

# **CHAPTER 9**

## **LEAVE**

### **ADMINISTRATION**

NOTE: This chapter should be read in conjunction with local activity instructions and with any negotiated agreements between your activity and an exclusively recognized labor organization. Contract language will generally take precedence over conflicting provisions in this manual. Areas of uncertainty should be discussed with the Human Resources Office.

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## ABSENCE AND LEAVE

### 1. DEFINITIONS

#### **CONTINUING TREATMENT BY A HEALTH CARE PROVIDER**

May include one or more of the following:

- a. A period of incapacity of more than three consecutive calendar days.
- b. Any period of incapacity due to pregnancy or childbirth, or for prenatal care.
- c. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that includes all of the following:
  - Requires periodic visits for treatment by a health care provider.
  - Continues over an extended period of time.
  - May cause episodic rather than a continuing period of incapacity.
- d. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective.
- e. Any period of absence to receive multiple treatments by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

#### **FAMILY MEMBER**

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

#### **JUDICIAL PROCEEDING**

Any action, suit, or other proceeding of a judicial nature (including preliminary, information, or other proceeding), but does not include an administrative proceeding. All stages of a judicial proceeding are included: preliminary hearing, inquest, trial or deposition taking.

#### **MEDICAL EMERGENCY**

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

#### **SERIOUS HEALTH CONDITION**

An illness, injury, impairment, or physical or mental condition as defined in 5 CFR 630.1201. In its basic terms, a serious health condition involves either of the following:

- Inpatient care (i.e., an overnight stay)
- Continuing treatment by a health care provider.

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## **SUMMONS**

A subpoena or other official request, invitation, or call, evidenced by an official writing from the court or authority responsible for the conduct of the proceeding. Voluntary appearances by an employee are not subject to court leave.

## **2. APPROVAL**

- a. Immediate supervisors have the authority to approve or disapprove earned annual leave, earned sick leave, military leave, and court leave. The supervisor may approve excused absences (administrative leave) for brief periods of less than one hour, and for job interviews, blood donations, and for voter registration/voting.
- b. Management may establish procedures for higher level authority to approve requests for advance leave and leave without pay, approve leave requests and requests for restored Annual Leave, and authorize excused absences for periods of one hour or more.
- c. Managers and supervisors should make sure the office policy on requesting and granting leave is clear and consistent.

## **3. ANNUAL LEAVE**

### **a. Accrual**

Employees on a **full-time** work schedule earn 4 hours per pay period up to 3 years of service, 6 hours per pay period for three to 15 years of service, and 8 hours per pay period for over 15 years of service.

Employees on a **part-time** work schedule who have a regularly scheduled tour of duty will be credited with Annual Leave on a pro-rated basis according to their work schedule.

Employees on an **intermittent** work schedule do not earn Annual Leave.

### **b. Maximum Accumulation**

Normally, employees may carry forward a maximum of 240 hours of Annual Leave from one leave year to the next. A new leave year begins on the first day of the first complete pay period in the calendar year. If employees choose not to take Annual Leave that has been scheduled and approved, leave in excess of the maximum allowable carryover may be subject to forfeiture.

- c. **Request for Leave or Approved Absence** (OPM-71, Appendix 9A) will be used as determined by the supervisor. Requests should be made as far in advance of the leave dates as possible, especially in cases of extended leave. Employees are responsible for confirming that leave has been approved prior to beginning the requested leave. Should circumstances prevent employees from reporting for work as scheduled, employees should contact their supervisor before the beginning of their work shift. Supervisors are not required to approve unscheduled requests for leave simply because the employee called in as required.

I need a vacation!!!!



### **d. Granting Annual Leave**

Annual Leave is granted to employees at the discretion of management, based on the employee's request and mission requirements. All requests for leave should be made to immediate supervisors. Supervisors and employees should develop Annual Leave schedules

at the beginning of the leave year and adjust these schedules as the year continues to assure that the mission is accomplished and that nobody forfeits leave.

**e. Advancing Annual Leave**

Annual Leave may be advanced to employees provided the amount advanced does not exceed the amount that will be earned during the remainder of the leave year in which it is requested. When it is known or expected that an employee will be leaving Federal service (expiration of appointment, resignation, retirement, etc.), advanced leave will be limited to that which will be earned prior to the separation date. The expectation of the employee's return to duty and benefits to the activity should be considered in decisions to approve or deny requests for advance leave.

**f. Restoration of Forfeited Annual Leave**

Forfeited Annual Leave, under certain circumstances, may be temporarily restored. Restored leave is held in a special account for two years. Any unused restored leave at the end of the two-year period is lost permanently.

- 1) Unused Annual Leave in excess of the specified limitations may be restored in the case of administrative error, exigencies of the public business, or when the Annual Leave was scheduled in advance and sickness of the employee prevented the use of the scheduled Annual Leave.
- 2) To be considered for restoration, forfeited Annual Leave must have been scheduled and approved in writing before the start of the third pay period prior to the end of the leave year. Employees will submit Request for Leave Restoration (Appendix 9B) via their immediate supervisor. The immediate supervisor will submit the request to higher level authority. The immediate supervisor will advise each employee in writing of the amount restored and expiration date of the restored leave.

#### **4. SICK LEAVE**

**a. Accrual**

Full-time employees earn sick leave at the rate of 4 hours for each full pay period. Part-time employees who have a regularly scheduled tour of duty will generally be credited with 1 hour of sick leave for each 20 hours in a pay status. Employees on an intermittent work schedule do not earn sick leave. The amount of Sick Leave that an employee may accumulate is not limited.

**b. Approval of Sick Leave**

Sick Leave is approved if an employee has followed leave procedures, provided administratively acceptable medical documentation in those cases requiring it, has sick leave on the books, and under any of the following circumstances:

- 1) The employee receives medical, dental or optical examination or treatment.
- 2) The employee is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy or childbirth.
- 3) The employee is providing care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy or childbirth or who is receiving medical, dental or optical examination or treatment. (NOTE: There are limitations on the amount of Sick Leave used for this purpose. For further guidance, see Federal Employees Family Friendly Leave in this chapter.)

- 4) The employee arranges for or attends the funeral of a family member (NOTE: There are limitations on the amount of Sick Leave used for this purpose. Further guidance is provided in Federal Employees Family Friendly Leave in this chapter.)
- 5) The employee would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease. The same is true if an employee must care for a family member who is restricted from contact with others due to a contagious disease requiring quarantine, the need for isolation, or the restriction of movement. Sick Leave will be authorized for this purpose only for the period of time for which state or local health regulations require quarantine, isolation, or restriction of movement of the patient. The employee must present a statement from the treating physician with the diagnosis of the disease and duration of isolation, etc., as required by state or local health regulations and certification that the employee was instructed by the physician as to specific care required by state or local regulation.
- 6) The employee is required to receive treatment as a disabled veteran or to take a medical examination on behalf of a military reserve.
- 7) The employee must be absent from duty for purposes relating to the adoption of a child, including appointments with adoption agencies, social workers and attorneys; court proceedings; required travel; and other activities necessary to allow the adoption to proceed.
- 8) An employee may use a total of up to 12 weeks of accrued Sick Leave each year to care for a family member with a serious health condition. (See guidance provided under Sick Leave for Family Care Purposes in this chapter.)

### **c. Procedure for Requesting Sick Leave**

#### **1) Notification Procedures**

Employees who are absent from work due to illness or injury will notify their immediate supervisors on the first day of absence before the beginning of the work shift or as specified in the collective bargaining agreement. Notification shall include the reason for the absence and its estimated duration. Notification will occur on each day of absence unless otherwise specified by the supervisor or where the employee is hospitalized. Requests for Sick Leave for non-emergency medical, dental or optical examination or treatment should be made as soon as the employee knows about the appointment. Employees must document all requests for Sick Leave in writing.

#### **2) Changing Annual Leave to Sick Leave**

An illness that occurs during a period of Annual Leave may be changed as sick leave and the change against annual leave reduced accordingly. Application for conversion of annual leave to sick leave shall be submitted on an SF-71 within 48 hours after return to duty and shall be substantiated in the same manner as any other request for sick leave.

#### **3) Certification of Illness**

Normally, the employee's certification will be sufficient to support a charge to Sick Leave for absences of three working days or less. Periods of absence on Sick Leave in excess of three working days should be supported by medical documentation. This documentation shall be submitted upon the employee's return to duty. Supervisors may accept employee statements explaining the nature of the illness when it is unreasonable to require a medical certificate.

#### 4) Evaluation by Medical Clinic

An employee may be required to report to a federal medical facility prior to returning to duty if there is uncertainty about the employee's ability to work safely as the result of an illness or injury. Regardless of the duration of absence, an employee should not be sent to the clinic if there is not a reason to doubt the employee's ability to resume work. Employees who are directed to the clinic for a medical review are in an official duty status if they are found fit to return to full or light duty. Such absences are not charged to leave. If not medically able to resume regular duties, the employee may be assigned to light duty or be directed to leave the work site. The employee shall check out with the supervisor before leaving work.

#### 5) Light Duty Accommodations

When a private physician releases an employee on limited duty, the supervisor is responsible for canvassing the work in the area to determine whether the employee can be accommodated. Reasonable efforts will be made to accommodate employees released for light duty in a position compatible with medical restrictions. However, there is no obligation on management to create work to retain an employee in a duty status. If medical restrictions are not due to a job-related incident, the employee may be placed on leave or leave without pay, if requested. **If medical restrictions are due to a job-related incident, refer to the Injury Compensation Program section in Chapter 13 Federal Employees' Compensation Act for further instructions.**

#### d. Abuses of Sick Leave

A medical certificate is usually not required to support an application for Sick Leave when the absence is for a period of three workdays or less. However, in individual cases, if there is reason to believe an employee may be abusing Sick Leave privileges, a medical certificate may be required to support every application for Sick Leave. In this situation, the employee will be given a letter of requirement directing that a medical certificate of incapacitation supports all future requests for Sick Leave. This letter will explain the reasons for the requirement and articulate all requirements that the employee must follow. Failure to comply with the letter of requirement may be considered a basis for denying Sick Leave and for a charge of unauthorized absence (AWOL). Additionally, since the letter of requirement is a written order, failure to comply may also result in discipline. The requirement should be rescinded in writing by the employee's supervisor when improvement in the Sick Leave record warrants, as determined by the supervisor.

#### e. Examples of leave abuse patterns include, but are not limited to:

- Sick Leave on the first workday following paydays.
- Sick Leave on Fridays or Mondays for a three-day weekend.
- Excessive intermittent Sick Leave absences of short duration.
- An absence for Sick Leave purposes after the denial of a request for annual leave.
- Sick Leave used as it is earned.
- Lengthy federal service with a small leave balance and no major illnesses or recurring health problem.

### **f. Advancing Sick Leave**

- 1) Sick Leave may be advanced to employees in cases of serious disability or illness. The advance may not exceed 240 hours and must be supported by administratively acceptable medical documentation. Further, there must be reasonable assurance, also supported by medical documentation, that the employee will return to duty.
- 2) Sick Leave may not be advanced when it is known the employee is contemplating retirement or resignation, or when it is anticipated the employee may be separated. Care should be used in advancing Sick Leave since there is no requirement for an employee who separates due to disability or illness (retirement or resignation) to repay advanced sick leave.
- 3) Employees accrue only 13 days of sick leave a year, and it takes approximately two years and four months to repay 240 hours of advanced Sick Leave. Accordingly, all available Sick Leave to the employee's credit must be exhausted, and approving officials should require the employee to use all Annual Leave in excess of 80 hours and all accrued compensatory time before advancing Sick Leave. Supervisors should counsel employees on the leave transfer program in addition to the advancement of Sick Leave.
- 4) Employees desiring advance Sick Leave must submit the following documents to their immediate supervisor:
  - A Request for Leave or Approved Absence (OPM-71, Appendix 9A).
  - A medical statement.
- 5) Sick Leave will not be advanced to an employee who is under a letter of requirement for Sick Leave.
- 6) Employees serving under a limited appointment or one which will be terminated on a specified date may be granted advance sick leave up to the total amount of sick leave which he or she would otherwise earn during the term of their appointment.

**g. Sick Leave Table, Appendix 9C**, provides a helpful guide to assist supervisors in applying sick leave regulations to specific instances.

### **5. ABSENCE AS A BONE MARROW OR ORGAN DONOR**

An employee may use up to seven days of paid leave each calendar to serve as a bone-marrow donor. An employee may also use up to 30 days of paid leave each calendar year to serve as an organ donor. This includes the time required for testing to determine if an employee is a compatible donor, plus the time required to undergo the transplant procedure and recuperate. Leave for bone marrow and organ donation is a separate category of leave that is in addition to annual and sick leave. It should be noted that additional time off from work may be appropriate through approved Annual and/or Sick Leave, advanced leave, and donated leave through the leave transfer program.

### **6. LEAVE WITHOUT PAY (LWOP)**

- a. LWOP is a voluntary, temporary, non-pay, non-duty status. Approval of LWOP is, with few exceptions, a matter of administrative discretion.

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- b. Employees may request LWOP by submitting a completed OPM-71 form (See Appendix 9A) and a Request for Leave Without Pay or Advance Leave form (See Appendix 9D) to their supervisor.
- c. LWOP in excess of 30 continuous calendar days requires that a Request for Personnel Action be processed. Supervisors should advise employees requesting LWOP to contact an employee benefits representative for information about entitlements to health and life insurance coverage, and how LWOP can affect within-grade increases and retirement dates.
- d. Employees who are dependents of transferring military personnel, federal employees required to move on rotational assignments in a transfer of function or relocation of an activity, or a federal employee who accepts another federal job outside of the commuting area shall, upon request, be granted up to 90 days LWOP provided their work performance has been acceptable and they express an intent to seek federal employment at the new location. As a condition of approval, a dependent requesting leave under this provision will be required to sign a resignation on a Request for Personnel Action, SF-52 form with the date to be effective at the expiration of the leave without pay period in the event other employment is not obtained. This will enable management to fill the vacated position. Requests for leave without pay for other reasons will be considered on a case-by-case basis. Extended leave without pay will normally be granted only when the services of the employee can be spared without serious detriment to the work in which the employee is engaged, when it can reasonably be expected the employee will return to work, and when it is apparent at least one of the following benefits would result: increased job ability, protection or improvement of the employee's health, retention of a desirable employee, or furtherance of a program of interest to the Government.

### **7. UNAUTHORIZED ABSENCES**

A charge of Absent Without Leave (AWOL) is appropriate when an employee is absent without approval or fails to notify the supervisor of the reason for the absence. An employee charged with AWOL shall be charged with the exact length of the absence (hours and/or minutes). The non-pay status resulting from the AWOL charge is not in itself a disciplinary action, although the AWOL may be a basis for taking disciplinary action. Supervisors should be aware of the differences between LWOP (an approved leave status) and AWOL (an unapproved leave status).

### **8. COURT LEAVE**

- a. All employees, except those serving on intermittent appointments or on leave without pay, are eligible for court leave. Court leave shall be granted when an eligible employee is required to serve as a juror, or as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or a state or local government is a party. Employees summoned or assigned by their activity to testify are in an official duty status and are not entitled to court leave.

#### **b. Jury Service**

- 1) An employee who is under proper summons from a court to serve on a jury is entitled to court leave for the entire period, from the reporting date stated in the summons, to the time of discharge.
- 2) When an employee is on Annual Leave when called to jury service, court leave is to be substituted for the Annual Leave.

- 3) Employees will collect all fees and allowances payable to them as a result of the jury service. Upon return to duty, the employee will turn in the court fees to his/her supervisor. Employees may retain transportation and any subsistence fees received by the court. An employee who performs jury service on non-work days or when on leave may retain all fees.
- 4) Release from jury duty will only be requested when the public interest would be better served by the employee's remaining at work. Supervisors will submit requests to the Court to release an employee from jury duty.

### **c. Court Leave for Witnesses**

- 1) Employees summoned as witnesses in judicial proceedings to testify in non-official capacity on behalf of or involving federal, state, or local government, are entitled to Court Leave during the associated absence.
- 2) Employees summoned or assigned by their agencies to testify are in an official duty status and are not entitled to Court Leave.
- 3) Court Leave is not authorized for employees who testify in a civil case involving private parties. Such absences must be charged to Annual Leave or LWOP, and the employee may retain fees and expenses received.

### **d. Requesting/Documenting Court Leave**

Employees must submit a Request for Leave or Approved Absence, OPM-71 (Appendix 9A), and copy of the official summons to their immediate supervisors prior to the beginning date of such service.

### **e. Returning to Duty from Court Leave**

- 1) Upon return to duty, employees shall submit to their supervisor documentation signed by the Court Clerk specifying the nature and dates of service as well a document indicating applicable fees paid. Employees must provide their supervisor a personal check, bank check, or money order payable to the US Treasury. (The employee retains the court's check.)
- 2) Employees will not be paid witness fees when testifying on behalf of the United States.
- 3) Employees testifying in an official capacity on behalf of a party other than the United States or District of Columbia, are required to collect the authorized witness fees and turn them in to the supervisor as explained in paragraph d above.
- 4) Employees summoned as witnesses in non-official capacity on behalf of a state or local governments are required to collect the authorized witness fees and give them to the supervisor as explained in paragraph 7d above.

## **9. MILITARY LEAVE**

Contact HRO for specific procedures for handling extended military leave.

- a. The law provides 15 calendar days per fiscal year for active duty, active duty training, and inactive duty training. Inactive duty training is authorized training performed by members of a Reserve component not on active duty and performed in connection with the prescribed



activities of the Reserve component. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training. Employees may carry over up to 15 calendar days of military leave into the next fiscal year.

**b. Temporary or Part-time Employees**

Employees serving temporary appointments of less than one year or on intermittent work schedules are not entitled to military leave. Part-time permanent employees are entitled to military leave at a rate determined by dividing 40 into the number of hours in the regularly scheduled workweek of that employee during the fiscal year.

**c. Release from Military Duty**

Keeping the employee at work may be warranted in extreme cases. Such cases should be reported to the military unit issuing the active duty orders in an attempt to reach a mutually agreeable solution. Employing activities may not refuse military leave to an employee who presents valid military orders. Employees are not eligible for military leave unless the active duty is as a reservist or member of the National Guard. Employees are not eligible for military leave for summer training as members of Reserve Officer's Training Corps, Temporary Coast Guard Reserve, participation in parades by members of the State National Guard, training with a State Guard or other military organization, or Civil Air Patrol.

**d. Use of Annual or LWOP**

Annual Leave or LWOP, whichever the employee requests, may cover military service extending beyond the period for which the employee is entitled to Military Leave.

**e. Charging Military Leave**

Military Leave is always charged in full days. Agencies must count weekends and holidays occurring wholly within the period of active military duty as days of Military Leave under 5 USC 6323(a). Weekends at the start or end of active military duty are not counted (assuming a Monday through Friday civilian workweek.) Each drill or other inactive duty-training event is to be treated separately for purposes of charging military leave. For example, if an employee who works Monday through Friday is scheduled for drill or inactive duty training on Friday and again on Monday, he or she is charged Military Leave only for the actual days of inactive duty training.

**f. Requesting Military Leave**

Employees requesting military leave will submit an OPM-71 and a copy of orders to the immediate supervisor in advance of commencement of military leave. Upon return to duty from military leave, the employee shall submit a certified copy of orders indicating completion of training duty to the immediate supervisor.

### 10. EXCUSED ABSENCES

Absences authorized as time allowed or administrative leave without charge to accrued leave or loss of pay. Absences chargeable to excused absence include:

**a. Registration and Voting**

If practical and without interfering with work operations, employees will be allowed up to three hours excused absence to register and/or vote in any election or referendum on a community civic matter *if the polls are not open at least three hours before or after the employee's regular work hours.*

**b. Blood Donations**

Employees may be excused from work without charges to leave for the time necessary to donate blood (including travel time) and recuperation until able to resume work. Normally, such excused time will not exceed four hours.

**c. Tardiness and Brief Absences**

Employee absences from duty and tardiness of less than one hour may be excused if the reasons are acceptable to the supervisor.

**d. Job Interviews**

Employees may be excused to participate in interviews conducted under the merit-staffing program for positions located at the local Navy complex or as determined by the activity. Normally, an excused period of time for interviews will not exceed three hours.

**e. Attending Conferences and Conventions**

Employees may be excused to attend conferences or conventions when it is determined attendance will serve the best interests of the Federal Service. Absence of this type will be limited to those situations where the employee is an official representative of the organization involved or an active, scheduled participant of the program. Such leave will not exceed five days per calendar year. Excused absence is not authorized for attendance at conference or conventions of political parties or partisan political groups.

**f. Civil Activities**

Employees who can be spared without interference with activity operations and obligations may be excused to participate in emergency rescue or protective work during an emergency such as fire, flood, or search operations. Normally, such participation must not exceed 40 hours within a 12-month period.

**g. Illness Caused by Required Vaccination or Immunizations**

When an employee is absent due to illness from administratively required vaccinations or immunizations, the absence will be considered an excused absence without charge to leave or loss of pay, provided the medical officer administering the vaccination or immunizations certifies to the necessity for the absence.

**h. Absences for Relocation Purposes**

Employees may be excused to make personal arrangements and transact personal business directly related to Permanent Change of Station (PCS) orders (i.e., opening or closing bank accounts, getting driving licenses or car tags, starting or stopping utilities, etc.) provided the business cannot be transacted outside the employee's regular working hours. Accomplishing tasks conditional to the PCS (i.e., getting passports or tickets, being present for shipping or receiving household goods, etc.) is considered to be official duty, not excused absence.

**i. After Prolonged Overtime or Travel**

When it is not possible or reasonable to reschedule an employee's duty or travel time, and regular scheduling would require the employee to travel and/or serve in a duty status for more than 16 consecutive hours, the employee may be excused without charge to leave or loss of pay for a reasonable time to recuperate from fatigue or loss of sleep. Time excused under this authority will not normally exceed four hours.

## 11. EMERGENCY DISMISSALS

- a. Extreme weather or other unforeseen emergency conditions could require the closure of a facility. Such action may result in the declaration of a liberal leave policy or the granting of Administrative Leave (excused absence) for non-essential employees. This authority does not extend to periods of interrupted or suspended operations that can be sufficiently anticipated to permit arranging for assignment to other work, adjustment of work shifts, or the mandatory scheduling of Annual Leave.

**b. Late Arrivals**

If the facility remains open, but emergency conditions make it difficult for employees to arrive on time, first level supervisors may excuse tardiness of less than one hour without charge to leave. Excused absence for one hour or more will be granted on an individual basis after consideration of such factors as: distance between the employee's residence and place of work, mode of transportation normally used, efforts by the employee, and the success of other similarly situated employees in being able to report to work.

**c. Liberal Leave**

If severe weather or emergency conditions occur that do not rise to the level of the type described above that would cause a close down of operations for non-essential employees, or if the impact of an emergency condition is varying rather than uniform in impact, the facility will remain open as usual but may declare a liberal leave policy. Employees will inform their supervisors of their intentions to take leave.

**d. Base Closure**

If extreme weather or other emergency conditions require closure of the facility, the following applies:

**1) Dismissal Prior to Start of Work**

When an emergency situation develops prior to the commencement of normal work hours and the facility will not open at all, employees will be relieved of duty without charge to leave or loss of pay when the employees would have otherwise been in a pay status (e.g., Annual or Sick Leave).

**2) Dismissal After Commencement of Work**

If the facility closes AFTER the commencement of normal working hours, the decision whether to charge employees leave or grant excused absence will depend on the duty or leave status at the time of dismissal. If an employee was:

- a) On duty and was excused, there is no charge to leave or loss of pay for the remainder of the shift.
- b) On duty and departed on Annual Leave after official word is received, but before the time set for dismissal, then leave is charged from the time departed until the time set for dismissal.
- c) Scheduled to report for work after an initial period of leave and dismissal is authorized before the employee can report for duty, leave is charged until the time set for dismissal.
- d) Absent on approved leave for the entire shift, the entire absence is charged to approved leave (Annual, Sick, LWOP, etc).

**3) Periods Over 5 Days**

When an emergency exceeds five consecutive workdays, annual leave or some other appropriate type of leave other than excused absence will be charged.

## 12. VOLUNTARY LEAVE TRANSFER PROGRAM

- a. Unused accrued annual leave of employees may be donated to other employees who need leave because of a personal or family medical emergency. Annual Leave transferred under this program may be substituted retroactively for periods of leave without pay or to liquidate an indebtedness of advanced Annual or Sick Leave granted

on or after the date designated as the beginning of the medical emergency. Employees in a transferred leave status accrue Annual and Sick Leave at the same rate as if in a regular paid leave status; however, the maximum amount of Annual and Sick Leave that may be earned may not exceed 40 hours sick leave and 40 hours annual leave.

### **b. Leave Recipient Qualification and Process**

#### **1) Qualifications to be Recipient**

To qualify, the employee's absence from duty without available paid leave due to the medical emergency must be, or be expected to be, at least 24 hours (3 days).

Recipient Applications will generally be approved when the following conditions are met:

- The medical condition meets the definition of a "medical emergency" as defined in the section definitions.
- The employee's absence is, or is expected to last at least 24 hours.
- When the absence is for a family member's medical emergency, the definition of "family member" is met.

#### **2) The Leave Recipient process**

- a) An employee in need of leave because of a medical emergency shall complete the Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program, OPM-630, and provide it to the immediate supervisor. (Form is available at [http://www.opm.gov/forms/pdf\\_fill/opm630.pdf](http://www.opm.gov/forms/pdf_fill/opm630.pdf) or Appendix 9E)

NOTE: A treating physician's certification must be included or attached to the Leave Recipient Application.

- b) The first level supervisor will recommend approval or disapproval and forward to higher authority for disposition.
- c) The higher authority will approve or disapprove the application. If approved, the original application form, with required documentation, will be forwarded to the Comptroller Department. If disapproved, the requestor will be informed by their supervisor of the reasons for disapproval and of their right to grieve the decision.
- d) Recipients must notify their supervisor when the medical emergency ends. The supervisor will ensure the Comptroller Department is notified when the employee's medical emergency ends.

### **c. The Leave Donor Process**

#### **1) Recipient Employed by the Department of Navy**

Employees who wish to donate Annual Leave to an approved leave recipient employed by the DON must complete the Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program, OPM-630A (Form is available at [http://www.opm.gov/forms/pdf\\_fill/opm630a.pdf](http://www.opm.gov/forms/pdf_fill/opm630a.pdf) or Appendix 9F). The completed form shall be submitted to the Timekeeper.

**2) Recipient is not Employed by the Department of Navy**

Those wishing to donate Annual Leave to an approved leave recipient who is employed by another agency (outside the DON) must complete Request to Donate Annual Leave to Leave Recipient Under the voluntary Leave Transfer Program, OPM-630B (Form is available at [http://www.opm.gov/forms/pdf\\_fill/opm630b.pdf](http://www.opm.gov/forms/pdf_fill/opm630b.pdf) or Appendix 9G). Completed donor applications will be submitted to the Comptroller Department.

- 3) The Approved Donor Applications will be forwarded to the recipient's employing agency with copies forwarded to the donor's servicing payroll office and the donor.

### 13. FEDERAL EMPLOYEES FAMILY FRIENDLY LEAVE ACT (FEFFLA)

- a. Employees may use Sick Leave to provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy or childbirth; who is receiving medical, dental or optical examination or treatment; or to arrange for or attend the funeral of a family member.

**b. Amount of Leave**

A full-time employee may use up to 40 hours (5 workdays) of sick leave each leave year for these purposes. An additional 64 hours (8 days) may be used as long as a balance of at least 80 hours of sick leave is maintained in the employee's Sick Leave account, bringing the total amount of Sick Leave available for family care and bereavement purposes to a maximum of 104 hours per leave year. For part-time employees and employees with uncommon tours of duty, the leave used for these purposes is pro-rated.

**c. Limitations**

Leave not used for family care or bereavement purposes in a leave year cannot be accumulated for use in succeeding years to care for a family member or for bereavement purposes.

### 14. FAMILY AND MEDICAL LEAVE (FMLA)

- a. Part-time employees who do not have an established regular work schedule or employees serving under an intermittent appointment or temporary appointment with a time limitation of one year or less are covered under a different regulation. These employees should **contact HRO** for more information.



**b. Leave Entitlement**

Employees are entitled to a total of 12 administrative workweeks of unpaid leave during any 12-month period under the FMLA for one or more of the following reasons:

- The birth of a child of the employee and the care of such child.
- The placement of a child with the employee for adoption or foster care.
- The care of a spouse, son, daughter or parent of the employee if such spouse, son, daughter or parent has a serious health condition (see definition in paragraph 14d(2), below)
- A serious health condition of the employee that makes the employee unable to perform any one or more of the essential functions of his or her position.

**c. Exclusion of Previously Used Leave**

If an employee previously has used any portion of the 13 days of Sick Leave for general family care or bereavement purposes in a leave year (see FEFFLA), that amount must be subtracted from the 12-week entitlement. If an employee has already used 12 weeks of Sick Leave to care for a family member with a serious health condition (see definition at the beginning of this chapter), he or she cannot use an additional 13 days in the same leave year for general family care purposes. An employee is entitled to a total of 12 weeks of Sick Leave each year for *all* family care purposes.

- d. An employee may use up to 12 weeks of sick leave each year to care for a family member with a serious health condition (see definition in Definitions paragraph of this section) and then invoke the entitlement to 12 weeks of FMLA LWOP to care for a spouse, child, or parent with a serious health condition.

**e. Administratively Acceptable Documentation**

An activity may require a statement from a health care provider concerning a family member's need for psychological comfort and/or physical care. The statement from the health care provider must certify that (1) the family member requires psychological comfort and/or physical care, (2) the family member would benefit from the employee's care or presence, and (3) the employee is needed to care for the family member for a specified period of time.

**f. Required Sick Leave Balance**

A full-time employee must maintain a balance of 80 hours of Sick Leave (or, in the case of a part-time employee or an employee with an uncommon tour of duty, two times the average number of hours in his or her regularly scheduled administrative workweek).

- g. This entitlement does not permit an employee to use Sick Leave for routine childcare or to care for children with minor childhood ailments.

**h. Exclusions**

Serious health condition does not include routine physical, eye, or dental examinations and certain types of treatment. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, and periodontal disease are not serious health conditions. Allergies, restorative dental or plastic surgery after an injury, removal of cancerous growth, or mental illness resulting from stress may be serious health conditions only if such conditions require inpatient care or continuing treatment by a health care provider.

**APPENDIX 9A  
REQUEST FOR LEAVE OR APPROVED ABSENCE**

Request for Leave or Approved Absence					
1. Name (Last, first, middle)				2. Employee or Social Security Number	
3. Organization					
4. Type of Leave/Absence					5. Family and Medical Leave
Check appropriate box(es) and enter date and time below)	Date		Time		Total Hours
	From	To	From	To	
<input type="checkbox"/> Accrued annual leave					
<input type="checkbox"/> Restored annual leave					
<input type="checkbox"/> Advance annual leave					
<input type="checkbox"/> Accrued sick leave					
<input type="checkbox"/> Advance sick leave					
Purpose: <input type="checkbox"/> Illness/injury/incapacitation of requesting employee <input type="checkbox"/> Medical/dental/optical examination of requesting employee <input type="checkbox"/> Care of family member, including medical/dental/optical examination of family member, or bereavement <input type="checkbox"/> Care of family member with a serious health condition <input type="checkbox"/> Other					
If annual leave, sick leave, or leave without pay will be used under the Family and Medical Leave Act of 1993 (FMLA), please provide the following information:  <input type="checkbox"/> I hereby invoke my entitlement to 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					
Contact your supervisor and/or your personnel office to obtain additional information about your entitlements and responsibilities under the FMLA. Medical certification of a serious health condition may be required by your agency.					
<input type="checkbox"/> Compensatory time off					
<input type="checkbox"/> Other paid absence (specify in remarks)					
<input type="checkbox"/> Leave without pay					
6. Remarks					
7. Certification: I certify that the leave/absence requested above is 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.					
7a. Employee signature				7b. Date signed	
8a. Official action on request <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved (if disapproved, give reason. If annual leave, initiate action to reschedule.)					
8b. Reason for disapproval					
8c. Signature				8d. Date signed	
<b>Privacy Act Statement</b> 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 the General Services Administration in connection with its responsibilities for records management.					
Public Law 104-134 (April 26, 1996) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to title 31, Section 7701. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application. 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.					

**APPENDIX 9B  
REQUEST FOR RESTORATION OF FORFEITED LEAVE**

<b>Employee:</b> Please complete the following:	
<b>NAME:</b> _____ (PLEASE PRINT)	<b>SSN:</b> _____
<b>HOURS TO BE RESTORED:</b> _____	
<b>ATTACHMENTS</b>	
▶ A copy your leave request	
▶ A copy of your last Leave and Earnings Statement	
<b>SIGNATURE/DATE:</b> _____	

<b>ROUTING</b>	<i>Initial</i>	<i>Date</i>
<b>Supervisor:</b> _____	_____	_____
<b>Dept Head:</b> _____	_____	_____
<b>Approving Authority</b> _____	_____	_____

**Once approved, forward to Timekeeper, who will notify DFAS of the restoration requirements. Timekeeper should also notify each employee in writing of the number of hours restored and the date by which the restored leave must be used.**

**APPENDIX 9C  
SICK LEAVE TABLE**

**1. INSTRUCTIONS FOR USING THE TABLE**

To use the table, find the appropriate column (A through G) which relates to the situation for which the employee is requesting leave. Reading down the column, determine which conditions/requirements pertain to that situation. Additional assistance in administering Sick Leave for civilian employees may be obtained by contacting your servicing HRO.

**2. SITUATIONS IN WHICH SICK LEAVE MAY BE AUTHORIZED.**

- Receives medical, dental, or optical examination or treatment.
- Is incapacitated for performance of duties by physical or mental illness, injury, pregnancy, or childbirth.
- Provides care for family member (see note 1) who is either A or B (above).
- Provides care for family member (see note 1) who is suffering from a serious health condition.
- Makes arrangement necessitated by death of a family member (see note 1) or attends funeral of a family member.
- Would, as determined by Health Authority having jurisdiction, or health care provider (see note 2), jeopardize health of others due to exposure to communicable disease.
- Must be absent for reasons relating to adoption (not foster care) of a child, i.e., meeting with adoption agencies, social workers, and attorneys, court proceedings, etc.

<b>Condition/ Requirement</b>	<b>Situation</b>						
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
1. Annual limit on amount which can be used	No	No	Yes	Yes	Yes	No	No
2. Advanced leave authorized?	No	Yes	Yes	Yes	Yes	No	Yes
3. Supporting evidence may be required?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4. May donated leave be used?	Yes	Yes	Yes	Yes	Yes	No	No





**APPENDIX 9F**  
**Request to Donate Annual Leave to Leave Recipient**  
**Under the Voluntary Leave Transfer Program (Within Agency)**

I request that annual leave be transferred to the leave account of an approved leave recipient. This recipient is not my immediate supervisor. As of the date indicated below, I have enough annual leave in my account to cover this amount. I understand that if I am projected to forfeit annual leave during this leave year, the amount of leave I am transferring may not exceed the number of hours remaining in the leave year for which I am scheduled to work. The amount of annual leave I am transferring also is not more than half the hours I will earn this year.

I understand that my decision to transfer leave is not revocable. If a sufficient balance of unused leave remains after the recipients medical emergency has terminated, I can elect to have a pro-rated share returned to me during either the current leave year or the following leave year, or I can elect to donate my pro-rated share to another leave recipient. However, to do so, I must remain employed by a Federal agency and be subject to chapter 63 of title 5, United States Code.

I have not been directly or indirectly intimidated, threatened or coerced, or promised any benefit by any employee for the purpose of donating or using leave.

<i>To Be Completed By Leave Donor</i>		
1. Name (Last, first, middle)	2. Social Security Number	3. Employee Number
4a. Position title	4b. Pay plan	4c. Grade/pay level
5a. Name of organization (Agency, Department, Office, Division, Branch, etc.)		5b. Office telephone number
6. Amount of annual leave accrued as of end of last pay period	7. Amount of leave projected to forfeit this leave year as of end of last pay period	8. Amount of annual leave to be transferred
9. Individual's name or identification number to whom leave is being donated		
10a. Signature		10b. Date signed
<p><b>Privacy Act Statement</b>                      Participation in this program is voluntary; however; solicitation of this information is authorized under 5 U.S.C. 6332. The information furnished will be used to identify records properly associated with the transfer of annual leave. It may also be disclosed to a national, State, or local law enforcement agency where there is an indication of a violation or potential violation of civil or criminal law, rule, or regulation; or to another agency or court when the Government is party to a suit. Public Law 104-134 (April 26,1996) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to title 31, Section 7701. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application. 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.</p>		

**APPENDIX 9G**

**Request to Donate Annual Leave to Leave Recipient  
Under the Voluntary Leave Transfer Program (Outside Agency)**

I request that annual leave be transferred to the leave account of an approved leave recipient. This recipient is not my immediate supervisor. As of the date indicated below, I have enough annual leave in my account to cover this amount. I understand that if I am projected to forfeit annual leave during this leave year, the amount of leave I am transferring may not exceed the number of hours remaining in the leave year for which I am scheduled to work. The amount of annual leave I am transferring also is not more than half the hours I will earn this year.

I understand that my decision to transfer leave is not revocable. If a sufficient balance of unused donated leave remains after the recipient's medical emergency has terminated, I can elect to have a pro-rated share returned to me during either the current leave year or the following leave year, or I can elect to donate my pro-rated share to another leave recipient. However, to do so, I must remain employed by a Federal agency and be subject to chapter 63 of title 5, United States Code. I have not been directly or indirectly intimidated, threatened or coerced, or promised any benefit by any employee for the purpose of donating or using leave.

<i>Part A - To Be Completed By Leave Donor</i>			
1. Name ( <i>Last, first, middle</i> )		2. Social Security Number	3. Employee Number
4a. Position title	4b. Pay plan	4c. Grade/pay level	5. Relationship of leave donor to leave recipient (if <i>any</i> )
6. Leave donors agency ( <i>Agency, Department, Office, Division, Branch, etc.</i> )			
7. Amount of annual leave accrued as of end of last pay period	8. Amount of leave projected to forfeit this leave year as of end of last pay period		9. Amount of annual leave to be transferred
10. Leave recipient's name, agency, agency's address, organization ( <i>Agency, Department, Office, Division, Branch, etc.</i> )			
11 a. Leave donor's signature			11 b. Date <b>signed</b>
<b>Privacy Act Statement</b> Participation in this program is voluntary; however, solicitation of this information is authorized under 5 U.S.C. 6332. The information furnished will be used to identify records properly associated with the transfer of annual leave. It may also be disclosed to a national, State, or local law enforcement agency where there is an indication of a violation or potential violation of civil or criminal law, rule, or regulation; or to another agency or court when the Government is party to a suit. Public Law 104-134 (April 26, 1996) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to title 31, Section 7701. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application. 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.			
<i>Part B - To Be Completed By Employing Agency of Leave Donor</i>			
Upon completion and approval of this form, forward a copy to the leave recipient's employing agency as soon as possible so that the transfer of leave can take place.			
12. Enter the amount of annual leave to be credited to the leave recipient's annual leave account		13. If the agency is waiving the maximum limitations for leave donation under the voluntary leave transfer program, describe the special circumstance that warrants the waiver	
14a. Name of agency contact who can provide further information			14b. Telephone number
15. <b>Certification:</b> I certify that the leave donor currently has sufficient annual leave in his/her annual leave account to make a donation of the requested amount of annual leave and that the amount of the donation does not exceed the maximum limitations for leave donation under the voluntary leave transfer program.			
15a. Signature of authorizing official			15b. Date Signed

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