ending dates of the medical emergency.
15	Enter the approximate dates when annual and sick leave will be exhausted.
16	Enter either of the following: <ul style="list-style-type: none"> • approximate number of donated leave hours needed • "Unknown" for terminal medical situations

Continued on the next page

Using AD-1046, Leave Transfer Program - Recipient Application (Continued)

A
Completing
AD-1046
(Continued)

Item	Instructions
Part I - Application and Certification	
17	Enter the order of preference for applying donated leave, by numbering choices 1 through 4. In the last block, enter the pay period number to which donated leave should be retroactively applied.
18	Enter "X" to indicate what level and type of information that the applicant agrees to have released about the applicant's case.
	After completing items 1 through 18 and reading the certification, the applicant or designee shall sign and date. Note: Certification is that the applicant expects to be absent from duty without paid leave for at least 24 hours . Some versions of AD-1046 inaccurately show 80 hours.

Continued on the next page

Using AD-1046, Leave Transfer Program - Recipient Application (Continued)

A
Completing
AD-1046
(Continued)

Item	Instructions
Part I - Application and Certification (Continued)	
	<p>The supervisor shall:</p> <ul style="list-style-type: none"> • review items 1 through 18 • ensure that the medical documentation is attached • sign and date • return the signed AD-1046 to the applicant or designee • forward questionable requests to leave transfer coordinator in the servicing personnel office or to the State administrative officer.
Part II - Agency Review and Approval	
	<p>The leave transfer coordinator in the applicant's servicing personnel office or the State administrative officer:</p> <ul style="list-style-type: none"> • may assign and enter a case number in the upper-right corner of AD-1046 • may use item 6 to maintain the number of LWOP hours • shall complete Part II. <p>Note: The approving or disapproving official may be the leave transfer coordinator or the State administrative officer.</p>

B
Distributing
AD-1046

Applicants shall send or FAX the completed AD-1046 and medical documentation to the leave transfer coordinator in their servicing personnel office or to the State administrative officer for final approval.

Continued on the next page

Using AD-1046, Leave Transfer Program - Recipient Application (Continued)

C
Example of
AD-1046

This is an example of a completed AD-1046.

REPRODUCE LOCALLY. Include form number and date on reproductions.

LEAVE TRANSFER PROGRAM - RECIPIENT APPLICATION					FOR PERSONNEL USE ONLY: CASE NUMBER
					KC 9X-01
INSTRUCTIONS: Use this form to apply to be a leave recipient under P.L. 100-566. Attach to this form a brief description of the nature and severity of the medical emergency and appropriate documentation of the medical emergency; a physician's certificate, the medical prognosis and anticipated duration of the condition. After completing this form, forward through your supervisor to the office in your agency designated to approve leave recipients. Approval as a leave recipient does not guarantee that leave will be donated. Donor employees will designate the recipient of their leave.					
PART I - APPLICATION AND CERTIFICATION (To be completed by the applicant or another employee on his or her behalf)					
1. NAME OF RECIPIENT (Last, First, Middle Initial)		2. POSITION TITLE		3. SOCIAL SECURITY NUMBER	
Moon, Johanna K.		Clerk-Typist		111-333-2222	
4. SERIES, GRADE OR PAY LEVEL		5. DUTY STATION	6. ORGANIZATIONAL TITLE (Agency, Division, Branch Section)		
GS-322-3		Kansas City, MO	FSA, PD, HRB, COS		
7. OFFICE ADDRESS			8. OFFICE TELEPHONE NO.		9. HOME TELEPHONE NO.
Room 321, 1234 Independ. St. Kansas City, MO 12345-1234			814-447-4666		814-690-4765
10. NAME OF TIMEKEEPER		11. TELEPHONE NO. OF TIMEKEEPER	12. OFFICE ADDRESS OF TIMEKEEPER		
Jessie M. Wade		814-447-3641	Room 321, 1234 Independ. St. Kansas City, MO 12345-1234		
13. T&A CONTACT POINT NO.		14. ANTICIPATED OR ACTUAL DURATION OF MEDICAL EMERGENCY (if known)	15. DATES LEAVE EXHAUSTED		16. AMOUNT OF DONATED LEAVE REQUESTED (hours, days or months)
		Beginning Date: 5/7/9X Ending Date: 6/1/9X	Annual: 5/8/9X Sick (if applicable): 5/7/9X		132 hours
17. PLEASE INDICATE HOW YOU PREFER THE ANNUAL LEAVE DONATED TO BE APPLIED BY NUMBERING THE FOLLOWING IN ORDER OF YOUR PREFERENCE. (Donated annual leave may be applied to retroactively replace leave without pay and/or advanced sick or annual leave in connection with this medical emergency.)					PLEASE INDICATE PAY PERIOD DONATED ANNUAL LEAVE MAY BE RETROACTIVELY APPLIED
1 For current use	4 against advanced annual leave	3 against advanced sick leave	2 against LWOP		9
18. I agree to have my (please specify) <input type="checkbox"/> case number only <input type="checkbox"/> case number, and circumstances only <input checked="" type="checkbox"/> name, case number and circumstances published for the purpose of receiving donations. If I agree to have my circumstances published, the following 5 lines or less describing my medical emergency will be published exactly as I write it and will be published exactly as I write made available to employees of my agency who wish to make donations to me.					
I was informed by my physician on April 30, that I will have to undergo surgery on May 6 due to an ongoing medical problem which has to be corrected.					
CERTIFICATION (If certifying on behalf of another employee, modify as appropriate.)					
I certify that (1) I have been affected by the medical emergency described in the attachment since the date indicated above, (2) I have or will have exhausted all annual leave and any available sick leave that could otherwise be used as of date indicated above, and (3) expect to be absent from duty without paid leave at least 24 hours because of this medical emergency. I further certify that I am not receiving unemployment benefits or workers' compensation benefits in connection with this medical emergency for which I am requesting transferred annual leave.					
SIGNATURE OF RECIPIENT OR HIS OR HER DESIGNEE (please specify):					DATE
<input checked="" type="checkbox"/> Recipient	/s/ Johanna K. Moon				5/2/9X
<input type="checkbox"/> Designee					
CONCURRENCE: SIGNATURE OF SUPERVISOR		TITLE		OFFICE TELEPHONE NO.	DATE
<input checked="" type="checkbox"/> Yes		COS Head		814-447-4231	5/2/9X
<input type="checkbox"/> No		/s/ Mary Brown			
PART II - AGENCY REVIEW AND APPROVAL					
1. CURRENT ANNUAL LEAVE BALANCE (in hours)	2. CURRENT SICK LEAVE BALANCE (in hours)	3. LWOP HOURS USED IN CONJUNCTION WITH THIS EMERGENCY	4. ADVANCED SICK LEAVE HOURS TO DATE	5. ADVANCED ANNUAL LEAVE HOURS TO DATE	6. ADVANCED LEAVE CATEGORY PER PAY PERIOD
8	4	-0-	-0-	-0-	4
APPLICATION APPROVED:					
<input checked="" type="checkbox"/> Yes	(If Yes, transferred leave may be credited to the recipient's account effective Pay Period Number): 9				
<input type="checkbox"/> No	(state reason for disapproval):				
SIGNATURE OF APPROVING OR DISAPPROVING OFFICIAL		TITLE		OFFICE TELEPHONE NO.	DATE
/s/ Donald Harley		LTP Coordinator, PD		814-447-1010	5/4/9X
PRIVACY ACT STATEMENT					
§ U.S.C. 6311 authorizes collection of this information. Your social security number may be disclosed to leave donors for the purpose of positively identifying leave recipients so that donated leave can be credited to the proper account.					
Electronic version designed using WordPerfect for Windows 6.0 (USDA-FSA)					

Using AD-1043, Leave Transfer Program - Donor Application

A

**Completing
AD-1043**

Donors shall follow the instructions in this table to complete AD-1043, Part I.

Item	Instructions
Part I - Completed by Donor	
1 through 7	The donor shall complete the items requested.
8	Enter the name of the donor's timekeeper.
9	Enter donor's timekeeper's telephone number.
10	Enter donor's timekeeper's office address. Note: National Offices shall include the STOP code.
11	Enter the number of annual leave hours being donated to recipient.
12	Enter the leave recipient's name.
13	Enter recipient's case number, if known.
14	Enter the recipient's Social Security number, if known.
15	Enter the recipient's organizational location, if known.
16	Enter the recipient's office address, if known. Note: National Offices shall include the STOP code.
17	Enter the name of the recipient's leave share coordinator.
18	Enter the telephone number, including area code, of the recipient's leave share coordinator.

Note: See distribution instructions in subparagraph B.

Continued on the next page

Using AD-1043, Leave Transfer Program - Donor Application (Continued)

A

**Completing
AD-1043
(Continued)**

The leave transfer coordinator in the **donor's** servicing personnel office shall follow instructions in this table.

Item	Instructions
Part II - Agency Review and Approval	
	<p>The leave transfer coordinator:</p> <ul style="list-style-type: none">• shall complete Part II• may enter a case number in the upper-right corner of AD-1043. <p>Note: The approving or disapproving official may be the leave transfer coordinator.</p>

B

**Distributing
AD-1043**

The donor shall FAX, mail, or deliver the completed AD-1043 to the leave transfer coordinator in the **donor's** servicing personnel office.

Note: Donor's must **not** send AD-1043 to recipient's leave coordinator.

The donor's servicing personnel office shall forward the approved AD-1043 to the recipient's leave coordinator, if necessary.

Continued on the next page

Using AD-1043, Leave Transfer Program - Donor Application (Continued)

**C
Example of
AD-1043**

This is an example of a completed AD-1043.

LEAVE TRANSFER PROGRAM - DONOR APPLICATION			FOR PERSONNEL USE ONLY: CASE NUMBER
			KC 9X-01
<small>INSTRUCTIONS: Use this form to request the transfer of earned annual leave to an approved leave recipient under P.L. 100-566. You may not transfer leave to your immediate supervisor. After completion, forward it to the office in your agency designated to approve leave donations.</small>			
PART I - COMPLETED BY DONOR			
1. NAME OF DONOR (Last, First, Middle Initial) Kline, Marty Z.		2. POSITION TITLE Employee Relations Specialist	
3. SOCIAL SECURITY NUMBER 123-45-6789	4. SERIES, GRADE, OR PAY LEVEL GS-230-5	5. ORGANIZATIONAL TITLE (Agency, Division, Branch, Section) KCMO, PD, ERB, COS	
6. OFFICE ADDRESS Room 123, 1234 Independ. St., Kansas City, MO 12345-1234		7. OFFICE TELEPHONE NO. 814-447-3663	
8. NAME OF TIMEKEEPER Jessie M. Wade	9. TELEPHONE NO. OF TIMEKEEPER 814-447-3641	10. OFFICE ADDRESS OF TIMEKEEPER Room 321, 1234 Independ. St. Kansas City, MO 12345-1234	
<small>INSTRUCTIONS: Please review the information below. You may not transfer more than 1/2 of the annual leave you will earn during this calendar year unless a waiver is approved. To request a waiver, you must attach a statement as to why your situation is unusual.</small>			
<small>If you will be employed full-time by the federal government for the full calendar year, the limits are as follows:</small>			
<ul style="list-style-type: none"> • 52 hours for employees in the 4-hour leave earning category. • 78 hours for employees in the 6-hour leave earning category, or • 104 hours for employees in the 8-hour leave earning category. 			
<small>If you are a part-time employee or if you will not be employed for the full calendar year, you may compute your transfer limit using the appropriate formula below:</small>			
<ul style="list-style-type: none"> • Limit for part-time employee = 13 X $\frac{\text{Duty hours in Pay Period}}{80}$ X leave earning category • Limit for part-year employee = $\frac{\text{Number of Pay Periods to be worked}}{2}$ X leave earning category 			
11. NUMBER OF HOURS OF ANNUAL LEAVE TO BE TRANSFERRED 24	12. NAME OF RECIPIENT Johanna K. Moon	13. CASE NUMBER KC-9X-01	14. SOCIAL SECURITY NUMBER OF RECIPIENT (if known) 111-333-2222
15. ORGANIZATIONAL LOCATION OF RECIPIENT (Agency, Division, Branch, Section) KCMO, PD, ERB, COS		16. OFFICE ADDRESS OF RECIPIENT Room 31, 1234 Independ. St. Kansas City, MO 12345-1234	
17. NAME OF LEAVE SHARE COORDINATOR Julie McKay	18. TELEPHONE NO. OF LEAVE SHARE COORDINATOR 814-447-6664	19. OFFICE ADDRESS OF LEAVE SHARE COORDINATOR Room 400, 1234 Independ. St. Kansas City, MO 12345-1234	
<small>CERTIFICATION OF VOLUNTARY DONATION: I certify that I am making this donation entirely of my own free will and that no attempts have been made to coerce me to donate annual leave. I understand that except for any leave unused by the recipient, I have no right under my circumstances (including a medical emergency of my own) to have any of the donated leave restored.</small>			
SIGNATURE OF DONOR /s/ Marty Z. Kline			DATE 5/10/9X
PART II - AGENCY REVIEW AND APPROVAL			
1. CURRENT ANNUAL LEAVE BALANCE (in hours) 132	3. AS OF PAY PERIOD NUMBER 8	2. ANNUAL LEAVE CATEGORY PER PAY PERIOD 6	
APPLICATION APPROVED:			
<input checked="" type="checkbox"/> YES		(This application meets all criteria required for annual leave transfer by law, regulation and Department policy. Transferred leave may be credited to the recipient's account effective Pay Period Number): 9	
<input type="checkbox"/> NO		(state reason for disapproval):	
SIGNATURE OF APPROVING OR DISAPPROVING OFFICIAL /s/ John Scott	TITLE Chief, Employee Relations Branch	OFFICE TELEPHONE NO. 814-447-0014	DATE 5/12/9X
PRIVACY ACT STATEMENT			
<small>§ U.S.C. 6311 authorizes collection of this information. Your social security number is requested solely for the purpose of positively identifying leave donors so that donated leave can be deducted from the proper account. Although the disclosure of this information is voluntary, failure to furnish this information may result in disapproval of this application.</small>			
<small>Electronic version designed using WordPerfect for Windows 6.0 (USDA-FSA)</small>			AD-1043 (Rev. 4/89)

