

INDIAN AFFAIRS ATTENDANCE and LEAVE HANDBOOK

28 IAM 2-H



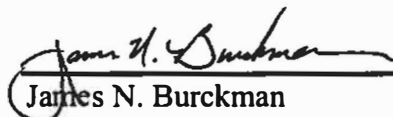
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FOREWORD

This handbook documents the procedures required to implement the Indian Affairs (IA) Attendance and Leave policy, 28 IAM 2. It supersedes 28 IAM -H: *Indian Affairs Attendance and Leave Handbook*, issued 07/12/2008, and all policies and procedures related to IA attendance and leave that may have been created and/or distributed throughout IA previously.

Although this handbook is intended to primarily assist human resources professionals and managers who administer the Attendance and Leave policy, it may also be informative for IA employees.


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Acting Deputy Assistant Secretary – Indian Affairs (Management)

10/12/16

Date

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1. Purpose

This handbook establishes the hours of work that may be assigned and managed and provides guidelines for granting and excusing leave uniformly and equitably. This handbook applies to all IA employees covered under title 5 leave provisions, and is based on U.S. Office of Personnel Management (OPM) guidance.

To the extent that this handbook conflicts with a negotiated agreement, the negotiated agreement will prevail for bargaining unit employees.

2. Relationship to the Department of the Interior's Absence and Leave Handbook and Telework Handbook

This handbook supplements guidance provided by the Department of the Interior (DOI) as published in the DOI Absence and Leave Handbook <http://elips.doi.gov/ELIPS/0/doc/4317/Page1.aspx> (link is accessible only to Indian Affairs employees) and the DOI Telework Handbook: <https://www.doi.gov/telework/policies>.

3. Core Hour Requirements

Core hours are hours during the workday, workweek, or pay period that is within the tour of duty and during which employees must be present at work or on leave, or other excused absence. The core hours are 9:30 a.m. to 3:30 p.m., with a break of either ½ or one (1) hour mid-day for lunch.

Employees must be present at work during core hours, except for their scheduled ½ to one (1) hour lunch break, or must account for absent time with credit hours, compensatory time off, or appropriate charge to leave, or other excused absence.

Supervisors may require employees to be present at work at times other than those covered by core hours to attend meetings, training, or perform other assignments as may be necessary. If so required, employees must report. If the requirement results in additional entitlement to pay, such as night differential or overtime, the supervisor must compensate the employee in accordance with appropriate regulations.

4. Work Schedules

A. Basic 40-hour Workweek

The administrative workweek starts on Sunday and ends on the following Saturday. The basic workweek for full-time employees consists of 40 hours, eight (8) hours each day, Monday through Friday, not to include an uncompensated lunch period of 30 minutes. Supervisors must prescribe specific days and hours of duty for part-time employees.

B. Alternative Work Schedules

An alternative work schedule (AWS) is any one of several available work schedules other than the standard fixed work schedule. By allowing employees to vary the hours of their workday and/or workweek, AWS offers employees maximum flexibility, yet ensures office coverage as most forms of AWS require employees to either work, or account for absences with approved leave, during the designated core hours.

The AWS enables supervisors to meet their program goals while simultaneously allowing employees greater flexibility in scheduling their personal activities. AWS can also reduce the use of both scheduled and unscheduled leave for personal appointments. The benefits of AWS for the organization include increased employee morale, a greater window for coast-to-coast communications, and its use as a recruitment and retention tool. However, the individual choices available to employees are privileges, not entitlements.

A chart that compares the features of each option is provided in Attachment 2. Sample Schedules are shown in Attachment 3.

An AWS agreement is required for participation. Employees must complete an AWS agreement (see link in Attachment 1 - List of Forms) and submit to their supervisor for approval. Supervisors should discuss the proposed schedule and either approve it or amend it with the employee within ten (10) days of receipt.

Supervisors are encouraged to work with individual employees to allow maximum flexibility in scheduling work hours while maintaining office coverage and achieving performance results. It is important Supervisors determine when approving an AWS, potential days off will not affect office productivity, ensuring that any schedules approved will allow for necessary office coverage and “back up” coverage, when necessary. Supervisors should establish a fair and equitable method for resolving schedule conflicts.

Supervisors may require employees to make temporary changes to their schedule to meet deadlines, accommodate long-term employee absence, attend meetings, training, conferences, or accommodate the effects of vacant positions during the recruitment process, etc.

Safety and security regulations and position requirements may require permanent exemption or restrictions such as limiting the employee to one (1) AWS day off a pay period, modifying the arrival and departure time bands, or requiring that all members of a field crew work the same schedule, etc. Supervisors should apply such restrictions consistently within the work unit. Permanent restrictions and exemptions must be approved at the next higher level of supervision.

Employees who are placed on leave restriction or a performance improvement plan (PIP) may be excluded from all or some of the alternative work schedules during the period of the leave restriction or PIP, as deemed necessary by the supervisor. Supervisors should work with their Servicing Personnel Office (SPO) when considering a PIP, in addition to notifying the union for bargaining unit employees.

An employee may request a change to, or cancellation of, an AWS agreement at any time by completing another AWS Agreement.

Supervisors should retain the original copy of the signed AWS agreement, provide a copy to the employee, and notify the SPO of the type of schedule the employee is on for proper entry into the payroll system.

AWS falls into two categories: flexible work schedules (FWS) and compressed work schedules (CWS). Employees may elect to work one of the following alternate work schedules:

1. Flexible Work Schedules

A FWS allows variable hours (within designated flexible time bands) and variable days, with set core hours. Employees, with the exception of members of the Senior Executive Service (SES), may earn credit hours under an FWS. The two (2) types of FWS available to employees are:

- a) **FlexiTime** - commonly referred to as the “gliding schedule,” this type of AWS provides for flexible arrival, departure and lunch periods and has specified core hours in each of ten workdays in the pay period. Full-time employees are required to work during their scheduled work hours, or use leave, credit time, and/or compensatory time off during specified core hours and eight (8) regular hours on each workday in the biweekly pay period. Employees may be allowed to earn credit hours under the guidelines in this policy after the biweekly work requirement is met.
- b) **MaxiFlex** - allows for the establishment of flexible arrival and departure times, and flexible lunch periods and requires that specific core hours be established on at least three (3) days of the work week. There is no daily or weekly requirement. Employees must work or account for their whereabouts, by leave, credit time, or compensatory time off, to meet their biweekly work requirement (80 hours for full-time employees).

Employees may vary the number of hours they work each day and each week for a maximum of two (2) days off per pay period. Employees working under this type of AWS should obtain approval from their immediate supervisor for their “planned” schedule by the beginning of each pay period.

Credit hours may be earned with supervisory approval, but will not accrue until after the biweekly work requirement is met. In addition, employees have the option of working schedules similar to those under a compressed schedule as follows:

- i. **MaxiFlex 5/4/9** - requires the employee to establish a daily schedule of nine (9) hours on each of eight (8) work days, eight (8) hours on one (1) work day and one (1) AWS day off per pay period.

The AWS day off must be established but may be “swapped” for another day within a pay period, with prior supervisory approval. Arrival and departure time bands and core hours are established for days on which work is scheduled. Flexible lunch periods are allowed with prior supervisory approval. Credit hours may be earned, but will not accrue until after the biweekly work requirement has been met.

- ii. **MaxiFlex 4/10** - requires the employee to establish a daily schedule of ten hours on each of four workdays each week with one AWS day off per week. The AWS day off is scheduled on a recurring basis, but may be “swapped” for another day within a pay period, with prior supervisory approval. Arrival and departure time bands and core hours are established for days on which work is scheduled. Flexible lunch periods are allowed with prior supervisory approval. Credit hours may be earned, but will not accrue until the biweekly work requirement has been met.

2. Compressed Work Schedules (CWS)

A CWS has fixed hours with a fixed starting and ending time, and allows employees to work their scheduled hours in fewer than 10 workdays. Credit hours cannot be earned under a CWS. There are no core hours, flexible time bands, or flexible lunch periods.

- a) **Compressed 5/4/9** - under this schedule, employees work nine (9) hours on eight (8) workdays in the pay period, eight (8) hours on one day in the pay period and have one AWS day off. The AWS day off is fixed at the time the schedule is established and may not be “swapped” for another day.
- b) **Compressed 4/10** - under this schedule, employees work four (4) 10 hour days each week of the biweekly pay period and have one (1) AWS day off each week. The AWS day off is fixed at the time the schedule is established and may not be substituted for another day.

Sample CWS schedules are shown in Attachment 3.

C. QuickTime encoding for AWS

With AWS, greater responsibility is placed on the supervisor and the employee for scheduling, recording, and monitoring arrival and departure times. In addition, employees are required to keep track of and record the beginning and ending time of each day's work in DOI's automated timekeeping system, QuickTime. This is possible in the AS-IA QuickTime system, but **not in the BIA QuickTime system**. This can occur on a daily basis or entered at one or more times during the pay period. QuickTime will be used to record absences from the office during the day. This is possible in the AS-IA QuickTime system, but **not in the BIA QuickTime system**.

Supervisors and managers use QuickTime to approve timecards and processing leave requests. Timecard certification in the QuickTime system signifies that the supervisor acknowledges the employee's recorded time as accurate and correct.

When there are changes to an employee's MaxiFlex schedule from one pay period to the next, employees must notify their supervisors of their planned work schedule prior to the beginning of the pay period.

The supervisor has the discretion to restrict or cancel the AWS arrangement if organizational effectiveness, productivity, efficiency, or individual performance is negatively impacted. Supervisors should notify employees in writing of their intent to restrict or cancel an AWS agreement and indicate the reasons for doing so and the effective date of the action.

NOTE: For bargaining unit employees, cancellation or modification requires 21 work-day advance notice to the union because AWS is considered a condition of employment under Federal Labor Relations Authority case law.

D. Changing Work Schedules

Supervisors may approve changes to an employee's work schedule. A change in work schedule may be made in the following circumstances:

- Work requiring special hours of duty for particular employees or groups of employees;
- Individual hardships; or
- Approved training courses.

Supervisors may periodically reevaluate work schedules to ensure that work is accomplished efficiently.

E. Length of the Workday

The maximum length of the workday is generally 12 hours; however, exceptions may be

made as needed. Supervisors should establish the earliest arrival time and the latest departure time for employees, taking into consideration the operational hours of the facility in which they work. Supervisors should consider the safety and security of employees when establishing these times. In locations protected by a guard force, supervisors must coordinate arrival and departure times that do not result in additional expenses for extended guard hours.

F. Length of Meal Time

Meal time or an unpaid break of no less than 30 minutes and no more than one (1) hour is required for each six (6) hours or longer of work, and must be scheduled to be taken between 11:30 am and 2:30 pm. **The meal time or unpaid break may not be taken at the beginning or end of the normal scheduled workday.** The meal time may not be skipped to leave work early. The purpose of a meal time is to provide a duty-free period to have a meal break. Unless provided for in a labor agreement, an employee has no entitlement to a paid break during work hours. Employees must work the number of hours appropriate to their work schedule.

For example, an employee on an 8-hour schedule who arrives for work at 7:00 a.m. and who has a 30-minute meal or unpaid break between the hours of 11:30 a.m. and 2:30 p.m. is due to leave for the day at 3:30 p.m. If that same employee has a one-hour meal break, his or her workday will end at 4:00 p.m. One exception to this is that some law enforcement officers are required to be on duty throughout their shift, and therefore, have no meal break. A sample schedule in this situation would be a scheduled work day of 8:00 am – 4:00pm, where the workday is not extended.

G. Credit Hours

Credit hours are hours an employee works voluntarily, with prior supervisory approval, in excess of the normal hours worked in a pay period. Credit hours must be earned within the time period established for the length of the workday (e.g., between the hours of 6:30 a.m. and 7:30 p.m. for Main Interior employees) and may be earned in 15-minute increments.

Members of the SES are prohibited from accruing credit hours under an AWS (see 5 CFR § 610.408).

1. Credit Hour Approval

Supervisory approval is required to earn and use credit hours. “Blanket” approval for an employee to earn credit hours may be given at the supervisor’s discretion; however, such deviations should be an exception.

Credit hours may not be earned on Saturdays, Sundays, or holidays. Credit hours may be earned on regular workdays or on the employee’s AWS day off as long as no more than 12 total hours are worked on any day. Therefore, employees

working an 8-hour schedule may work up to four (4) extra hours per day; those on a 9-hour schedule may work up to three (3) extra hours per day, and those on a 10-hour schedule may work up to two (2) extra hours per day. Once the employee has completed 80 hours in a pay period (or less for a part-time employee), additional hours worked will be considered and input into the Department's automated timekeeping system, QuickTime, as credit hours. Extra hours worked in the pay period will not be recorded as credit hours until such time as the employee has met the 80-hour biweekly requirement.

Part time employees on MaxiFlex must work the number of hours specified in their tour of duty for the pay period before they may accrue credit hours. Part-time employees in FlexiTime must work 80 regular hours prior to being able to earn credit hours. The hours an employee works in addition to their normal tour of duty for the pay period up to 80 hours will be paid at the regular hourly rate.

2. Credit Hour Balances

Credit hours can be carried over for use in another pay period. Full time employees may only carry over a maximum of 24 credit hours from one pay period to the next. Part time employees may only carry over a maximum number of credit hours equal to $\frac{1}{4}$ of their regular biweekly work requirement. Employees are responsible for monitoring their credit hour balance and ensuring that the maximum carry over is not exceeded. Credit hours in excess of 24 hours are forfeited and do not entitle the employee to overtime compensation.

“Off the record” balances are not allowed.

Credit hours may not be earned or used by employees working under a CWS. Employees who wish to establish a CWS must use all of their existing credit hours prior to doing so.

H. Holidays and AWS

Employees working under a CWS will be paid the number of hours for which they were scheduled to work on the holiday. For example, an employee who works a compressed 4/10 schedule will receive 10 hours of holiday pay. If the holiday falls on the AWS day off and that day is a Monday, the employee will be scheduled to take Tuesday off in lieu of the holiday and will be paid the number of hours they are scheduled to work on that day. If the holiday falls on an AWS day off and that day is a Friday, the employee will be scheduled to take Thursday off in lieu of the holiday and will be paid the number of hours they are scheduled to work on that day.

Full-time employees working under a FWS will receive only eight (8) hours holiday pay for holidays. Under a FWS, if the AWS day off is the same day as the holiday, the employee and supervisor will determine which day within the same pay period will be

taken as the AWS day off, but generally the employee will be scheduled to take Tuesday as their AWS day off if the holiday falls on a Monday, and Thursday as their AWS day off if the holiday falls on a Friday.

I. Office Closure Due to Inclement Weather or Administrative Action

When employees have reported to work and are granted administrative leave for early dismissal, all employees will receive either the number of hours granted, such as two hours granted by the Secretary of the Interior or the Assistance Secretary – Indian Affairs (209 DM 8) as a reward, or the number of hours left until the end of the employee's scheduled work shift, **whichever is less**. An employee who is unable to take advantage of an early dismissal granted by management is **not** entitled to take corresponding administrative leave on another day.

When employees are not required to report to work and administrative leave is granted for the entire day (such as for inclement weather):

- Employees on an established schedule (FlexiTime, Compressed, MaxiFlex 5/4-9 and MaxiFlex 4/10) will be excused for the number of hours for which they were scheduled to work on that day. If not scheduled to work at all on that day, the employee **cannot** be granted another workday off.
- Employees who are working a full MaxiFlex schedule will be excused for eight (8) hours.

J. Changes to AWS for Travel, Conferences, or Training

In cases where the training, travel, conference, or temporary assignments do not conflict with the normal work schedule, no change is necessary. Employees must work with their supervisors to amend their schedule as needed to attend conferences, training, and report for temporary duty assignments away from the regular duty station. The amendment does not require the employee to revert to a normal 8-hour a day schedule, but may require switching the AWS day, or in the case of an employee working a 4/10 schedule, the employee may be required to work the 4/10 one week of the pay period and revert to five (5) 8-hour days for the week of training, travel or the conference.

K. Overtime/Compensatory Time

Additional hours of work ordered by a supervisor, including work an employee is directed to perform on his or her AWS day off, are subject to the provisions of the overtime regulations. Overtime entitlements are in accordance with applicable provisions of law and regulations. There is no basis for IA to pay overtime to exempt employees if it is not officially ordered in advance.

Non-exempt employees must be paid overtime pay when required to work overtime

hours unless they request compensatory time instead. Exempt employees required to work overtime may be required to earn compensatory time instead of receiving overtime pay. Overtime hours of work are both:

- Officially ordered in advance; and
- In excess of 8 hours in a day or 40 hours in a week for employees working a standard work schedule, or in excess of 80 hours in a pay period for those on alternate work schedule.

There must be management approval prior to any additional hours (overtime or compensatory time) being worked. Management typically initiates a discussion with the employee if there is a need for additional hours to be worked, but an employee may also initiate these discussions with his/her supervisor as needed. These discussions can be documented via email. No form exists or is required. However, this should not be confused with travel compensatory time, which must be requested and documented using the Travel Compensatory Time Form. This form is located on the IA Online Forms website: <http://www.bia.gov/WhoWeAre/AS-A/ORM/OnlineIAForms/index.htm>

Credit hours are not a tool for management to circumvent the obligation for proper overtime compensation.

Night differential does not accrue for work performed after 6:00 p.m. or prior to 6:00 a.m. under an AWS schedule because at least eight (8) hours of work was available during the regular workday, and the employee chose to perform the work at these times.

All overtime/compensatory time worked should be noted in the appropriate pay period using the QuickTime system. Questions regarding QuickTime entries can be addressed by contacting the office's QuickTime Administrator.

5. Holidays

The holidays for Federal employees are:

- New Year's Day (January 1)
- Martin Luther King, Jr.'s Birthday (Third Monday in January)
- Washington's Birthday (Third Monday in February)
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Columbus Day (Second Monday in October)
- Veterans Day (November 11)
- Thanksgiving Day (Fourth Thursday in November)
- Christmas Day (December 25)

Federal employees in the Washington, DC, area are entitled to a holiday on the day a President is inaugurated (January 20th following a Presidential election). Employees are entitled to this holiday if they are employed in the Washington DC or surrounding metropolitan geographic area (within 50 miles). When Inauguration Day is moved to January 21st because January 20th falls on Sunday, Federal employees in the Washington, DC, area who would otherwise work on Monday, January 21st, are entitled to a holiday on that day.

State and local holidays are regular workdays. If an employee wishes to be absent and the office is open, they must request annual leave or LWOP from the supervisor.

In those rare situations where a non-Federal holiday makes it impossible to properly perform the functions of the office, either the Director or Deputy Director and heads of field offices may close IA field offices.

6. Group Dismissals and Emergency Closure Procedures

Group dismissal may be necessary when normal operations are interrupted by events or emergencies beyond the control of the office or employees, such as severe inclement weather; natural disasters; power failure; a major fire; serious interruptions to public transportation; mass demonstrations; and other situations which affect the health and safety of employees and prevents employees from working or reporting to work. As such, the AS-IA and Regional Directors may grant absence from duty without charge to leave or without loss of compensation under planned or emergency situations where service operations must be curtailed.

The OPM has developed guidelines for the dismissal and closure of Federal agencies in the Washington, DC area. Employees in the Washington, DC area may call the DOI employee information hotline at 202-208-6606, or check the "Operating Status" section of the OPM homepage at: www.opm.gov. The Director, Office of Human Resources, DOI, may close all or part of Washington, DC metropolitan area offices when conditions warrant.

Employees who work outside the Washington, DC metropolitan area should follow procedures issued by their Federal Executive Board or local police authorities. Regional Directors have the authority to close a field office due to emergency conditions.

When the Federal Government is closed, non-emergency employees (including employees on pre-approved leave) will be granted excused absence for the number of hours they were scheduled to work. This does not apply to employees on LWOP, workers' compensation, suspension, or in any other non-pay status. Telework employees may be expected to work from their telework sites, as specified in their telework agreements. Employees on AWS are not entitled to another AWS day off in lieu of the workday when the agency is closed. Supervisors will commonly follow the guidelines outlined by OPM; however, employees should consult with their supervisors in emergency situations.

7. General Leave Provisions

First-line supervisors may approve all leave requests except for LWOP in excess of 30 calendar days and requests for the restoration of forfeited annual leave. LWOP in excess of 30 calendar days may only be approved by the employee's second-level supervisor or their designee. Annual leave may be used in lieu of sick leave. Employees may also retroactively substitute annual leave for sick leave to liquidate an outstanding advanced sick leave balance.

If an employee is on annual leave, sick leave may be requested in lieu of annual if a matter arises that would normally allow the employee to take sick leave under the sick leave provisions, such as for illness or bereavement purposes.

The minimum amount of leave is charged in increments of 15 minutes.

Employees on an intermittent work schedules do not earn annual or sick leave.

A. Temporary Employees.

Temporary employees on an initial appointment of less than 90 days do not earn annual leave. However, if the appointment is extended or the employee receives one (1) or more successive temporary appointments without a break in service, the employee becomes eligible to accrue annual leave on the 90th day of employment. In addition, the temporary employee is entitled to the annual leave that would have accrued during the initial 90-day period. Temporary employees earn four (4) hours of sick leave in each biweekly pay period of the appointment.

B. Non-FLSA Employees ("Exempt")

Employees who are not covered by the Fair Labor Standards Act (also known as "exempt") must use their compensatory time within 26 pay periods after the pay period it was credited. If it is not taken within this period of time, the employee loses the right to compensatory time off and to overtime pay unless the failure to use it is the result of an exigency of the service beyond the employee's control, an administrative error, or sickness or injury that prevents the employee from taking the scheduled compensatory time off. In this case, the compensatory time off may be restored.

If the employee separates or goes on extended LWOP to perform service in one of the uniformed services or because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. Chapter 81, he or she is entitled to receive pay for the overtime work at the overtime rate in effect for the period during which the compensatory time was earned.

C. FLSA Employee ("Non-exempt")

Employees who are covered by the Fair Labor Standards Act (also known as "non-exempt") must use any compensatory time within 26 pay periods after the pay period it was credited. If the compensatory time off is not taken within this time period, or if the

employee separates, or goes on extended LWOP to perform service in one of the uniformed services or because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. Chapter 81, he or she is entitled to receive pay for the overtime work at the overtime rate in effect for the period during which the compensatory time was earned.

Absence without leave (AWOL) is an unpaid absence from duty which is not approved, or for which a leave request has been denied. Although AWOL alone is not a disciplinary action, it may be used as a basis for initiating a disciplinary action against an employee.

8. Annual Leave

Annual leave is an approved absence from work with pay and may be requested for any absence. Unless an employee is on an intermittent work schedule or an initial temporary appointment of less than 90 days, the employee is eligible to earn and use annual leave.

Members of the SES, or employees in a senior level, or scientific or professional position (ST), accrue eight (8) hours of annual leave per pay period.

Employees not in any of the above positions earn annual leave per pay period they are in a pay status based on years of service. The following table shows how much leave is earned each pay period:

<i>Years of Service</i>	<i>Full-Time</i>	<i>Part-Time*</i>
Up to 3 years of	4 hours	1 hour for every 20 hours worked
3-15 years of service	6 hours, plus an additional 4 hours in the last full pay period of the leave year	1 hour for every 13 hours worked
15 or more years of service	8 hours	1 hour for every 10 hours worked
* 80 hours in pay status is the maximum that can be used to calculate annual leave earned.		

Employees who are newly appointed or are reappointed following a break in service for at least 90 calendar days from the date of the last period of Federal civilian employment may be eligible to receive service credit for prior non-Federal service or active duty uniformed service. See your SPO for additional information. Employees who are hired after the first workday or that separate from the Federal Government before the last workday of a pay period will not earn annual leave for that pay period.

Annual leave ceilings or maximum carryover amounts are as follows:

- **General Schedule:** The maximum permissible annual leave carryover is 30 days (240 hours).
- **SES:** The maximum permissible annual leave carryover is 90 days (720 hours).

Leave in excess of the maximum permissible annual leave carryover is often referred to as “Use or Lose” leave as it is subject to forfeiture.

Employees may request leave using the methods below:

- QuickTime,
- OPM Form 71, “Request for Leave or Approved Absence” (see link in Attachment 1 - List of Forms); or
- Other approved written method, such as the email system, as determined by the supervisor.

When an employee cannot anticipate the need for leave, they will notify the supervisor or other designated staff member of the need for leave (and the expected duration) by the employee’s scheduled start time, or as soon as possible if there are unusual circumstances. No reason is required when requesting leave; however, a supervisor may inquire about the request if it conflicts with work demands.

Supervisors will grant annual leave when employees can be spared from their duties. Supervisors will base disapproval for leave requests on workload requirements and the number of employees available for office coverage. Annual leave may not be denied or canceled solely as a disciplinary action.

A. Retroactive Annual Leave Approval

Supervisors may give retroactive approval for emergency annual leave when warranted by the circumstances.

When an employee separates from the Federal service, they will receive a lump-sum payment for any accumulated annual leave and any unused restored annual leave.

Employees who separate to enter active duty in the Armed Forces may elect to receive either a lump-sum payment for the annual leave or have the annual leave remain to the employee’s credit until his or her return from active duty. However, any restored annual leave will be paid in a lump-sum payment and cannot be credited to the employee’s account upon return to the Federal service.

B. Advanced Annual Leave

Supervisors may advance only the amount of annual leave that an employee is expected to accrue through the end of the leave year in the case of a permanent employee, or the amount of annual leave than an employee is expected to accrue through the expiration of a time limited appointment for a temporary employee, not to exceed the amount the

employee will earn before the end of the leave year, whichever is less.

An employee may request advanced annual leave by submitting a written request to his or her supervisor that includes the dates for which the employee is requesting advanced annual leave and the reason(s).

There is no obligation for supervisors to approve advanced annual leave as it is not an employee entitlement. Supervisors should not approve advanced annual leave if there is reason to believe the employee will not return to duty.

When an employee leaves Federal service, he or she must repay the amount equal to all indebted advanced annual leave before leaving by either retroactively substituting it with paid leave or submitting a cash payment. Employees who do not repay it may be billed for the amount equal to the leave for which they are indebted or the amount owed may be taken from any pay due the employee. This does not apply if the employee's separation is due to death, disability retirement, or resignation or separation because of disability which prevents the employee from returning to duty or continuing in the Federal service.

9. Restoration of Forfeited Annual Leave

Employees may request restoration of annual leave in excess of the maximum permissible carryover which was forfeited at the end of the leave year when the forfeiture was a result of:

- Exigency of the public business that precluded the employee from using scheduled annual leave;
- A period of absence due to sickness or injury that occurred late in the leave year or as of such duration that the excess annual leave could not be rescheduled for use before the end of the leave year; or
- Administrative error when the error causes the loss of the annual leave.

An exigency of the public business pertains to unforeseen operational demands of the office that preclude an employee from using leave. Examples may include disaster duty, an emergency detail, the lapse of appropriations, jury service, etc. A supervisor can determine whether an exigency exists. The operational requirement for denying or canceling leave must be of such significance that the employee could not be excused from duty during the period of requested leave.

The criteria for being eligible to have annual leave restored includes that the employee must have:

- 1) Scheduled and obtained approval for annual leave in writing before the start of the third pay period prior to the end of the leave year. There is no authority to waive or

- modify the statutory requirement to schedule leave in advance; and
- 2) Rescheduled and obtained approval of annual leave in writing before the start of the third pay period prior to the end of the leave year, where possible, when an exigency or sickness resulted in the cancellation of scheduled annual leave during the year.

After the end of the leave year, an employee who wants to request that unused annual leave be restored must submit an "Application for Restoration of Annual Leave" (see link in Attachment 1 - List of Forms) to their immediate supervisor, who recommends approval or disapproval and forwards to the servicing Human Resources Office (HRO). Once reviewed by the servicing HRO, the request will be submitted to the appropriate Deputy Assistant Secretary or Bureau Director for approval. The request should include the following information:

- A. For restored annual leave**, a copy of the written request to schedule the leave that is dated before the beginning of the third pay period prior to the end of the leave year. For restored compensatory time off, a copy of the written request to schedule the leave that is dated before the beginning of the third pay period prior to its expiration. All requests must include the dates that the leave was to be used and the total number of hours scheduled;
- B. In the case of exigency of public business**, an explanation from the supervisor explaining the reason for denying or canceling the leave and an explanation why the leave could not be rescheduled before the end of the leave year. The operational requirement for denying or canceling leave must be of such significance that the employee could not be excused from duty during the period of requested leave. The supervisor must also identify the specific beginning and ending dates of the exigency period during which the employee was prevented from using annual leave;
- C. In the case of illness**, a statement from the supervisor indicating the period of illness and, if applicable, the reason why the leave could not be rescheduled before the end of the leave year;
- D. In the case of administrative error**, a statement from the employee explaining the error, accompanied by available documentation, and certified by the supervisor.

If the approving official approves the written request for restored leave, the "Application for Restoration of Annual Leave" form will be forwarded to the appropriate payroll office. The payroll office will credit the restored leave to the employee's account. Restored annual leave is maintained in a separate account from the employee's regular annual leave account.

Employees must use their restored annual leave by the end of the leave year ending two (2) years after either:

- The date of restoration of the annual leave forfeited due to administrative error;
- The date fixed by the approving official as the termination date of the exigency of

public business which resulted in forfeiture of the annual leave; or

- The date the employee recovers and is able to return to duty when the leave was forfeited because of sickness.

Restored annual leave that is not used within the established time limits is forfeited with no further right to restoration.

10. Sick Leave

Accrual rates for earning sick leave are as follows:

<i>If you are...</i>	<i>you earn...</i>
Full-time	4 hours each full biweekly pay period
Part-time	1 hour for each 20 hours worked

There is no ceiling on the amount of sick leave employees may accumulate and carry over from one year to the next.

Supervisors should approve a request for sick leave when an employee:

- Receives medical, dental, or optical examination or treatment;
- Is sick due to physical or mental illness, injury, pregnancy, or childbirth;
- Uses sick leave under the provisions of “Sick Leave for Family Care or Bereavement Purposes” and “Sick Leave to Care for a Family Member with a Serious Health Condition” (see table below);
- Uses sick leave under the provisions of the Family and Medical Leave Act of 1993 (FMLA);
- Would, as determined by health authorities, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease; or
- Must be absent from duty for purposes relating to the adoption of a child. Examples may include but are not limited to: appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; any periods of time the adoptive parents are ordered or required by the adoption agency or by the court to take time off from work to care for the adopted child; and any other activities necessary to allow the adoption to proceed.

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<p>Sick Leave for Family Care or Bereavement Purposes</p>	<p>Sick Leave to Care for a Family Member with a Serious Health Condition</p>	<p>Family and Medical Leave Act of 1993 (Unpaid and/or Paid Leave)</p>
<p>Most Federal full time employees may use a total of up to 104 hours (13 workdays) of sick leave each leaveyear for general family care and bereavement purposes. (Leave is pro- rated for part-time employees.)</p>	<p>Most Federal employees may use a total of up to 12 administrative workweeks of sick leave each leave year to care for a family member with a serious health condition.</p> <p>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, 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, he or she cannot use an additional 13 days in the same leave year for general family care purposes.</p> <p>An employee is entitled to use a total of 12 weeks of sick leave each year for all family care purposes.</p>	<p>Full-time employees who have completed 12 months of Federal Service may use up to 12 administrative workweeks of leave without pay, annual, or sick leave for certain family and medical needs, as specified below, during any 12-month period. (Leave is pro-rated for part- time employees.)</p>
<p>Purpose:</p> <ol style="list-style-type: none"> 1. Provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth; 2. Provide care for a family member as a result of medical, dental, or optical examination or treatment; 3. Make arrangements necessitated by the death of a family member or attend the funeral of a family member. 	<p>Purpose:</p> <p>To care for a family member with a serious health condition.¹</p>	<p>Purpose:</p> <ol style="list-style-type: none"> 1. Birth of your son or daughter and the care of such son or daughter (within 1 year after birth); 2. Placement of a son or daughter with you for adoption or foster care (within 1 year after placement); 3. Care of spouse, son, daughter, or parent with a serious health condition¹; or 4. Serious health condition¹ which makes you unable to perform one or more of the essential functions of your position.

(table continued)

Sick Leave for Family Care or Bereavement Purposes	Sick Leave to Care for a Family Member with a Serious Health Condition	Family and Medical Leave Act of 1993 (Unpaid and/or Paid Leave)
<p>“Family member” is defined as:</p> <ul style="list-style-type: none"> • Spouse, and parents thereof; • Children, including adopted children, and spouses thereof; • Parents; • Brothers and sisters, and spouses thereof; and • Any individual related by blood or affinity whose close association with you is the equivalent of a family relationship. 	<p>“Family member” is defined as:</p> <ul style="list-style-type: none"> • Spouse, and parents thereof; • Children, including adopted children, and spouses thereof; • Parents; • Brothers and sisters, and spouses thereof; and • Any individual related by blood or affinity whose close association with you is the equivalent of a family relationship. 	
<p>Employees may request sick leave for family care or bereavement purposes by using the OPM Form 71, “Request for Leave or Approved Absence.”</p>	<p>Employees may request sick leave to care for a family member with a serious health condition by using the OPM Form 71, “Request for Leave or Approved Absence.”</p>	<p>Employees may invoke their entitlement to leave under the FMLA by annotating the “Family and Medical Leave” section of the OPM Form 71, “Request for Leave or Approved Absence.” Employees should also complete the Form WH-380, “Certification of Health Care Provider (Family and Medical Leave Act of 1993).”</p>

A. Requesting Sick Leave

Employees should request sick leave approval from their supervisor using:

- QuickTime;
- Form 71, “Request for Leave or Approved Absence” (see link in Attachment 1 - List of Forms); or
- Other approved written methods.

If an employee is too sick to come to work, they must provide notice to the supervisor or other designated staff member within one (1) hour of when the employee normally reports to work. If the illness continues beyond one day, the employee must keep the supervisor informed, normally each day.

B. Sick Leave to Care for a Family Member

1. Sick Leave for Family Care or Bereavement Purposes:

Full-time employees may use 104 hours (13 workdays) of sick leave each year for the family care or bereavement purposes described above. Part-time employees and

employees with uncommon tours of duty are also covered, and the amount of sick leave permitted is pro-rated in proportion to the average number of hours of work in the employee's scheduled tour of duty each week.

2. Sick Leave to Care for a Family Member with a Serious Health Condition:

Full-time employees may use a total of up to 12 administrative workweeks of sick leave each leave year to care for a family member with a serious health condition.

At the discretion of the agency, an employee may be advanced a maximum of 30 days of sick leave (or a proportional amount for an employee on a part-time schedule or uncommon tour of duty) to provide care for a family member with a serious health condition.

C. Medical Certificate

A medical certificate is a written statement signed by a registered practicing physician or other practitioner certifying the employee's incapacitation, examination, or treatment, or to the period of disability during which the employee was receiving professional treatment.

Supervisors may request a medical certificate for absences in excess of three (3) workdays. When the nature of the illness is such that the employee does not need to see a medical practitioner, the supervisor may consider the employee's written statement concerning the illness. Prolonged absences may require periodic medical certification. Supervisors may also request a medical certificate for absences of three (3) workdays or less if the employee is believed to be abusing leave privileges.

Supervisors will require employees to submit a medical certificate to justify requests for advanced sick leave.

Employees must provide the required written medical certification for the use of sick leave, signed by the health care provider, no later than 15 calendar days after the date the supervisor requests such medical certification.

D. Abuse of Sick Leave Privileges

When a supervisor has reason to believe that an employee is misusing or abusing sick leave, the supervisor may restrict the use of sick leave. The supervisor must coordinate with the SPO and then notify the employee in writing that the employee must submit a medical certificate to support the use of sick leave for all medically-related absences, and unjustified absences will be charged as AWOL and may subject the employee to disciplinary action.

E. Advancing Sick Leave

An employee may request advanced sick leave by submitting a written request to his or her supervisor that includes the dates and reasons for which the employee is requesting advanced sick leave and supporting documentation.

Supervisors are encouraged to approve advanced sick leave, but it is not an employee entitlement. Supervisors should not approve advanced sick leave if there is reason to believe the employee will not return to duty.

- **Permanent Full-Time Employee:** Supervisors may advance a maximum of 30 workdays (240 hours) of sick leave provided the employee's request includes a medical certificate or other supporting documentation.
- **Appointment of Limited Duration:** Supervisors may advance a maximum of 30 workdays (240) hours of sick leave provided the employee's request includes a medical certificate or other supporting documentation and does not exceed the amount he or she would earn during the term of the appointment.
- **Applicant for Disability Retirement:** Supervisors may not advance an employee sick leave once the employee files an Application for Disability Retirement.

F. Liquidating a Debt from Advanced Sick Leave When an Employee Leaves

Employees must repay all advanced sick leave before leaving Federal service by either retroactively substituting it with paid leave or submitting a cash payment. If it is not repaid, the employee may be billed for the amount equal to the leave for which he or she is indebted or the amount owed may be taken from any pay due the employee, such as the final salary payment, and/or lump sum annual leave payment, etc. This does not apply if the employee's separation is due to death, disability retirement, or resignation or separation because of disability which prevents the employee from returning to duty or continuing in the Federal service.

G. Re-credit Sick Leave after a Break in Service

The SPO will credit an employee's sick leave when there is a break in service (without regard to the date of separation) unless the sick leave was forfeited upon reemployment before this date.

H. Counting Unused Sick Leave toward Service for Retirement

A balance of unused sick leave will be converted to years, months, and days, and added to the total service time for computing the annuity. The unused sick leave balance

cannot be used for meeting the minimum length of service needed to be eligible to retire.

For additional information, contact your SPO.

11. Family and Medical Leave Act of 1993 (FMLA)

An employee is eligible for FMLA leave if he or she has completed at least 12 months of Federal service. This period of service is not required to be 12 recent or consecutive months. Employees serving under a temporary appointment with a time limitation of one (1) year or less and intermittent employees are not eligible.

A. The Entitlement

Full-time employees have a right to 12 administrative workweeks of unpaid leave (i.e., LWOP) during any 12-month period for:

- birth of a son or daughter and the care of such son or daughter (within 1 year after birth);
- placement of a son or daughter with the employee for adoption or foster care (within 1 year after placement);
- care of a spouse, son or daughter, or parent with a serious health condition; or
- an employee's serious health condition that makes the employee unable to perform one or more of the essential functions of his or her position.

B. Serious Health Condition

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

1. Inpatient care, i.e., an overnight stay, in a hospital, hospice, or residential medical care facility. This includes any period of incapacity or any subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a health care provider that includes, but is not limited to, examinations to determine if there is a serious health condition and evaluations of such conditions if the examinations or evaluations determine that a serious health condition exists. Continuing treatment by a health care provider may include one or more of the following:
 - a) A period of incapacity of more than 3 consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same

condition, that also involves:

- i. Treatment two (2) or more times by a health care provider under the direct supervision of the affected individual's health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or
 - ii. Treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider (e.g., a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition).
- b) Any period of incapacity due to pregnancy or childbirth, or for prenatal care, even if the affected individual does not receive active treatment from a health care provider during the period of incapacity or the period of incapacity does not last more than three (3) consecutive calendar days.
- c) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that:
- i. Requires periodic visits for treatment by a health care provider or by a health care provider under the direct supervision of the affected individual's health care provider,
 - ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). The condition is covered even if the affected individual does not receive active treatment from a health care provider during the period of incapacity or the period of incapacity does not last more than 3 consecutive calendar days.
- d) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The affected individual must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider (e.g., Alzheimer's, severe stroke, or terminal stages of a disease).
- e) Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than 3 consecutive calendar days in the absence of medical intervention or treatment (e.g., chemotherapy/radiation for cancer, physical therapy for severe arthritis, dialysis for kidney disease).

A serious health condition does not include routine physical, eye, or dental examinations; a regimen of continuing treatment that includes the taking of over-the-counter medications, bed-rest, exercise, and other similar activities that can be initiated without a visit to the health care provider; a condition for which cosmetic treatments are administered, unless inpatient hospital care is required or unless complications develop; or an absence because of an employee's use of an illegal substance, unless the employee is receiving treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. 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.

C. Invoking FMLA

Employees must notify their supervisor and complete the OPM Form 71, "Request for Leave or Approved Absence." Employees may invoke entitlement to FMLA leave retroactively for any previous absence from work provided that they furnish documentation to justify why they were not able to invoke their entitlement at that time. Employees must give advance notice of 30 calendar days if the event is foreseeable.

The supervisor may require an employee seeking FMLA protection to submit a medical certification issued by the health care provider. If this is for the employee's own serious health condition, the employee submits a completed U.S. Department of Labor Form WH-380-E, "Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)," and for a family member's serious health condition, the employee submits a completed WF-380-F, "Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act)." The links to these forms are listed in Attachment 1.

1. Entitlement Period

- a) **Family or Medical Need.** The entitlement period begins on the date the employee first takes leave.
- b) **Birth or Placement for Adoption or Foster Care.** The entitlement period may begin before or on the actual date of birth, adoption or foster care placement.

2. Calculating FMLA

Calculate the 12 administrative workweeks on an hourly basis, which equals 12 times the average number of hours in the employee's regular scheduled administrative workweek. For example: 12 weeks x 40 hours = 480 (full-time

employee) or 12 weeks x 20 hours = 240 (part-time employee).

3. Delaying a Request for FMLA Leave

If the need for leave is foreseeable and the employee fails to give 30 calendar days' notice with no reasonable excuse for the delay of notification, the supervisor may delay the use of leave for up to 30 calendar days after the employee provides notice of the need for FMLA leave.

4. Substituting Paid Leave for FMLA

Employees may elect to substitute annual or sick leave, advanced annual or sick leave, and donated annual leave for any or all FMLA leave consistent with leave regulations. However, employees may not retroactively substitute paid time off for LWOP.

5. Questions Related to Employee's Medical Documentation

Clarification of insufficient or unclear medical certification may be requested. If the supervisor doubts the validity of the original certification, the supervisor may require at the Agency's expense that:

- The employee obtain the opinion of a second health care provider designated, or one approved by the SPO; or
- The employee obtains the opinion of a third health care provider when the opinion of the second health care provider differs from the original certification. The opinion of the third health care provider is binding.

6. Request to Work Part-Time and Use FMLA

Supervisors **should** approve requests to work part-time and use FMLA leave due to a serious health condition or to care for a family member with a serious health condition when medically necessary.

Supervisors **may** approve a request to work part-time and use FMLA leave for part of each week for the birth and care of a son or daughter, or placement of the son or daughter for adoption or foster care.

7. Entitlement to Same or Similar Position upon Returning to Work

The employee is entitled to return to the same or equivalent position unless the employee would not otherwise have been employed in the position at the time the employee returns from leave.

12. Voluntary Leave Transfer Program

The Voluntary Leave Transfer Program was established to permit employees to donate annual leave directly to another Federal employee (excluding the leave donor's immediate supervisor) who has a personal or family medical emergency and who has exhausted his or her available paid leave.

A. Medical Emergency

A medical emergency is a medical condition an employee or a family member has that is, or is expected to require an absence from duty for at least 24 hours without paid leave, or, in the case of a part-time employee, at least 30 percent of the average number of hours in his or her biweekly schedule.

In cases of pregnancy and childbirth, donated annual leave may only be used for a medical emergency, e.g., the mother's period of incapacitation or the illness of a child, and may not be used to provide care for a healthy child.

B. Family Members

Family members consist of:

- Spouse, and parents thereof;
- Children, including adopted children, and spouses thereof;
- Parents;
- Brothers and sisters, and spouses thereof; and
- Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

C. Application Process

If an employee has a personal or family medical emergency and not enough leave to cover an absence of over 24 hours, he or she may apply in writing to become a leave transfer recipient. A personal representative may apply on behalf of an employee who is incapable of making an application.

The employee or his or her representative must:

1. Complete the form OPM 630, "Application to Become a Leave Recipient under the Voluntary Leave Transfer Program" (see link in Attachment 1 - List of Forms).

2. Include a statement regarding the reasons for needing the transferred leave, including a brief description of the nature, severity, and anticipated duration of the medical emergency, and if it is a recurring one, the approximate frequency of the medical emergency;
3. Submit certification from a physician or other appropriate expert, with respect to the medical emergency, to include the anticipated duration of the medical emergency and any additional information. If certification from more than one source is necessary, the employee will be reimbursed for the cost;
4. Send these materials to the immediate supervisor who must:
 - a) Indicate whether he or she concurs with the request and forwards the application and attachments to the Servicing Leave Share Coordinator (SLSC).
 - b) In consultation with the SPO, monitor the status of the medical emergency to ensure that the medical emergency still exists; and
 - c) Keep the SPO informed.

The SLSC will:

1. Review the application for completeness;
2. Notify the employee (or the employee's personal representative) of the decision within 10 calendar days after receipt of the application. Should the approving official disapprove the application, the SLSC will include the reasons for disapproval in the notice;
3. Ensure the issuance of a notice to all employees informing them that the employee is an approved leave transfer recipient (which includes a brief description of the medical emergency, unless the employee elects to withhold the distribution of any aspect of this information); and
4. Maintain all records pertaining to the leave transfer file.

D. Using Donated Leave

After all paid leave has been exhausted, donated annual leave may be used consecutively or intermittently for:

1. Approved medical emergency purposes. Donated annual leave accumulates without regard to the "Use or Lose" limitations; and

2. Retroactive substitution of LWOP or to liquidate indebtedness for any period of advanced annual or sick leave that began on or after the beginning date of the medical emergency.

E. When an Employee Transfers to Another Agency

When there is a transfer without a break in service, the SPO will transfer the unused donated annual leave to the new agency should the medical emergency continue.

Donated leave may not be transferred to another leave recipient, included in a lump-sum payment, or credited upon an employee's reemployment by a Federal agency.

F. Leave Accrual for a Leave Transfer Recipient

When an employee is using transferred leave, annual and sick leave accrue to his or her credit at the same rate as if the employee were in a paid leave status. The maximum amount of annual and sick leave that an employee may accrue while remaining a leave transfer recipient may not exceed 40 hours of each, sick and annual leave. This amount will be pro-rated for part-time employees. Transferred leave will be maintained in a special "set-aside account" that are separate from regular leave accounts. Leave accrued in these set-aside accounts may be used as follows:

- **During the Medical Emergency:** Employees may use any accrued leave after all transferred annual leave has been exhausted.
- **After the Medical Emergency Terminates:** Employees may use any leave accrued as of the beginning of the first pay period beginning on or after the date the medical emergency terminates.

G. When the Medical Emergency Terminates

The medical emergency terminates under the leave transfer program:

- At the end of the biweekly pay period in which the SLSC receives written notice from the employee or the employee's personal representative that he or she is no longer affected by a medical emergency;
- At the end of the biweekly pay period in which the SLSC determines, after written notice to the employee and an opportunity for the employee (or, if appropriate, the employee's personal representative) to answer orally or in writing, that he or she is no longer affected by a medical emergency;
- At the end of the biweekly pay period in which the SLSC receives notice that the OPM approved the employee's application for disability retirement;

- Upon the supervisor's determination, absent any additional acceptable medical documentation; or
- When the employee leaves Federal service.

When the medical emergency terminates, the SLSC will not grant any further requests for the transfer of annual leave to the employee.

H. Becoming a Leave Donor

An employee may become a leave donor by submitting the following forms to the SPO or SLSC:

- Form OPM 630-A, "Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Within Agency)," to request the transfer of a specific number of hours of annual leave to a specified IA or DOI leave recipient; or
- Form OPM 630-B, "Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Outside Agency)," to donate annual leave to an approved leave recipient at another Federal agency.

Links to these forms can be found in Attachment 1.

Other Federal agency employees may donate leave to an approved leave transfer recipient by submitting the form OPM 630-B to the leave donor's SPO. An employee may not donate annual leave to their immediate supervisor.

I. Maximum Amount of Annual Leave Which May Be Donated

Employees may donate no more than one-half (1/2) of their annual leave entitlement during the leave year in which they make the donation, except as provided below. The maximum amount of "Use or Lose" leave an employee may donate during the leave year must be the lesser of:

- One-half (1/2) of the amount of annual leave the employee would accrue during the leave year the donation was made; or
- The number of hours remaining in the leave year (as of the date of the transfer) for which the employee is scheduled to work and receive pay.

J. Disposition of Unused Donated Annual Leave

When there is donated annual leave that remains unused, leave donors who are current employees of a Federal agency will receive a pro-rated amount of unused

donated leave restored to their leave account. The amount of leave restored to the donors will not exceed the amount donated. When there are more eligible donors than annual leave hours remaining for restoration, no unused transferred annual leave will be restored to their accounts.

Employees may elect to have unused transferred annual leave restored by:

- Crediting the restored annual leave to their annual leave account in the current leave year;
- Crediting the restored annual leave to their annual leave account effective as of the first day of the following leave year; or
- Donating such leave in whole or in part to another leave recipient(s). Transferred annual leave restored to an employee's account under provisions (1) or (2) above is subject to the maximum allowable carryover amounts of leave in the Use or Lose" leave provision.

13. Leave Without Pay (LWOP)

LWOP is a temporary approved absence from duty in a non-pay status, generally granted at the employee's request. Supervisors one (1) administrative level higher than the immediate supervisor may approve up to 30 calendar days of LWOP.

A. Criteria to Consider for Approving LWOP

An approving official must determine if the employee's needs are sufficient to offset the cost and inconvenience resulting from retaining him/her in a LWOP status. The approving official must consider:

1. Encumbrance of time away from a position;
2. Loss of services;
3. Complication of retention preference registers in the event of a reduction-in-force;
4. Obligation to provide active employment at the end of the leave period;
5. Government insurance at Government expense; and
6. Six (6) months retirement credit for which the Government pays.

There must be a reasonable expectation that the employee will return to duty in an active, productive capacity at the end of the period of LWOP.

B. Circumstances Warranting LWOP

Examples of situations in which employees may request LWOP are:

1. Invoking their entitlement to a total of up to 12 weeks of LWOP during any 12-month period for certain family and medical needs under the FMLA;
2. Performing service in the uniformed services, in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994;
3. A disabled veteran in need of necessary medical treatment under Executive Order 5396;
4. Routine family medical purposes, such as routine medical or dental appointments, such as annual checkups or vaccinations;
5. School and early childhood educational activities directly related to the educational advancement of a child. This would include parent-teacher conferences or meetings with child-care providers, interviewing for a new school or child-care facility, or participating in volunteer activities supporting the child's educational advancement. A "school" refers to an elementary school, secondary school, head start program, or a child-care facility;
6. An elderly relative's health or care needs, such as routine medical or dental appointments or making arrangements for housing, meals, phones, banking services, etc.;
7. An employee who is seeking Federal employment in another geographic location when the employee's spouse is being relocated by his or her employer (up to three (3) months);
8. Educational purposes, i.e., job-related studies and activities that will improve the employee's job skills (up to one (1) year); and
9. Employees receiving worker's compensation.

Supervisors should contact the SPO regarding any LWOP situations lasting more than two (2) weeks, as an LWOP personnel action (SF-50) must be generated for LWOP in excess of 30 days, except in the case of statutory entitlements to LWOP such as FMLA leave and Worker's Compensation.

LWOP will automatically terminate when an employee accepts an appointment to another Federal position, or at the expiration of the employee's appointment.

C. Extended LWOP

Extended LWOP is a period of absence exceeding 30 calendar days for employees with a regularly scheduled tour of duty.

Employees must submit a written request with justification giving specific reasons for a request for extended LWOP. Bureau Directors must forward the approved request to the SPO. Information concerning the impact of LWOP in excess of 30 calendar days must be obtained from the SPO.

14. Other Paid Leave

In addition to the types of leave described above, the following are additional categories of leave: military leave, funeral leave, court leave, bone-marrow or organ donor leave, and excused absences (administrative leave).

A. Military Leave

A permanent or temporary full-time employee with an appointment that exceeds one year, is entitled to leave without loss in pay, time, or performance or efficiency rating for active duty, inactive-duty training, or engaging in field or coast defense training as a Reserve of the Armed Forces or member of the National Guard.

Military leave may also be used for:

- 1. Enforcement Purposes:** A full-time employee and a reservist in the Armed Forces or the National Guard may use military leave to provide military aid to enforce the law, or provide assistance to civil authorities in the protection or saving of life or property or the prevention of injury, without loss of or reduction in pay, leave, credit for time or service, or performance or efficiency rating. The maximum is 22 workdays (176 hours) in a calendar year.
- 2. Parade or Encampment:** A full-time employee and a member of the National Guard of the District of Columbia may use military leave without loss in pay or time for each day of a parade or encampment the commanding general ordered or authorized under Title 39, District of Columbia Code. An employee may use the amount of leave necessary to cover each day of service.

Full time employees receive 120 hours (15 workdays) per fiscal year (FY) and, to the extent that it is not used in a FY, military leave accumulates for use in the succeeding fiscal year until it totals 15 workdays at the beginning of a FY. The accrual for part-time employees is pro-rated, determined by dividing 40 into the number of hours in the employee's regularly scheduled workweek during that FY.

Employees should complete the OPM Form 71, "Request for Leave or Approved Absence" (see

link in Attachment 1 - List of Forms), or use an approved method, such as the QuickTime system, and provide a copy of the military orders to their supervisor as far in advance as possible. Upon the employee's return to duty, he or she must submit certification of attendance showing his or her name and the specific days that military service was performed. Military leave is charged in one (1)-hour increments and excludes holidays and non-workdays.

B. Funeral Leave

Employees are entitled to a maximum of three (3) days of funeral leave, which is a paid authorized absence from duty, to make arrangements or attend the funeral or memorial service of an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone, as determined by the President. Funeral leave should not be confused with sick leave for bereavement purposes. To request funeral leave, employees should use the OPM Form 71, "Request for Leave or Approved Absence" (see link in Attachment 1 - List of Forms) or other approved method, such as the QuickTime system, and provide acceptable documentation to their supervisor.

C. Court Leave

Permanent and temporary-indefinite employees qualify for court leave, which is a paid authorized absence from duty, when called to jury duty or asked to be a witness in a non-official capacity 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 who are required to testify in court in an official capacity are considered to be working, not on court leave.

Employees will not be granted court leave for personal reasons such as traffic tickets, small claims cases, to testify in divorce proceedings, or other administrative hearings.

If an employee is on annual leave and is summoned for jury duty, the employee should notify the supervisor as soon as possible so court leave can be substituted for annual leave. If an employee is on LWOP and summoned to jury duty, the supervisor will continue to carry the employee in a LWOP status since court leave is only available when one is in a paid status. In this situation, the employee may keep the jury fees he or she receives from any court.

When serving on a jury, the employee does not have to return to work on any workday where there are two (2) hours or less left in the workday, if dismissed early that day by the court. Otherwise, the employee should return to duty or request leave. When jury duty ends, employees must give their supervisors written evidence showing the actual dates of attendance. Employees may obtain a statement from the clerk of the court.

Federal regulations prohibit employees from receiving fees for jury duty or service as a witness. However, employees may keep transportation payments, meals, and lodging fees.

D. Bone-Marrow/Organ Donor Leave

A full-time employee who serves as a bone-marrow donor may use up to seven (7) workdays of excused absence each calendar year, and up to 30 workdays each calendar year to serve as an organ donor. These amounts are pro-rated for part-time employees.

E. Excused Absence

An excused absence is an absence from duty with pay and without charge to leave. There is no entitlement to excused absence. Supervisors and managers may excuse employees on an individual basis under circumstances that are in the public interest. When supervisors and managers exercise this authority, they must document the use of excused absence (administrative leave) in the time and attendance system, QuickTime, when the absence is one (1) hour or more. A supervisor may grant less than one (1) hour of excused absence without documenting the absence in the QuickTime system.

Employees may be excused from duty only under the following circumstances:

1. Civic Responsibilities.

- a) Voting and Registration - Within the local commuting area (50 miles from the employee's residence) if the polls are not open at least three (3) hours before or after an employee's regular hours of work, the supervisor may grant up to three (3) hours of administrative leave in the morning or the afternoon to allow the employee to vote, whichever provides the lesser time off.

If an employee's voting place is beyond normal commuting distance and voting by absentee ballot is not permitted, the employee may be granted sufficient time off to make the trip to the voting place to vote. One workday may be charged to administrative leave as an excused absence for this purpose. Where more than one (1) day is required to make the trip to the voting place, the employee must request and receive approval for subsequent annual leave, or LWOP if annual leave is not available.

An employee who votes in a jurisdiction which requires registration in person may be granted time off to register on substantially the same basis as for voting, except that no such time will be granted if registration can be accomplished on a non-work day and the place of registration is within a reasonable one-day, round-trip distance of the employee's place of residence.

- b) Donating blood, not to exceed four (4) hours on site for donation and recovery, under the Blood Donor Program, or when an employee donates in answer to emergency calls for special blood types.
- c) Performing Military or Veteran Honor Guard duties and functions.

2. Medical Purposes.

- a) Vaccination or inoculation in cases of epidemic or threatened epidemic, and for a follow-up medical check, if required.
- b) Obtaining medical attention because of an on-the-job injury. There will not be a charge to annual or sick leave if medical attention is required on the day the injury occurred. For further information, contact your SPO.
- c) Physical examination for induction into the military service or for an administratively required physical.

3. Other Situations.

The following are other situations for which supervisors may grant excused absence:

- Occasional tardiness or brief absence from duty;
- Attending a government sponsored health benefits fair and reviewing Federal employee health benefits information and materials;
- Dealing with the aftermath of a natural disaster, i.e., hurricane, tornado, flood, etc., that affects the employee;
- When it is in the best interest of the Government to have an employee out of the worksite during an investigation or advance notice period, a supervisor will relieve an employee from duty and continue him or her in a pay status without charge to leave until the issue is resolved in accordance with Personnel Bulletin 16-01, Modification to Administrative Leave Procedural Guidance dated June, 3, 2016. This must be coordinated with the SPO;
- Providing emergency law enforcement, relief, or clean-up efforts authorized by Federal, State, or local officials having jurisdiction. (Military leave is appropriate for members of the National Guard or Reserves who are called up to assist); or
- Preparing responses to grievances, and proposed disciplinary and adverse actions. (Bargaining unit employees should refer to their collective bargaining agreement.)

Attachment 1

List of Forms

FlexiTime (Gliding Schedule) Work Schedule Agreement	http://www.bia.gov/WhoWeAre/AS-IA/ORM/OnlineIAForms/index.htm
MaxiFlex Work Schedule Agreement	http://www.bia.gov/WhoWeAre/AS-IA/ORM/OnlineIAForms/index.htm
Compressed Work Schedule Agreement	http://www.bia.gov/WhoWeAre/AS-IA/ORM/OnlineIAForms/index.htm
OPM Form 71, "Request for Leave or Approved Absence"	https://www.opm.gov/forms/OPM-forms/
Application for Restoration of Annual Leave	http://www.bia.gov/WhoWeAre/AS-IA/ORM/OnlineIAForms/index.htm
OPM Form 630, "Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program"	https://www.opm.gov/forms/OPM-forms/
OPM Form 630-A, "Request to Donate Annual Leave to Leave Recipient under the Voluntary Leave Transfer Program" (Within Agency)	https://www.opm.gov/forms/OPM-forms/
OPM Form 630-B, "Request to Donate Annual Leave to Leave Recipient under the Voluntary Leave Transfer Program" (Outside Agency)	https://www.opm.gov/forms/OPM-forms/
U.S. Department of Labor Form WH-380-E, "Certification of Health Care" for the Employee's Own Serious Condition	https://www.dol.gov/whd/forms/
U.S. Department of Labor Form WH-380-F, "Certification of Health Care" for a Family Member's Serious Condition	https://www.dol.gov/whd/forms/

Attachment 2

Indian Affairs Alternative Work Schedules
Comparison of Options

TYPE of AWS	CREDIT HOURS ¹	CORE TIME	FLEXIBLE TIME BANDS	AWS DAYS OFF	FLEXI-LUNCH W/SUPV. APPROVAL ²	"SWAP" AWS DAY OFF	HOLIDAYS ³	LEAVE ³	ADMIN LEAVE ³
FLEXTIME (Gildi ng Sched ule)	YES	YES	YES	NONE	YES	N/A	8 HRS	8 HRS	UP TO 8 HRS
COMPRESSED 5/4-9	NO	NO	NO	1/PP	NO	NO	UP TO 9 HRS	UP TO 9 HRS	UP TO 9 HRS
COMPRESSED 4/10	NO	NO	NO	1/WK	NO	NO	UP TO 10 HRS	UP TO 10 HRS	UP TO 10 HRS
FULL MAXIFLEX	YES	YES	YES	2/PP	YES	YES	8 HRS	UP TO 12 HRS	UP TO 8 HRS
MAXIFLEX 5/4-9	YES	YES	YES	1/PP	YES	YES	8 HRS	UP TO 9 HRS	UP TO 9 HRS
MAXIFLEX 4/10	YES	YES	YES	1/WK	YES	YES	8 HRS	UP TO 10 HRS	UP TO 10 HRS

¹Members of the Senior Executive Service (SES) may not accumulate credit hours. 5 CFR § 610.408

²Lunch may NOT be scheduled at beginning or end of the work day.

³These figures are for full time employees only. Part time employees are paid only the number of hours for which they are scheduled on that day. If a part time employee is on full MaxiFlex, refer to the guidance in this policy.

Attachment 3

**Indian Affairs
Sample Schedules – Compressed and MaxiFlex**

Compressed 5-4/9 or MaxiFlex 5-4/9

MON	TUE	WED	THU	FRI	MON	TUE	WED	THU	FRI
0	9	9	9	9	8	9	9	9	9

1st Monday off

MON	TUE	WED	THU	FRI	MON	TUE	WED	THU	FRI
8	9	9	9	9	0	9	9	9	9

2nd Monday off

MON	TUE	WED	THU	FRI	MON	TUE	WED	THU	FRI
9	9	9	9	0	9	9	9	9	8

1st Friday off

MON	TUE	WED	THU	FRI	MON	TUE	WED	THU	FRI
9	9	9	9	8	9	9	9	9	0

2nd Friday off

Compressed 4/10 or MaxiFlex 4/10

MON	TUE	WED	THU	FRI	MON	TUE	WED	THU	FRI
0	10	10	10	10	0	10	10	10	10

Mondays off

MON	TUE	WED	THU	FRI	MON	TUE	WED	THU	FRI
10	10	10	10	0	10	10	10	10	0

Fridays off