



CIPOINST 1263.4

**Handbook**

# **LEAVE ADMINISTRATION**

**Policy and Procedures**

**Civilian Intelligence Personnel Office**

**JULY 1997**

CIVILIAN INTELLIGENCE PERSONNEL OFFICE  
LEAVE ADMINISTRATION  
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CHAPTER 1 GENERAL

1-1. Definitions.

**a. Absence without Leave.** A nonpay status for an employee absent from duty during a regularly scheduled basic tour of duty, for which authorization was not obtained in advance or for which a request for leave was denied.

**b. accrued Leave.** Leave earned during the current leave "year that-is unused at any given time during the year.

**c. Accumulated Leave.** Unused leave remaining to the credit of an employee at the beginning of a leave year.

**d. Annual Leave.** Approved paid absence from duty to provide for vacation periods or extended leave for rest and recreation, and period of time off for personal or emergency reasons..

**e. Communicable Disease.** A disease requiring isolation of the patient, quarantine or restriction of movement, as prescribed by the health authorities having jurisdiction.

**f. Court Leave.** Authorized absence without charge to leave or loss of pay from work for jury service or for attending judicial proceedings in a nonofficial capacity as a witness on behalf of a state or local government, or in a nonofficial capacity on behalf of a private party in connection with judicial proceedings to which the U.S., D.C., state, or local government is

**g. Employee.** Individual appointed to an appropriated fund civil service position who is eligible to accrue and use annual leave under the provision of Section 63, Title 5, United States Code.

**h. Family Member.** Under the voluntary Leave Transfer Program, the following are considered relatives of the employee:

(1) spouse, and parent thereof;

(2) children, including adopted children, and spouses thereof;

(3) parents;

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(4) brothers and sisters, and spouses thereof; or

(5) any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

i. Intermittent (When Actually Employed) Service. Service; rendered by employees for whom no tour of duty can feasibly be established on a continuing basis. Those services apply to those employees who are expected to respond to requests for duty in connection with an unscheduled activity, such as a consultant called in to render service on a special problem.

j. Leave Donor. An employee whose voluntary written authorization for transfer of annual leave to the annual leave account of a leave recipient that has been approved by his/her owl employing agency.

k. Leave Recipient. An employee for whom the employing agency has approved an application to receive annual leave from the annual leave account(s) of one or more leave donor(s).

l. Leave without Pay (LWOP). An approved temporary nonpay status and absence from duty granted at the employee's request.

m. Leave Year. The period beginning with the first day of the first complete biweekly pay period of a calendar year and ending with the day before the beginning of the first complete biweekly pay period in the next calendar year.

n. Medical Certificate. A written statement signed by a registered practicing physician or other medical practitioner certifying to an employee's incapacitation, examination, treatment or period of disability while receiving professional treatment.

o. Medical Emergency. A medical condition of the employee or a family member of such employee that is involuntary and beyond the control of the leave recipient and is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave that is appropriate to the medical emergency. Maternity situations will be considered in the same manner as other incapacitating medical conditions of similar duration.

p. Sick Leave. Absence with pay to be used when an employee/family member is incapacitated for performance of his/her duties by sickness, or when an employee has a medical, dental, or optical examination or treatment.

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1-2. Policy.

a. Leave shall be administered uniformly and equitable within the scope of applicable laws and regulations.

b. Employees shall be given the opportunity to take full advantage of all entitled leave.

c. Jury duty is considered a civic responsibility, and release from jury duty shall be requested for an employee only in exceptional situations in which the public interest would be better served by his/her staying on the job.

d. Management shall be responsive to employee requests for leave to meet parental and family responsibilities.

e. The authority to approve absences and leave will be vested in the lowest practicable supervisory level.

1-3. Responsibilities.

a. Activities shall:

(1) Establish operating leave procedures in accordance with regulatory requirements outlined in this Handbook.

(2) Ensure subordinate supervisors are aware of their responsibility when administering leave programs.

b. The Supervisors and Other Management Officials shall:

(1) Maintain a sound working knowledge of policies, regulations and procedures governing absence and leave.

(2) Apply the provisions of this Handbook in a fair and equitable manner.

(3) Approve or disapprove employee requests for leave.

(4) Inform employees of internal procedures for requesting, granting and documenting leave.

(5) Make employees aware of the provisions of this instruction so that they may fulfill their responsibilities.

(6) Establish leave schedules early in the leave year to ensure that all employees are given an opportunity to take full advantage of all earned leave.

(7) Review leave usage periodically and assure that use of leave is consistent with the letter and spirit of governing regulations and policies.

The Employee shall:

(1) Request annual leave in advance for times to prevent interference with peak work load periods, to prevent large accumulations of leave at the end of the leave year, and to allow for equitable distribution of preferred leave periods.

(2) Formally request annual leave early in the leave year, but no later than the third biweekly pay period before the end of the leave year, particularly if a leave-accumulation in excess of the maximum carryover is projected.

(3) When emergency situations arise, cooperate with management in rescheduling leave.

(4) Report illness or emergency absence to the immediate supervisor or other officials authorized to approve leave within the time limits specified. Employees should state the reason for: the leave request and how much leave they are requesting.

(5) Request approval of leave in advance for prearrange, medical, dental or optical examinations or treatments.

(6) Promptly submit a SF71, Application for Leave, for absences and furnish documentation to support absences, as required.

(7) Use leave in the manner and for the purposes designated herein.

d. The CIPO shall:

(1) Provide advice and assistance to supervisors and employees on the applications of leave and related matters.

(2) Review leave usage on request and assist management officials on **planning** and initiating disciplinary/adverse action: to correct deficiencies.

e. Responsibilities for the Voluntary Leave Transfer Program are in paragraph 4-2.

1-4. Absence of Disabled Veterans. A disabled veteran must be granted sick leave, annual leave, or leave without pay (LWOP), as appropriate, for medical treatment when he/she presents an official statement from a medical authority that medical treatment

is required. The veteran must give prior notice of the definite days and hours of absence required for treatment, except in the event of an emergency when he/she will report the reason for absence within the command/activities established timeframe.

1-5. Absence without Leave,. An employee absent from duty during the regularly scheduled basic tour of duty (not overtime), when leave was not authorized or approved, may be charged as absent without leave (AWOL). Pay is withheld if it is determined that there was an improper absence from duty, and disciplinary action may be taken. If it is later determined that the AWOL charge was not proper, the time should be changed to duty time or to annual or sick leave, or LWOP, as appropriate. The AWOL charges will be charged in actual time lost.

CHAPTER 2  
ANNUAL AND SICK LEAVE -- GENERAL

2-1. Accrual of Leave

a. To earn leave, an employee must be employed during a full biweekly pay period. The employee must be on the rolls on all days falling within the pay period exclusive of holidays and nonworkdays.

b. Leave accruing to an employee is credited at the end of the pay period in which it is earned.

c. Part-time employees with an established tour of duty are entitled to accrue leave on a pro rate basis. If employment is continuous, but an employee's service is interrupted by a nonleave-earning period, leave will be credited on a pro rated basis for the fraction of the pay period during which he/she was in a leave earning status.

2-2. Leave Charges and Substitution

a. Both annual and sick leave may be charged for absence during scheduled nonovertime duty hours. Annual and sick leave are not charged for absences on holidays and nonworkdays.

b. Annual and sick leave are charged in increments according to command and payroll requirements. It is within the discretion of the supervisor to accumulate absences within a day for charging leave. Absences of partial hours on separate days may not be combined.

c. An employee cannot be required to work during a period for which leave is charged.

d. Part-time employees are charged leave for the number of hours for which they are scheduled to perform service on the day of absence.

e. Annual leave may be substituted for sick leave. However, this may not be done retroactively at the end of the leave year to avoid forfeiture of annual leave except in the case of advanced sick leave.

f. Sick leave accrued after a period of absence may not be retroactively substituted for the absence.

g. When an employee is carried on annual leave or in a nonpay status pending return to duty and determination of appropriate leave to be charged, the period of absence may be converted to sick leave provided the absence is substantiated.

2-3. Refund for Advanced Leave. If an employee separates prior to liquidation of advanced leave (sick or annual), the civilian payroll office will obtain a refund from the employee except when separation is due to death, disability retirement, or entrance into military service with reemployment rights. The refund normally will be obtained from the employee's final pay check and/or from the lump sum annual leave payment. If those collection efforts are unsuccessful, a setoff against the employee's retirement account will be requested. If an employee resigns or is separated because of disability and is prevented from returning to duty, a refund of advanced leave may be waived.

2-4. Transfer of Leave between Payroll offices

a. Annual and sick leave data are transferred from the releasing payroll office to the gaining payroll office. When an employee must use leave soon after transfer prior to receipt of leave records, a copy of the employee's last leave and earnings statement should be provided to the gaining payroll office at least one pay period in advance of the pay period in which the leave is to be used. A request to advance leave by the gaining employing activity *should* accompany the leave and earnings statement, and will serve as the basis for establishing a temporary leave balance pending receipt of official leave records

b. Fractional hours of leave not transferable are forfeited; however, an employee may be permitted to take the annual leave necessary to even off his/her annual leave balance prior to his/her move.

2-5. Disposition of Leave on Separation

a. Lump sum payment will be made for unused annual leave when an employee separates from the Federal service for one or more workdays through the last full pay period before separation. In most circumstances, if the employee is reemployed in the Federal service before expiration of the period of time represented by the lump sum payment, repayment of the money received for the balance of the unused leave will be required, and the unused leave will be recredited to the employee's account.

b. No lump sum payment is made for accumulated sick leave on separation from Federal service. However, sick leave will be credited to the employee's account if the employee returns to the Federal service.

c. Accumulated sick leave on retirement or death is added to the total creditable service when computing the annuity of an employee under the Civil Service Retirement System (CSRS).

d. Accumulated sick leave on retirement or death is forfeited when computing the annuity of an employee under the Federal Employees Retirement System (FERS).

2-6. Procedures for Applying for Leave. Supervisors will determine the procedures for requesting leave. Leave will be requested and approved in advance except for emergencies. Failure to obtain prior approval for an absence or failure to follow proper procedures in requesting leave may result in a charge of AWOL and/or disciplinary charges for failure to follow procedures.

2-7. Handling Leave Problems. When every reasonable effort to effect compliance with leave requirements is made without success, more action may be required, such as:

a. Reasonable changes in official duty hours for an individual employee can be made if compatible with office requirements.

b. In the case of habitual "emergency" annual or sick leave, the employee should be counseled and advised in writing that future absences not approved in advance will require a medical certificate for sick leave or will be charged to AWOL.

c. Those employees having a persistent tardiness problem should be advised in writing that future tardiness will, at the supervisor's option, be charged to annual leave. Should the problem continue, tardiness will be charged as AWOL. Employees should be advised that AWOL charges may form the basis for disciplinary action.

d. The Employee Relations staff should be contacted for assistance with leave problems.

| Table 2-1  |  |   |  |
|--|--|---|--|
| Annual Leave (AL) Accrual Rate   |  |   |  |
| Tour of Duty   | Years of Creditable Service                |   |  |
| Full-time employees<br>(basic 40-hour work week)   | Less than 3 accrues                        | 3 but less than 15 accrues  | 15 or more accrues                         |
|  | 4 hours AL each bi-weekly pay period       | 6 hours AL each bi-weekly pay period, except the last pay period earns 10 hours | 8 hours each bi-weekly pay period          |
| Part-time employees with regularly scheduled tour of duty  | 1 hour AL for each 20 hours in pay status* | 1 hour AL for each 13 hours in pay status*                                      | 1 hour AL for each 10 hours in pay status* |
| *Service performed that is not divisible by the leave accrual (20, 13, or 10 hours) will be carried forward to succeeding pay periods. |  |   |  |

CHAPTER 3  
ANNUAL LEAVE

3-1. Coverage and Exclusion

a. Full and part-time employees on pre-scheduled tours of duty earn annual leave if appointed for 90 days consecutively or longer, or if employed for 90 days or longer under successive appointments of shorter periods without a break in service.

b. Intermittent employees do not earn annual leave.

3-2. Accrual

a. Full-time and part-time employees whose appointments are for 90 days or longer are credited with annual leave beginning with the first day of duty after appointment. An employee initially appointed for less than 90 days, who serves on successive appointments that total 90 days or more, without a break in service, will be entitled to full leave accrual for the 90 days on the 91st day of service. An employee initially appointed for less than 90 days, and whose current appointment is for 90 days or more, begins annual leave accrual with the current appointment. If there is no break in service between the appointments, the employee will be credited with the leave that would have accrued from the initial appointment.

b. The rate at which an employee accrues leave is based on his/her years of creditable-service and the tour of duty to which assigned. Changes in accrual rates are effective at the beginning of the first pay period following completion of the prescribed period of creditable service.

3-3. Creditable Service. The amount of annual leave that an employee earns is based in part on previous creditable civilian and military service.

a. Civilian Service

(1) Credit is given for Federal civil service in the Executive, Judicial and Legislative Branches of the Federal Government.

(2) Credit is given for all regular duty time, leave with pay, and time on the rolls in a nonpay status (e.g., LWOP, suspension, furlough and AWOL) that does not exceed six months in the aggregate in any calendar year. Exceptions are made for the following situations where employees are given full credit for LWOP time.

(a) Employees serving with the Armed Forces during period of war or national emergency shall be considered to be on military furlough if they serve no more than five years at the request of the government, and if they request restoration within specified time limits after release.

(b) Employees on Workers' Compensation who are carried on the rolls in a LWOP status.

(c) Part-time employees on a prescheduled, regular tour of duty are given full credit for all time between date of appointment and date of separation.

b. Military Service

(1) Except as indicated below, all active duty military service terminated by honorable discharge or by transfer to inactive Reserve under honorable conditions is creditable.

(2) Periods of lost time (e.g., AWOL) are not credited.

(3) A reservist ordered to active duty for training normally receives credit for the duty period. No credit is given for scheduled weekly or monthly assemblies or drills.

(4) Retired members of the uniformed services are to receive credit for active service in the Armed Forces during wartime, or in any campaign or expedition for which a campaign badge has been authorized, with the exception of the following who receive credit for all their service:

(a) Employees whose retirement was based on disability resulting from injury or disease received in the line of duty as a direct result of an armed conflict, or caused by an instrumentality of war and incurred in the line of duty during a period of war.

(b) Employees who were employed in November 1964 in a civilian position to which the annual and sick leave law applies and who have continued to be employed without a break in service of more than 30 days.

3-4. Maximum Accumulation. The maximum accumulation of annual leave that may be carried into a new leave year is 240 hours with the following exceptions:

a. The maximum accumulation of annual leave that may be carried into a new leave year is 720 hours for individual serving in a position in the Senior Intelligence-Executive Service.

b. An employee assigned on permanent change of station overseas may accumulate 45 days. That leave ceiling may be retained after assignment to a position with a 30-day accumulation limit until the employee uses more annual leave in a year than he/she earns. The balance carried forward at the end of the. leave year becomes the new leave ceiling.

c. In addition to the authorized maximum accumulation, restored annual leave may be carried over for a maximum of. two years. If restored leave is not used within two years, the employee forfeits any balance of the restored leave.

3-5. Restoration of Annual Leave, (See Appendix C for sample form)

a. Annual leave that otherwise would be forfeited at the end of the leave year may be restored to an employee if he or she is unable to use the leave because of administrative error, exigency of the public business, or sickness. .

(1) Annual leave that has been earned after June 30, 1960, and forfeited at the end of the leave year through administrative error may be restored to the employee to be used as indicated in paragraph e., below. An employee must initiate a written request for restoration of leave forfeited through administrative error and submit appropriate support information and documentation to the civilian payroll office via the command approving official.

(2) Annual leave that had been scheduled for use before the end of the leave year, but which must be canceled because of exigency of the public business, may be restored for use as indicated in paragraph e., below.

(3) Except in cases of prolonged illness, *annual* leave forfeited because of sickness must have been scheduled in writing in advance. The annual leave may be restored for later use if the advance scheduling requirement was met and the annual leave cannot be rescheduled for use before the end of the leave year.

(4) Documentation for restoration of forfeited annual leave must show that the decision to schedule leave for use was made in writing before the start of the third pay period before the end of the leave year.

b. Application for restoration of forfeited *annual* leave because of exigency of public business or because of sickness must be submitted by the employee through their. immediate supervisor and approved by a designated command approving authority. The following documents will be included:

(1) Copies of the approved Standard Forms (SF) 71, Application for Leave, showing the date(s) during which the leave was scheduled. for use (i.e., approved by the official having authority to approve leave) and the amount of leave (days/hours) that was scheduled for use. Documentation will also include the reasons (s) for subsequent cancellation of the approved leave, the calendar date(s) the canceled leave was rescheduled for use, if appropriate, and the amount of leave (days/hours) that was rescheduled for use.

(2) For exigency of public business, a statement must be prepared by the designated agency official authorized to approve exigencies. The statement will specify the beginning and ending dates of the exigency period. The statement must also specify that the exigency determination is of such importance that the employee could not be excused from duty to use the leave and thus preclude the forfeiture or portions of the forfeiture. Also, the statement will stipulate that there is no reasonable alternative to the cancellation of the scheduled leave, such as postponing the work or assignment of the work to another employee. The statement should be completed before the exigency period unless the suddenness or uncertainty of the circumstances prevents advance decision.

c. Restored annual leave will be maintained in a separate leave account and will be used no later than the end of the leave year ending two years after the following dates, under circumstances stating:

(1) The date of restoration of the annual leave forfeited because of administrative error.

(2) The date fixed by the command approving official as the termination date of the exigency of public business that resulted in the forfeiture of annual leave.

(3) The date the employee is determined to be recovered from the sickness that caused the forfeiture of leave and is able to return to duty. Any restored leave unused at the expiration of the two year limit is again forfeited with no further right to restoration.

### 3-6. Granting Annual Leave

a. Although the use of annual leave is a right of the employee, the determination of when the leave is to be used is a supervisory decision. Except in an emergency, the use of annual leave is subject to prior approval. It cannot be assumed that

the mere reporting of an absence or transmitting a request for leave through another person to the approving supervisor satisfies the requirement for obtaining prior approval of an absence as annual leave. Failure to secure prior approval of an absence as annual leave may warrant a charge of AWOL.

b. Emergency situations occur that may warrant exception to the requirement for advance supervisory approval of annual leave. The supervisor, however, may decide not to approve an otherwise acceptable request for emergency leave when the request is received more than two hours after the start of the workday, unless circumstances clearly show that a delay in requesting leave was unavoidable.

c. When employees can be spared from their duties, annual leave will be granted freely for personal or emergency purposes. Large accumulations of annual leave should be avoided. Normally, employees will not be denied the use of annual leave when they may otherwise be required to forfeit such leave by reason of maximum accumulation of forfeiture rules. Denial of its use will be based on factors that are reasonable and equitable and that do not discriminate against any employee or group of employees.

d. Supervisors should establish written schedules for planned leave early in the leave year. The leave schedules should be reviewed and modified according to work requirements. To the maximum extent possible, leave schedules should reflect the personal desires of employees on the timing and amount of annual leave to be used. Depending on work requirements, supervisors will plan to allow each employee an extended period of leave for rest and relaxation annually to assist in maintaining maximum efficiency and productivity.

3-7. Advancing Annual Leave. Supervisors may approve requests for an advance of annual leave not to exceed the amount the employee can reasonably be expected to earn during the balance of the leave year. For employees serving under temporary appointments or those whose retirement is planned, advanced leave may not exceed the amount that can be repaid by accrual before separation. The request for and approval of advance leave must be in writing and a copy will be forwarded to the servicing civilian payroll office.

3-8. Lump-sum Payment

a. On separation, resignation, transfer or move to a position not under a leave system for which annual leave may be transferred, accumulated and accrued, annual leave will be paid in a lump sum. Lump sum-payment may also include restored annual leave provided the date of separation is within the authorized time limit.

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b. If, after separation but prior to the time the lump sum payment is made, a former employee is reappointed to a position in the Federal service subject to a formal leave system, the lump sum payment will be limited to the time the employee was out of the service.

3-9. Compensatory and Credit Hours Time Off. Use of compensatory and credit hours is subject to the same administrative approval a annual leave.

CHAPTER 4  
VOLUNTARY LEAVE TRANSFER PROGRAM

4-1. Introduction

a. The Voluntary Leave Transfer Program became effective with enactment of Public Law 100-566, October 31, 1988.

b. The program implements the requirements for transferring unused, accrued annual leave of a civilian employee for use by another civilian employee who needs such leave because of a medical emergency. A medical emergency is a medical condition of an employee or a family member of such duration that it is likely to require the employee's absence from duty for a prolonged period of time, and result in a substantial loss of income to the employee because of the unavailability of paid leave.

c. An employee may apply to be a leave recipient before, during or after a medical emergency.

d. The program will be publicized in communications such as memorandums and newsletters by the Civilian Intelligence Personnel Office (CIPO). Information may also be publicized by the Command about an approved leave recipient's medical emergency, with employee's permission, to make other employees aware of the applicant's need for annual leave donations.

4-2. Responsibilities

a. Activity heads/commanders or designees:

(1) Ensure local guidance is disseminated and used in the administration of the Voluntary Leave Transfer Program.

(2) Ensure that the medical emergency affecting the leave recipient is monitored and the action is taken to terminate the use of transferred leave when the medical emergency terminates.

(3) Ensure that all documentation relating to the individuals approval is properly maintained.

(4) Transmit approved determinations on leave recipient/donor applications to the servicing payroll office for processing.

b. Supervisory/approving officials:

(1) Receive and review leave recipient applications for potential leave recipients.

(2) Decide on the disposition of recipients' and/or donors' potential leave applications and notify the potential recipient and/or donors. An activity head/commander or designee may consider why an employee is without available paid leave (i.e., misuse of leave). Any allegation of misuse of leave should have been documented with a Leave Restriction Letter.

(3) Forward the leave donor's approved application to the leave recipient's activity head/commander or designee for transfer of annual leave. The leave donor's activity head/commander or designee shall verify that the leave donor has sufficient leave available to make the requested donation.

(4) Ensure that the medical emergency affecting the leave recipient is monitored and that action is taken to terminate the use of transferred leave when the medical emergency terminates.

(5) Ensure that leave records, to include time and attendance records and backup documents, are properly maintained and properly submitted.

(6) Ensure time and attendance reports are properly authenticated to reflect donated leave.

(7) Notify the activity head/commanders or designees, when the medical emergency of the leave recipient has terminated and forward the appropriate documentation.

c. CIPO:

(1) Shall serve in an advisory role to the activity head/commander or designee.

(2) Advise employees on the leave recipient application and donor authorization process.

(3) Report to the Office of Personnel Management as required.

d. The Employee Applicants or Personal Representatives shall:

(1) Complete applications and supporting documents.

(2) As appropriate, ensure medical documentation supporting the medical emergency is provided with the application, and thereafter as requested.

(3) Immediately notify the supervisor when it is known that the medical emergency will terminate.

d. Servicing payroll offices:

(1) Shall transfer leave between the accounts of leave donors and recipients.

(2) Shall convert annual leave which is transferred or restored to or from employees on uncommon tours of duty.

(3) The leave recipient's servicing payroll office shall compute the amount of unused transferred annual leave to be restored to each leave donor and notify the leave recipient's activity head/commander or designee, in writing, of this information.

(4) The leave donor's servicing payroll office shall notify the donor, in writing, of the options available for his or her restored annual leave.

4-3. Application to be a Leave Recipient (See Appendix A)

a. Application to become a leave recipient (Optional Form 630, Leave Recipient Application) must be in writing and prepared by the employee affected by the medical emergency. If the employee is not capable of making application, a designated personal representative of the potential leave recipient may make application on his/her behalf. The designation of a personal representative must be in writing, signed by the leave applicant or member of the immediate family. The application and supporting documents must be submitted to the employee's supervisor.

4-4. Approval of the Application for Leave Transfer

a. On receipt of an application to become a recipient of transferred annual leave, the immediate supervisor shall:

(1) Verify the employment information contained in the application.

(2) Determine that the potential leave recipient is or has been affected by a "medical emergency," (or is projected to be affected).

(3) Ensure that, in the case of the employee applying for leave donations in order to liquidate a negative leave balance or LWOP, the application is made within 30 days of the expiration of the medical emergency.

(a) A medical emergency is defined as a medical condition of the employee or a family member of an employee that is beyond the control of the leave recipient. The medical condition is likely to require an employee's absence from duty for a prolonged period of time and result in a substantial loss of income to the employee. Maternity reasons will be considered in the same manner as other incapacitating medical conditions of similar duration.

(b) In making a determination as to whether a "medical emergency" is likely to result in a substantial loss of income, a supervisor shall not consider factors other than those stated below.

(4) Determine that the absence from duty without paid leave available for the purpose involved is, or is expected to be at least 24 hours, or in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's biweekly scheduled tour of duty.

(5) Return the request to the applicant if correction or additional information is required.

(6) Approved applications will be forwarded to the activity head/commander or designee for processing through the servicing payroll office. The immediate supervisor will provide copy to the requester.

4-5. Transfer of Annual Leave (See Appendices A & B)

a. An employee may submit a voluntary, irrevocable written authorization (Optional Form 630-A/B, Leave Donor Application) to donate annual leave. The request should accompany the potential leave recipient's application, but may be submitted separately to the supervisor to the activity head/commander or designee. The authorization to donate annual leave must identify the potential leave recipient and the specific number of whole hours of accrued annual leave to be donated. A copy of the employee's current leave and earnings statement must be attached.

b. The following limitations and controls apply to leave transfers:

(1) Annual leave may not be transferred to an employee's immediate supervisor.

(2) Annual leave transferred may be substituted retroactively for periods of leave without pay, or used to liquidate an indebtedness for advanced annual or sick leave previously approved for the period of the medical emergency.

(3) Activity heads/commanders or designees are delegated the authority to approve waivers of the limitations of annual leave donations. During any one leave year a leave donor may donate no more than a total of one-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made. Requests for waivers to these limitations shall be a separate written statement signed by the donor which certifies that the donor is aware that the request exceeds the limitations and describes the unusual circumstances inherent in the request. The approved waiver request shall be forwarded along with the donor's application to the donor's activity head/commander or designee and to the donor's payroll office.

(4) Disapproval of an application to donate or receive leave is a grievable matter under the Department of the Navy Administrative Grievance Procedures. If the leave donor's application is disapproved, he/she shall be notified of the reason for the disapproval and his/her Administrative Grievance rights.

(5) When it is known that a leave recipient has applied for or is contemplating applying for retirement, the recipient should be counseled about the possible effect substituting transferred leave may have on retirement benefits. Ordinarily, the commencing date of an immediate annuity is based on the last day of an employee's pay status. When transferred leave is substituted at the date other than the beginning of the LWOP period just prior to the employee's separation for retirement purposes, the employee will not receive annuity for any periods of LWOP prior to the period for which the transferred leave is substituted.

(6) Annual leave shall be transferred in increments of one hour.

(7) Annual leave earned and used on the basis of an uncommon tour of duty must be converted to a standard tour of duty or vice versa prior to use.

4-6. Use of Transferred Annual Leave,

a. Transferred annual leave may be:

(1) Used for the duration of the medical emergency, and used for the same purposes as if it were accrued by the leave recipient.

(2) Substituted retroactively to the beginning of the medical emergency.

b. Transferred annual leave may not be:

(1) Transferred to another leave recipient except as discussed in paragraph 4-10.

(2) Included in lump sum payment of leave.

(3) Made available for recredit to a leave recipient upon reemployment by a Federal agency.

4-7. Accrual of Annual and Sick Leave

a. The maximum amount of annual and sick leave that may be accrued by a leave recipient, while in receipt of donated leave, may not exceed 40 hours in each account (sick and annual leave) for use after the medical emergency. (In the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's weekly scheduled tour of duty is the maximum amount allowed.)

b. Accrued annual and sick leave by the leave recipient:

(1) Will be credited to the accounts of the leave recipient separate from donated annual leave.

(2) Will not become available for use by the leave recipient until the beginning of the first applicable pay period after the date on which the medical emergency terminates.

(3) Will not be credited to the leave account of a leave recipient if the medical emergency terminates when the leave recipient terminates Federal employment.

4-8. Termination of the Medical Emergency

a. Upon termination of a leave recipient's medical emergency the recipients' activity head/commander or designee shall notify in writing:

(1) The leave recipient and the leave recipient's servicing payroll office of the termination of medical emergency.

(2) The termination of the medical emergency will be effective at the end of the biweekly pay period in which written notice is received from the leave recipient or personal representative that the leave recipient is no longer affected by a medical emergency.

b. The leave recipient's activity head/commander or designee may deem a medical emergency to continue for the purpose of providing a leave recipient an adequate period of time to receive donations of annual leave to substitute for periods of LWOP or to liquidate an indebtedness for sick or annual leave.

c. When it is determined that the medical emergency has terminated, the leave recipient's immediate supervisor will provide written notice to the command/activity head or designee.

d. When the medical emergency terminates, no further request for transfer of annual leave may be approved, and any unused transferred annual leave remaining to the credit of the leave recipient shall be restored to the leave donors in accordance with paragraph 4-10.

4-9. Leave Transfer Processing to the servicing civilian payroll office.

a. If the same civilian payroll office services both the donor and the recipient, it will handle both the subtraction of the donated leave from the annual leave balance of the donor and the maintenance of the medical emergency leave account of the recipient.

b. If different civilian payroll offices serve the donor and the recipient, the Request to Donate Annual Leave to Leave Recipient Form will be forwarded to the recipient's command/activity or designee for processing.

4-10. Restoration of Transferred Annual

a. Transferred annual leave remaining to the credit of leave recipient will be restored to the leave donor(s) currently] employed by a Federal agency on termination of the medical emergency, in accordance with OPM Regulations in 5 CFR 630.911. On receipt of the notice from the recipient's supervisor indicating the termination of the leave recipient's medical emergency, the servicing payroll office will compute and restored (to the extent administratively feasible) transferred annual leave to the annual leave accounts of leave donors who are currently employed by a Federal agency and subject to Chapter 63 of Title U.S.C. on the date leave restoration is made.

b. The amount of unused transferred annual leave to be restored to each leave donor shall be determined as follows:

(1) Divide the number of hours of unused transferred leave by the total number of hours of annual leave transferred to the leave recipient.

(2) Multiply the ratio obtained by the number of hours of annual leave transferred by each leave donor eligible to receive restoration of unused transferred annual leave.

(3) Round down the result to the nearest increment of the whole hours of annual leave.

c. If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave shall be restored. In no case shall the amount of annual leave restored to the leave donor exceed the amount transferred to the leave recipient by the leave donor.

d. At the election of the leave donor, unused transferred leave restored to the leave donor may be restored by:

(1) crediting the restored annual leave to the leave donor's annual leave account in the current year;

(2) crediting the restored annual leave to the leave donor's annual leave accounts of the first day of the first year beginning after the date of election; or

(3) donating such leave in whole or part to another approved leave recipient. If only part of the restored leave is donated to another recipient, the donor may elect to have the remaining leave credited to the leave donor's annual leave account.

e. Transferred annual leave restored to the account of a leave donor shall be subject to the limitation imposed by 5 U.S.C. 6304 (a) at the end of the leave year in which the restored leave is credited to the leave donor's annual leave account.

4-11. Prohibition of Coercion. An employee will not be directly or indirectly intimidated, threatened or coerced by another employee for the purpose of interfering with any right an employee may have with respect to donating, receiving or using annual leave under these procedures.

4-12. Records and Reports. In accordance with OPM requirements for evaluation purposes, the following will be obtained and/or maintained, as appropriate by the command/activity head or designee.

a. The number of applications approved for medical emergencies affecting the employee and the number of applications approved for medical emergencies affecting an employee's family member.

b. The grade or pay level of each leave recipient and leave donor.

c. The total amount of annual leave transferred to each leave recipient's annual leave account.

d. The total amount of transferred annual leave used by each recipient.

e. The estimated direct and indirect costs of processing leave transfer requests, transferring leave between the accounts of leave donors and leave recipients, monitoring the use of transferred leave, restoring unused leave to the accounts of leave donors, and other activities related to administering the voluntary leave transfer program.

f. The number of leave recipients who returned to work after the termination of the medical emergency.

g. The number of leave recipients who retired on disability retirement under the Civil Service Retirement System the Federal Employees' Retirement System within six months after the termination of the medical emergency.

4-13 Federal Income Tax Implications for Leave Donors and Recipients,

a. Internal Revenue Service Ruling 90-29 of 9 April 1990, provides for treating the income received from the use of donated annual leave as taxable to the leave recipient. The ruling also concludes that a leave donor does not incur a deductible expense or loss upon the surrender of the leave or its use by a leave recipient.

b. Internal Revenue Service Ruling 90-29 states:

"The amounts paid by the employer to a leave recipient pursuant to the plan are includible in the gross income of the recipient. under section 61 of the Code as compensation for services provided by that recipient to the employer. These amounts are considered "wages" for purposes of the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, the Railroad Retirement Tax Act, the Railroad Unemployment Repayment Tax, and income tax withholding, unless excluded therefrom under specific provision of the Code. An employee who surrenders leave to the employer ... does not realize any income and incurs no deductible expense or loss...upon the surrender ... of the leave or its use by the recipient. The holding and underlying rationale of this ruling apply only to bona fide employer-sponsored leave-sharing arrangements."

c. Questions regarding this ruling should be directed to the Internal Revenue Service, Office of Assistant Chief Counsel (Income Tax and Accounting).

CHAPTER 5  
SICK LEAVE

5-1. Coverage and Exclusion

- a. Full-time and part-time employees earn sick leaves.
- b. Intermittent employees do not earn sick leave.

5-2. Accrual and Credits

- a. Full-time employees accrue four hours of sick leave each full biweekly pay period.
- b. Part-time employees earn one hour of sick leave for each 20 hours in a pay status. Credit may not exceed four hours of sick leave for 80 hours in a pay status during any full biweekly pay period.
- c. There is no limitation on the amount of sick leave that may be carried forward from one year to another. Any sick leave that is not used remains to the employee's credit and is available for use any time before his/her separation.
- d. Any sick leave to an employee's credit on separation shall be credited and made available for use if the employee is reemployed in the Federal service.
- e. Sick leave becomes available for use at the end of the pay period in which it is earned.

5-3. Granting Sick Leave

- a. Sick leave is a qualified right of an employee if it is used for absences for the following reasons:
  - (1) When incapacitated for performance of duties by sickness, injury or pregnancy and confinement following pregnancy.
  - (2) For medical, dental or optical examination or treatment, including periodic physical examinations for retention of status in a Reserve component of the Armed Forces of in the National or State Guard.
  - (3) When a member of an employee's immediate family is afflicted with a communicable disease and requires the care and

attendance of the employee, or when, through exposure to contagious disease, the presence at work of the employee would endanger the health of others. Communicable disease means a disease that is ruled as subject to quarantine, requires isolation of the patient, or requires restriction of movement by the patient for a specified period of time, as prescribed by the health authorities having jurisdiction.

(4) When an employee requires specialized treatment that is not available in the local area, a reasonable amount of sick leave may be granted to cover the travel time.

(5) When an employee is about to be separated for disability or disability retirement, or is absent because of a disabling condition pending optional retirement. These situation require certification of the employee's incapacity for work.

b. Except in an emergency, sick leave for medical, dental or optical examinations will be requested and approved by the supervisor in advance of the employee's absence. Whenever possible, employees should be encouraged to schedule such examinations outside normal duty hours.

c. An employee who is absent because of illness or for emergency examination will request leave from the supervisor as early as possible on the first day of the absence in accordance with established procedures. The employee will inform the supervisor of the reason for and expected duration of the absence Unless there is reason to doubt that the absence may not be a proper charge to sick leave, the supervisor should approve the absence at the time of the request. The supervisor will inform the employee of any specific requirements for requesting leave for the continuing illness.

d. When sickness occurs within a period of annual leave, supervisor may approve sick leave for the period of sickness.

e. When an employee who fails to request leave for an absence does not have sufficient accrued sick leave to cover the absence, or when the reason provided in the request does not warrant the approval of sick leave, the absence may result in charge of annual leave, LWOP or AWOL, as circumstances justify. When an employee has been charged AWOL for failure to properly request sick leave, and it is subsequently determined that the reason for the absence was proper due to illness or for emergency

examination, the AWOL charge will be changed to sick leave if sufficient sick leave exists to cover the absence. Failure to properly request sick leave is a separate conduct infraction that may form the basis for disciplinary action for failure to follow prescribed procedures or instructions.

f. Normally, the employee's certification will be sufficient to support a charge to sick leave for an absence of three workdays or less. For absences of more than three workdays, sick leave should be supported by a medical certificate. Signed statements by employees explaining the nature of their illness may be accepted (at the supervisor's discretion) when it is unreasonable to require a medical certificate because of a shortage of physicians, remoteness of locality, or because the illness does not require the services of a physician.

g. Normally, required evidence to support sick leave will be submitted by the employee on return to duty after sick leave. Unless extenuating circumstances can be substantiated, the time limit for submission of required evidence will not extend beyond one full pay period following the employee's return to duty. In cases of prolonged absence, the supervisor should require the employee to furnish supporting evidence at reasonable intervals.

h. Normally, employees who meet the criteria for approved sick leave and who are unable to work for the activity are too ill or too injured to work elsewhere. There are, however, rare instances where acceptable justification for outside employment by an employee while on sick leave (e.g., engaging in telephone solicitation or writing while confined at home because of pregnancy or recuperation from illness or injury, or performing sedentary work while unable to perform regular duties due to an injury such as a broken limb). Approving sick leave in such cases should be carefully controlled to prevent misuse.

i. If an employee dies while in a non-duty status, activities may grant accrued leave or may advance sick leave for the period of illness or disability immediately prior to death. If an employee was in a pay status (duty or leave) immediately prior to death, the beneficiary is entitled to receive compensation for the date of death, without charge to leave.

j. When there is reason to believe that the sick leave privilege is being abused, the employee should first be counseled concerning the questionable sick leave record and advised that a medical certificate or detailed medical statement may be required

to support any future granting of sick leave, regardless of the duration. Letters of Requirement may be grieved. Failure to comply with the Letter of Requirement may be considered a basis for denying sick leave and carrying the employee in an absence without leave (AWOL) status. Additionally, since the letter of requirement is a written order, failure to comply may also be considered a disciplinary offense in and of itself. The attendance records of employees require to submit medical certificates for each absence on sick leave should be reviewed annually. The requirement should be rescinded in writing at such time as improvement in an employee's sick leave record warrants such action.

k. As a general rule, employees may not be placed on sick or LWOP without their consent. Employees may be placed on sick leave or LWOP with their consent only if it is clear that they are physically or mentally incapable of performing their duties. Contact your CIPO Employee Relations Specialist in these situation.

#### 5-4. Advancing Sick Leave

a. Supervisors who normally approve/disapprove annual and sick leave requests are delegated authority to approve/disapprove advanced sick leave requests. Sick leave may be advanced to employees in deserving cases of serious disability ailments when the exigencies of the situation so require, subject to the following conditions.

(1) Advances are to be limited to instances of serious disability or ailments and only with medical certification.

(2) The amount of advanced sick leave to an employee's account may never exceed 30 days (240 hours) at any time.

(3) All available sick leave to the employee's credit must be exhausted.

(4) The amount of sick leave advanced to an employee serving under a temporary appointment will be limited to the amount which would be earned subsequently during the course of the appointment.

(5) The approving authority should have reasonable assurance that the employee will return to duty. Should the employee separate because of disability, illness, retirement, or resignation, the activity has no authority to require the repayment of the amount paid to the employee for advanced leave.

(6) Payment of advanced sick leave will cease if circumstances warrant its termination.

b. Advanced annual leave will not be granted for absences otherwise chargeable to sick leave. Consideration should be given to requiring the employee to use any annual leave that might otherwise be forfeited.

c. Employees must request advanced sick leave in writing and must furnish a medical statement to substantiate that a serious illness or injury exists and that they are, or will be, incapacitated from performing their duties. The statement should also affirm that it is believed they will be capable of subsequently returning to work and fulfilling the full scope of their jobs.

d. Granting advanced sick leave will be made only for the specified period of illness and necessary time for recuperation. Once the employee has returned to duty, any necessary absence thereafter for periodic checkup, etc., is chargeable to annual leave or LWOP, unless the employee has repaid the advanced sick leave and has accumulated sick leave to his/her credit.

e. Written approval/authorization for advanced sick leave, under this section must be provided to the payroll office, and wherever possible, prior to actual usage. In any event, care must be exercised to insure that only the proper amount of sick leave is authorized.

f. Advanced sick leave for which an employee is indebted may be liquidated upon the employees written request by a charge against. annual leave or leave transfer procedures.

5-5. Medical Emergency. An employee who becomes ill during duty hours will notify the supervisor and if emergency care is necessary, may report to the nearest Federal dispensary. Absences in excess of one hour will normally be charged to sick leave, annual leave, or LWOP.

5-6. On-the-Job Injury

a. An employee sustaining a job-related injury is entitled to Continuation of Pay (COP) for up to 45 calendar days of disability following a traumatic injury. The COP is charged in days, not hours. Unless the injury occurs before the beginning of the workday, time loss on the day of injury is charged to Administrative Leave.

b. Employees injured in the performance of their duties entitled to apply for the benefits of Chapter 81, Title 5 of U. Code (Compensation for Work Injuries). Employees may elect to have their absence from duty covered by a continuation of pay, appropriate, or may elect a charge against their accumulated sick leave or annual leave.

(1) If an employee sustains an injury on the job, during the employee's scheduled work hours, the time spent in obtaining emergency treatment and examination is under the control of management and as such will be regarded as duty status and will not be charged or recorded as leave. Any scheduled overtime will be neither reduced nor extended for purposes of treatment.

(2) If an employee is injured during any unscheduled overtime duty, the employee will be carried in a pay status for the time spent receiving emergency treatment or examination not exceed two hours.

(3) If, after receiving treatment or examination for on-the-job injury, the employee is not returned to duty, any time remaining in the employee's scheduled workday will be regarded official duty time and will not be charged or recorded as leave

c. If an employee is authorized to visit the dispensary during scheduled work hours for reasons other than treatment or examination for an on-the-job injury, any absence in excess of one hour will normally be charged to sick leave, annual leave, or LWOP.

d. On the recommendation of an employee's physician, periods of rest may be authorized during duty hours. However, if periods of absence from duty for rest in dispensaries as distinguished from periods of absence for emergency medical care will be charged to sick leave (if available), or to annual leave or LWOP.

CHAPTER 6  
FUNERAL LEAVE

6-1. Request for Funeral Leave/Bereavement

a. Employees may request annual leave or under the Family Friendly Leave Act may request a maximum of 104 hours of sick leave to provide for purposes related to the death of a family member, to include making the arrangements necessitated by the death and/or attending the funeral. Travel time, time needed by the employee to carry out executor duties, and time needed to clear out and arrange for sale of the deceased family member's home would be appropriate uses under this provision. The initial 40 hours (5 workdays) is guaranteed, however, if an employee maintains at least an 80 hour sick leave balance, they may request an additional 64 hours (8 workdays) of sick leave for these purposes.

b. An employee's request for funeral leave without charge to annual leave or the Family Friendly Leave Act will be approved for up to three workdays to make arrangements for or to attend the funeral or memorial service for an immediate relative who dies as a result of wounds, disease, or injury incurred as a member of the Armed Forces while serving in a combat zone.

c. The three days need not be consecutive but, if not, the employee shall furnish satisfactory reasons justifying a grant of funeral leave for nonconsecutive days.

6-2. Relations for whom Funeral Leave is Approved. Immediate relative means the following relatives of the deceased member of the Armed Forces:

- a. spouse and parents or spouse;
- b. children, including adopted children, and their spouses;
- c. parents;
- d. brother and sister and their spouses; or
- e. any person related by blood or affinity whose close association with the deceased was such as to have been the equivalent of a family relationship.

CHAPTER 7 MILITARY LEAVE

7-1. Coverage. Exclusions and Accruals

a. Full-time employees serving on permanent, temporary indefinite or temporary appointments pending establishment of a register (TAPER), or term appointments who are members of the National Guard or Reserve components of the Armed Forces, and part-time career employees working a 16 to 32-hour regularly scheduled workweek are authorized a leave of absence from their duties, without loss of pay, time or performance rating for active duty or training.

b. Accrual and use of military leave will be on a fiscal year basis. A full-time employee accrues 15 calendar days each fiscal year. A part-time career employee accrues military leave on a pro rata basis. The accrual rate of a part-time career employee will be a percentage of the full-time accrual rate determined by dividing 40 into the number of hours in the regularly scheduled workweek of the employee and not on the number of hours he/she works. Any portion of the unused military leave accrued in a fiscal year may be carried over to the next fiscal year, not to exceed 15 days. That gives a full-time employee the potential for 30 days of military leave during a fiscal year.

c. Members of Reserve units or the National Guard who are called to active duty to provide military aid for public safety (5 U.S.C. 6323b) are entitled to 22 workdays of military leave in a calendar year.

d. Eligible employees who are members of the National Guard of the District of Columbia are authorized military leave with pay for all days (no limit) or parade or encampment ordered under provisions of Section 49, Public Law 25 Statute 779, as amended by Section 53 of Public Law 35 Statute 634.

e. Temporary employees (on appointments of 1 year or less) and intermittent employees are not entitled to military leave.

7-2. Military Leave v. Military Furlough. Military leave is an approved absence with pay for active duty or training with a Reserve component of the Armed Forces, i.e., the Army National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard, the Air Force Reserve, and the Coast Guard Reserve. Military furlough is an approved absence due to extended active duty for general service with the Armed Forces.

7-3. Granting Military Leave

a. Entitlement of leave. A reservist or National Guardsman must be granted leave for the period or periods required to perform active duty in the Armed Forces. The reservist or National Guardsman must be carried in whatever military leave status he/she is entitled. If military leave has been exhausted, the employee must use annual/sick or LWOP. However, medical documentation is required for sick leave.

b. Evidence to be submitted. The military orders calling the employee to active military duty is sufficient evidence for authorizing military leave. On return to civilian duty, the employee will submit to his/her supervisor a copy of official orders indicating completion of active military duty.

c. Advance notice. The employee is responsible for requesting military leave from his/her supervisor as far in advance of entry on active duty as is possible.

d. Computation. Military leave may be taken intermittently, a day at a time, or as otherwise directed by military orders. Military leave is computed on a calendar day basis. The nonworkdays falling within a period of absence on military training duty are charged as military leave, but nonworkdays occurring at the beginning or end of the period are not charged as military leave. For example, an employee whose workweek is Monday through Friday receives orders for two weeks of training duty beginning and ending on a Saturday; Saturday and Sunday at the beginning of the tour and Saturday at the end are not charged to military leave; Saturday and Sunday within the tour are charged; and the employee's total charge to military leave is 12 days.

e. Pay status.

(1) Generally, a pay status either immediately before beginning military duty or a return to a pay status immediately afterwards is a requisite for entitlement to military leave with pay.

(2) An employee on military leave on a regularly scheduled overtime day is entitled to overtime pay for that day.

(3) An employee on a tour of duty that permits night differential pay is entitled to night differential pay during the period of military leave.

7-4. Effect of Resignation

a. A reservist or National Guardsman who resigns from a civilian position and later enters on active military duty is not entitled to military leave for any portion of the period of military service.

b. A reservist or National Guardsman who resigns or is separated from a civilian position for active military duty will have the separation date extended to permit granting of military leave to which he/she is entitled.

7-5. Return to Duty

a. Upon completion of military leave, the employee shall be restored to the position that was held prior to being ordered to military duty,

b. An eligible employee may be granted military leave even though the possibility exists that the employee will not return to his/her civilian position at the expiration of military duty.

CHAPTER 8  
COURT LEAVE

8-1. General

a. The Department of the Navy considers court leave a civic responsibility of all employees to respond to calls for jury and other court services. Requests to excuse an employee from jury duty should be made only when the employee's services are required to meet essential work requirements, and when the public interest is better served by the employee remaining on duty.

b. Court leave is an authorized absence, without charge to leave or loss of pay, of an employee from work status : (1) for jury duty; (2) for attending judicial proceedings in a nonofficial capacity as a witness on behalf of a state or local government; or (3) on behalf of a private party in connection with any judicial proceedings to which the United States, the District of Columbia or a state or local government is a party. When employees are called for jury duty, they are eligible for court leave only if they would be on duty or leave with pay, except for the jury duty.

8-2. Evidence to be Submitted. Before absence on court leave, either as a juror or witness, the employee will provide a copy of the court order, subpoena, summons or other official written request to the supervisor. On return to duty, written evidence of attendance at court may be required to submit evidence that he or she appeared in court and the amount of time served per day. Generally, such statements may be obtained from the clerk of the court. The court order, subpoena or summons is not required as a permanent record and should be retained in the same manner as other leave records.

8-3. Jury Service

a. Eligibility

(1) Court leave for jury service may be granted to permanent and temporary employees, both full-time and part-time, but not to intermittent and WAE (when actually employed) employees.

(2) An employee on LWOP may not be granted court leave when called to jury service since court leave is available to employees who, except for jury service, would be on duty or leave with pay.

b. Use of Annual Leave

(1) If an employee is on annual leave when called for jury service, court leave will be substituted. An employee on annual leave under advance notice of separation due to reduction in force, who is summoned as a juror, is entitled to have court leave substituted for annual leave. Substituted court leave will not extend beyond the date administratively fixed for separation

(2) While intermittent employees may not be granted court leave as jurors, they may be granted annual leave or LWOP for those purposes.

c. Duration of jury service. An employee summoned by a state or Federal court to serve on a jury will be granted court leave with pay for the entire period, regardless of the number of hours per day or days per week of actual service.

8-4. Witnesses

a. Eligibility

(1) Court leave may be granted to full-time and parttime permanent and temporary employees during periods of absence while serving as nonofficial witnesses for a state or local government, or on behalf of a private party when a party is the U.S., D.C., state, or local government.

(2) Court leave may not be granted to an employee for time spent testifying in his/her own behalf when the employee is the plaintiff in a proceeding involving the U.S., D.C., state, or local Government. Likewise, court leave may not be granted to all employee who is a party to a law suit against the government for time the employee-plaintiff spends in preparation for the trial, including answering government interrogatories and observing the conduct of the trial. Annual leave or LWOP is appropriate for such periods.

b. Witness in an official duty status. The following is considered to be official duty status, as distinguished from a leave status, during the period of witness service.

(1) Witness in an official capacity. An employee will be in an official duty status if summoned or assigned to testify in an official capacity or to produce official records at a judicial proceeding, whether on behalf of the government or a private party. The employee is considered to be a witness in an official capacity when called in relation to his/her current position or a former position in the Federal service.

(2) Witness in nonofficial capacity. When an employee, is subpoenaed or directed by proper authority, appears as a witness for the Federal government or the District of Columbia in an nonofficial capacity, he/she is in official duty status.

c. Non-government witness. When an employee's appearance as a witness is not in an official duty status, and when a party is not the U.S., D.C., state, or local government, the absence from duty will be charged as either annual leave or LWOP.

d. Disposition of fees. Fees for jury service that may not be retained will be forwarded by the employee via money order or personal check to the employing activity.

8-5. Return to Duty,. If an employee is excused or released by the court for any day or a substantial portion of a day, he/she is required to return to duty. However, when only one or two hours remain in the daily tour, the employee normally will not be expected to return to duty. Otherwise, failure to return to duty when excused or released by the court may result in a charge to annual leave, LWOP or AWOL.

8-6. Acceptance of Fees

a. An employee may not receive fees for jury service on regular workdays in a Federal court, including any court of the District of Columbia, unless the employee is in a LWOP status. However, the employee may receive and retain fees for jury service on nonworkdays for which he/she receives no compensation from Federal employment. The employee also may retain fees for jury service performed on a holiday in the basic tour of duty provided that if the employee had not been on jury service, he/she would have been excused from regular duties on the holiday.

b. An employee may accept fees for jury service in state, county, or municipal court for which the absence is charged to court leave. Fees may be accepted and retained by the employee under the following circumstances:

(1) When the amount paid by the court is in excess of normal gross salary.

(2) When the amount paid is for jury service performed outside the scheduled tour of duty (regular and overtime) that requires no absence from normal duties.

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(3) When the amount paid is for jury service perform, on a holiday falling within the employee's basic tour of duty, provided that if the employee had not been on jury service, he/she would have been excused from regular duties on the holiday.

(4) When the amount paid by the court includes an allowance specifically identified as a transportation and subsistence expense allowance.

**TABLE 8-1**  
**EMPLOYEE ABSENCES FOR COURT-RELATED SERVICES**

| If nature of service is:  | then, type of absence is recorded as: |               |                   | and fees are payable to employee: |                  |                   | and travel authorized at Government expense |            |
|---|---------------------------------------|---------------|-------------------|-----------------------------------|------------------|-------------------|---|------------|
|   | Court Leave                           | Official Duty | Annual Leave/LWOP | No                                | Yes and retained | Yes but turned in | No  | Yes        |
| 1 Jury Service (United States or District of Columbia Court)  | X                                     |               |                   | X                                 |                  |                   | X   |            |
| 2 Jury Service (state or local court)   | X                                     |               |                   |                                   | X (Note 1)       | X                 | X   |            |
| 3 Witness Service (on behalf of United States or District of Columbia Government)   |                                       | X             |                   | X                                 |                  |                   |   | X          |
| 4 Witness Service (on behalf of state or local government in official capacity)   |                                       | X             |                   |                                   |                  | X                 |   | X (Note 2) |
| 5 Witness Service (on behalf of state or local government not in official capacity)   | X                                     |               |                   |                                   |                  | X                 | X   |            |
| 6 Witness Service (on behalf of private party in official capacity)   |                                       | X             |                   |                                   |                  | X                 |   | X          |
| 7 Witness Service (on behalf of private party not in official capacity)   |                                       |               | X                 |                                   | X                |                   | X   |            |
| 8 Witness Service (on behalf of private party not in official capacity when a party is United States, District of Columbia, state, or local government) | X                                     |               |                   |                                   |                  | X                 | X   |            |

TABLE 8-1 CONTINUED ON NEXT PAGE

| TABLE 8-1 (Continued)                        |   |                                       |               |                   |                                   |                  |                   |  |     |
|--|---|---------------------------------------|---------------|-------------------|-----------------------------------|------------------|-------------------|--|-----|
| EMPLOYEE ABSENCES FOR COURT-RELATED SERVICES |   |                                       |               |                   |                                   |                  |                   |  |     |
| R<br>U<br>L<br>E                             | If nature of service is:  | then, type of absence is recorded as: |               |                   | and fees are payable to employee: |                  |                   | and travel authorized at government expense: |     |
|  |   | Court Leave                           | Official Duty | Annual Leave/LWOP | No                                | Yes and retained | Yes but turned in | No   | Yes |
| 9  | Witness Service (on behalf of private party not in official capacity when a party is not United States, District of Columbia, state, or local government) |                                       |               | X                 |                                   | X                |                   | X  |     |

**NOTES:**

1. Exceptions to include the State of Maryland. See Air Force Manual 177-372A, Volume II, Time and Attendance Reporting-Civilian Pay System.
2. Offset to extent paid by authority issuing summons. See also JTR 2, C4504.

CHAPTER 9  
EXCUSED ABSENCE

9-1. General. An excused absence is an absence from duty administratively authorized without loss of pay or change to leave. Excused absences are authorized on an individual basis., except when an installation is closed, or a group of employees are excused from work for various purposes. Employees requesting an excused absence shall make application for such leave to their immediate supervisor, providing the reason(s) and documentation as may be required. Examples of excused absences are explained below.

9-2. Registration and Voting. Insofar as possible, without seriously interfering with operations, an employee may be excused for a reasonable time to vote or register to vote in an election or referendum on a civic matter in his/her community. As a general rule, when the polls are not open at least three hours either before or after' the regular hours or work, excused absence may be authorized in an amount that will permit reporting for work within three hours after the polls open or leaving from work three hours before the polls close, whichever requires the lesser amount of time off. Employees on flexible work schedules will be excused only for those hours which cannot be accommodated by their flexitime schedules. When the distance to the voting place complies with the general rule, or when the jurisdiction in which the employee is voting requires voting in person, excused absence not to exceed one full day may be authorized. If more than one day is required for the trip, time off in excess of one day will be charged to annual leave or LWOP. If an employee votes in a jurisdiction that requires registration in person, time off to register may be granted on substantially the same basis as for voting, except that time off will not be granted if registration can be accomplished on a nonworkday and the place of registration is within a reasonable one day, round-trip travel distance from. the place of residence.

9-3. Emergency Rescue or Protective Work. Employees who can be spared without interference with essential agency operations and obligations may be excused to participate in emergency rescue or protective work during an emergency such as fire, flood or search operations. Such participation shall normally be limited to a maximum of five workdays per year. Employees may not be excused from duty without charge to leave for the purpose of performing rescue or guardsman duty that otherwise would be covered by military leave as authorized under Chapter 7.

9-4. participation in Military Funerals,. Employees who are veterans may be excused up to four hours in a day to participate in funeral ceremonies for members of the Armed Forces whose remains are returned to the United States from abroad for final interment in the United States. Excused absence for participation may be as a pallbearer, member of a firing squad or honor guard, but not as an honorary pallbearer.

9-5. Blood Donation. Employees are encouraged to participate in the Navy Blood Donor Program. Donors will be excused from work without charge to leave for the time necessary to donate blood, for recuperation following blood donation, if necessary, and for necessary travel to and from the donation site. Excused time for recuperation is not an "automatic" entitlement; it should be granted only where the employee who has donated blood cannot return to work because they are unable to do so. The maximum excused time will not exceed four hours except in unusual cases. When the employee must travel a long distance, or when unusual need for recuperation occurs, up to an additional four hours may be authorized.

9-6. Tardiness and Brief Absences.

a. Tardiness and brief absences from duty of less than one hour may be excused if the reason(s) are justifiable to the supervisor.

b. When an employee is chronically tardy or otherwise absent from duty without an acceptable reason, such tardiness or absence should be charged to annual leave, LWOP or AWOL.' If the absence is charged as AWOL, disciplinary action may be proposed.

c. Annual leave or LWOP may be charged only with the employee's consent. The employee will not be required to work during the period covered by the charge to annual leave or LWOP.

9-7. Taking Examinations.

a. Employees will be excused without charge to leave or loss of pay in the following situations:

(1) For tests or interviews required under the Navy Merit Promotion Program when the competition is for positions at the activity where they are currently employed.

(2) For examinations required for converting TAPER appointments to career-conditional.

(3) For required noncompetitive examinations within the same activity.

b. Employees may, at the discretion of the head of the activity, be excused without charge to leave or loss of pay to participate in tests and interviews when the competition is for the following positions:

(1) Positions at the Department of the Navy activities within the commuting area.

(2) Positions at the Department's activities outside the commuting area.

(3) Non-departmental positions when the employee is under notice of separation by reduction-in-force.

(4) Positions. in other agencies under DoD-wide or OPM career programs.

c. In circumstances other than those described above, employees may request annual leave or leave without pay for time spent in examinations or interviews.

d. The provisions above will not be construed as precluding an activity from conducting tests or examinations outside normal working hours. Employees who participate in tests, examinations, or interviews outside of normal working hours are not in a pay status.

9-8. Attendance at Conferences or Conventions. An employee may be excused to attend conferences or conventions when it is determined that attendance will serve the best interests of the Federal service. Excused absence of that type shall be limited to five work days per calendar year. Such absences will be limited to situations where the employee is designated as an official representative, or where there is a relationship between the items on the agenda and the employee's official duty assignments. Employees will not be excused to attend conferences or conventions of political parties or partisan political groups or committees. An employee may not be excused to attend a conference or convention that does not relate directly to official assignments, but annual leave or LWOP may be allowed for that purpose to the extent work conditions permit.

9-9. Appeals, Grievances, and Discrimination Complaints,

a. Appellants and their representatives, who are current employees of the activity, will be allowed a reasonable amount official time for the following situations:

- (1) Preparation and presentation of replies to a proposed adverse action.
- (2) Presentation of EEO complaints.
- (3) Presentation of a grievance.
- (4) Presentation at hearings appealing an adverse act. (appellant only).
- (5) Presentation at EEO hearings.
- (6) Presentation at grievance hearings.

b. The management representative and the appellant may request a reasonable number of witnesses who have direct knowledge concerning the appeal. Employees participating in a hearing will be in a duty status during a hearing.' Witnesses whose scheduled duty hours are not within the hours they will participate in a hearing will have their shift hours changed in accordance with applicable instructions or they will be paid overtime during the participation.

9-10. Illness Caused by Required Vaccinations or Immunizations. When an employee is absent because of 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 vaccinations or immunizations certifies to the necessity of the absence.

9-11. Medical Examinations. Time spent for medical examination to determine an employee's fitness for the Federal service will considered duty time. That does not apply to physical examinations given to applicants prior to entrance on duty. In addition, examinations conducted by a personal physician for an employee as part of the process to apply for disability retirement is chargeable as sick leave, annual leave or LWOP. However, if Federal medical officer requests to see an employee regarding are: application for disability retirement, such time will be considered duty time.

9-12. Utilizing Services of Personnel or EEO. Within the commuting area, an employee will be excused to use the services of their servicing Personnel Office or the Equal Employment Opportunity Office. However, the employee must first obtain his/her supervisor's permission to arrange to be absent from the worksite.

9-13. Draft Registration. Employees will be excused from duty without charge to leave or loss of pay for registration under the "Military Selective Service Act," for the time necessary to register, but not to exceed one day. Time in excess of one day is chargeable to annual leave. When registration is not required on any particular day, employees should be encouraged to register on a nonworkday, if possible.

9-14. Armed Forces Medical Examinations. An employee will be excused for time spent in reporting for and undergoing a medical examination to determine eligibility for enlistment or induction into the Armed Forces of the United States provided his/her request for absence is supported by an official notice from the military authority. If the absence extends beyond one workday, the employee will be required to submit a statement from the induction station showing the necessity for the additional absence. If, by the employee's choice, orders are obtained that direct reporting to other than the nearest induction station, and, as a result, the employee is away from duty more than one day, absence in excess of one day will be charged to annual leave or LWOP. A medical examination for the purpose of recall to active duty, military training duty, or determining eligibility to retention in a Reserve component unit will be charged to sick leave, except when the reservist is ordered to active duty for that purpose. In the latter case, the medical examination is charged to military or annual leave, as appropriate. A medical or dental examination taken at the option of the employee and a medical examination directed by the Armed Services in connection with periodic physical examinations of retired military personnel is chargeable to sick leave.

9-15. Absences for Relocation Purposes. An employee may be excused for a reasonable time (normally not to exceed 16 hours within CONUS or 40 hours outside of CONUS) to make personal arrangements and to transact personal business directly related to a permanent change of station which is in the interest of the U.S. government, provided that such business or arrangements cannot be transacted outside the employee's regular working

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hours. That includes such things as making arrangements for the packing and unpacking\_ of household goods and obtaining a driver's license, auto tags and passports. Requests for additional time must be requested, in writing, and must include a detailed justification.

9-16. Bone Marrow or Organ Donor. An employee is entitled to seven days of paid leave each calendar year to serve as a bone marrow or organ donor. This provision became effective 30 September 1994 under the provisions of the Treasury, Postal Service and General Government Appropriations Act for FY 95.

9-17. Administrative Dismissal

a. Activity heads have been delegated authority to close all or part of an activity consistent with the command policy. This authority does not extend to periods of interrupted or .suspended operations that can be anticipated sufficiently in advance to permit arranging for assignment to other work or the scheduling of annual leave.

b. When normal operations of an activity are interrupted by events beyond the control of management or employees for two consecutive workdays or when the circumstances continue to prevent employees from returning to work at the end of two workdays, activity heads may authorize excused absence not to exceed three additional workdays. In arriving at a decision to close all or part of an activity, activity heads shall take the following actions:

(1) Consider the practice of private employers in the community.

(2) Provide for liberal use of annual and sick leave in individual cases. For example, before considering any group dismissal because of temperature extremes, grant leave to employees with chronic medical conditions which, according to the written advice of their attending physician, could be aggravated by temperature extremes.

c. Assure that group dismissals in connection with extreme weather conditions are authorized only in exceptional instances where working or commuting conditions are severe and health or safety or employees is endangered. (Area-wide weather emergencies usually are announced by state or local authorities and, in the Washington, D.C. area early dismissal is governed by OPM procedures.)

d. Assure that group dismissal authority is not used to create the effect of a holiday (to include activity down days and training days).

9-18. administrative Discretion

a. In connection with a proposed adverse action. An activity head may excuse an employee from duty without charge to leave or loss of pay during the notice period of removal or indefinite suspension when, in the judgment of the activity head, the circumstances are such that retention of the employee in a duty status may be detrimental to the employee, fellow workers, or the general public, or may result in damage to government property, impede the efficiency of the activity operations, or because the nature of the employee's offense reflects unfavorably on the public perception of the DoN. Excused absence for these purposes should be used only after all other options, e.g., voluntary use of leave, reassignment, detail, etc., have been explored and found not feasible. Care should be exercised to use the minimum amount of excused absence necessary in any individual situation.

b. Severe weather conditions. Where, because of exigent circumstances, it becomes necessary to provide for the tardy arrival of a significant number of employees at a given federal installation, administrative leave may be authorized for those employees reporting late. Unless the installation is closed, those employees who had previously scheduled either annual leave or sick leave and those employees who chose not to report for duty as a result of the exigent circumstances may not be authorized administrative leave.

9-19. Emergency Dismissal or Closure Procedures. Effective 21 January 1997, in those rare events that require an early work dismissal or late work arrival due to severe inclement dangerous weather or other types of emergency situations, OPM may authorize An "adjusted work dismissal" policy or an "adjusted home departure" policy. In both of these situations, the time period an employee will be excused from work will be guided by the employee's normal departure times from home or work.

a. Adjusted Work Dismissal. This policy permits employees to leave work early relative to their normal departure times. For example, if a 3-hour early dismissal is authorized by OPM as a result of the approach of a hurricane or snowstorm, employees who would normally leave work at 5 p.m. would be authorized to leave at 2 p.m.

b. Adjusted home departure. This policy permits employees to leave their homes later than their normal departure times. For example, if OPM announces that an "adjusted home departure" policy is in effect and employees should delay their normal departure time for 2 hours, employees who normally leave for work at 7 a.m. would delay departure until 9 a.m. Nonemergency employees who arrive late will be excused without loss of pay or charge to leave.

c. Criteria. Group dismissal should be rare and authorized only when conditions are severe or normal operations would be significantly disrupted.

d. Group dismissal authority may be used to the extent warranted by good administration for short periods. Group dismissals will normally not exceed 3 consecutive workdays in a single period. When approving group dismissals, commanders or heads of activities must consider practices of private employers in the area, the use of unscheduled leave in individual cases, and the severity of working or commuting conditions.

e. Before group dismissal authority may exceed 3 consecutive workdays, the commander or head of activity must consider using options such as details to other activities, the use of unscheduled leave and the use of furlough authority. In rare cases, when group dismissal is approved beyond 3 consecutive workdays, the administrative order must document why other alternatives could not be used and the reason(s) for the length of the anticipated dismissal.

f. When all or part of an activity is closed for short periods because of planned management action and arrangements cannot be made for assignment to other work, employees shall be notified as far in advance as possible but no less than three full work days when circumstances permit, and shall be required to take annual leave, compensatory time earned or credit hours, unless LWOP is requested.

CHAPTER 10  
LEAVE WITHOUT PAY

10-1. General

a. Leave without pay (LWOP) is a temporary nonpay status and absence from duty that may be granted upon the employee's request. The LWOP covers only those hours that an employee otherwise would work and for which the employee would be paid.

b. The LWOP is a scheduled, approved absence that is not dependent on type or tenure of appointment. The LWOP also cannot be imposed as a penalty, and an employee cannot be required to apply for LWOP in lieu of a disciplinary/adverse action.

10-2. Granting Leave without Pay

a. Administrative discretion. Granting LWOP is a matter of administrative discretion. Normally, LWOP is granted when an employee has no accrued and/or accumulated annual leave. An employee cannot demand to be granted LWOP as a matter of right except for the following:

(1) A disabled veteran who presents a medical certificate stating the medical treatment is required.

(2) Reservists and National Guardsmen desiring LWOP for military training.

(3) For limited periods, employees receiving injury compensation under Chapter 81 of Title 5, United States Code.

b. Each request for LWOP will be examined closely to assure that value to the government or the serious needs of the employee are sufficient to offset the costs and administrative inconveniences to the government that result from the retention of an employee in a LWOP status. Among those costs and inconveniences are:

(1) Encumbrance of a position.

(2) Loss of services that may be vital to the employing office

(3) Complication of retention registers in the event of reduction-in-force.

(4) Obligation to provide active employment at the end of the approved leave period.

(5) Creditable service for such benefits as retirement leave accrual, within-grade increases, and severance pay.

(6) Eligibility for continued coverage (without cost to the employee for up to one year of nonpay status) under the Federal Employees' Group Life Insurance Act.

c. The following are examples for which approval of extended LWOP would be proper, all other factors being favorable

(1) To attend to parental or family responsibilities.

(2) To pursue educational activities when the course of study or research is in line with the type of work being performed.

(3) To serve with non-Federal public or private enterprise when the job is of temporary character and when one or both of the following will result:

(a) the service to be performed will contribute to the public welfare; and/or

(b) the experience gained by the employee will also serve the interests of the employing activity.

(4) To recover from illness or disability not of a permanent or disqualifying nature when continued employment or immediate return to employment would threaten impairment of the employee's health or the health of other employees.

(5) To protect the employee's status and benefits pending final action by the Office of Personnel Management on the claim for disability retirement after all sick and annual leave have been exhausted.

(6) To protect the employee's status and benefits pending final action by the Office of Workers' Compensation Programs on a claim for employment-connected injuries or disease. The LWOP is also proper while the employee is receiving compensation and can be expected to return to work within six months or on a definite date within one year.

(7) For family members accompanying their military or Federal civilian employee sponsor to a new duty station and who intend to seek Federal employment in the new area, LWOP shall not exceed 90 calendar days. In those cases, a Standard Form (SF) 52, Request for Personnel Action, indicating "resignation" with an effective date of 90 calendar days, from the commencement of the LWOP, shall be submitted with the SF 52 authorizing LWOP: Part IV of the resignation SF 52 shall be completed. On completion of the above, action to fill permanently behind those individuals may be initiated. Additional LWOP may be granted on the employee's request, at the discretion of the leave authorizing official, for those individuals unable to find employment.

d. A basic condition for approval of an extended period of LWOP is that there must be a reasonable expectation that the employee will return to duty at the end of the LWOP. If considered desirable, written assurance of return to duty may be required. In addition, it should be apparent that at least one of the following benefits will result:

- (1) Fulfillment of parental or family responsibilities.
- (2) Increased job ability.
- (3) Protection or improvement of the employee's health.
- (4) Retention of a desirable employee.
- (5) Furtherance of a program of interest to the government.

e. The LWOP will not be granted for any period of time:

- (1) To engage in private or commercial work where experience in such work is judged to be of no value to the command/activity.
- (2) To engage in political activities.
- (3) To hold a civilian position with any other Federal agency.
- (4) To an employee who is not expected to return to duty in his/her current position.

f. Approval authority is as follows:

(1) The LWOP not to exceed 30 calendar days may be approved by the employee's supervisor.

(2) LWOP of more than 30 calendar days requires the approval of the head of the activity.

g. While there is no maximum amount of LWOP that may be granted, the initial grant will normally not exceed one year. Renewals for any like or shorter periods should be considered an exception to the norm.

10-3. Recording. An SF 52 will be submitted to the CIPO for all approved LWOP exceeding 30 calendar days. The request must contain all information that served as the basis for the approval

10-4. Advice to Employees

a. Employees who are covered by a Federal Employees' Health Benefit Plan shall be required to pay the employee's share of the premium while in a nonpay status. The employee shall make appropriate arrangements for payment of the premiums with the civilian payroll office.

b. Time in a nonpay status in excess of the allowable amount will normally extend the required waiting period for advancement to the next higher step of the grade (within grade increase) of the employee's position by the excess amount. It may also affect eligibility for retirement and continued coverage under the Federal Employees' Group Life Insurance Act.

c. When LWOP for full time employees reaches 80 hours, annual and sick leave will no longer be earned/credited until the employee returns to a pay status.

CHAPTER 11  
LEAVE FOR PARENTAL AND FAMILY RESPONSIBILITIES

11-1. Absence for Maternity Reasons

a. When incapacity for work is established by medical authority, the use of sick leave for maternity reasons is a right to the employee regardless of the type of appointment held.

b. Absence for maternity reasons may be charged to sick leave or a combination of sick leave, annual leave or LWOP. An employee should not be granted LWOP until sick leave has been exhausted. However, an employee may elect to use LWOP rather than annual leave (except use-or-lose annual leave). Approval of request for LWOP will be made in accordance with Chapter 10.

c. Sick leave may be advanced for maternity reasons.

d. The period during which pregnant women should not continue at work is to be determined by the employee, her physician, and her supervisor.

e. When there is doubt as to an employee's ability to continue to perform the duties of her position safely, the supervisor should have her furnish a medical certificate authorizing continued work and should take whatever precautionary measures appear necessary.

f. An employee should report pregnancy as soon as it is known. Steps can then be taken to protect her health through accommodation of working conditions.

11-2. Granting Leave for Maternity Reasons

a. Employees will request leave for maternity reasons far enough in advance of anticipated confinement to allow for proper cross-training and administrative planning for a substitute replacement. The request for leave must be accompanied by a doctor's certificate that states the anticipated date of delivery and the expected period of convalescence after the birth of the child.

b. Whether the employee contemplates resigning or returning to duty following leave for maternity reasons, the employee will be granted sick leave to the extent that

accumulated sick leave credit is available. The accumulated sick leave credit will be applied on a regular pay period basis. Time limited appointments will not be extended for the sole purpose of granting sick leave under those provisions.

c. Absence not medically certified as due to incapacity the performance of duty may be the basis for an employee's request for annual leave or LWOP, but will not be approved as sick leave

11-3. Absence for Paternity Reasons, . A male employee may request annual leave or LWOP for purposes of assisting or caring for his minor children or the mother of his newborn child while she is incapacitated for maternity reasons. Each request should be considered on its own merits.

11-4. Leave for Adoptive or Foster Parents. An employee, male female, adopting a child or becoming a foster parent may desire period of time off work in order to make necessary family adjustments and to make arrangements for child care. Effective September 30, 1994, an employee can use sick leave for activities necessary for the adoption to proceed. These requirements may differ among jurisdictions and adoption agencies. If an adoption agency or court orders the adoptive parent(s) to take a specific period of time off to bond with the child, sick leave can be granted. If this is elected by the parents, sick leave may not be used unless requested under the Family Friendly Leave Act. However the use of available annual leave or LWOP is appropriate for such purposes. When requested, employees are entitled under the Family & Medical Leave Act to request a maximum of 12 work weeks of unpaid leave in any 12 month period of time for adoption purposes.

11-5. Leave for Child Care

a. Well-baby care. Annual leave and LWOP are appropriate when a parent takes a child for periodic medical checkups.

b. Routine illness. Upon request, employees are entitled under the Family Friendly Leave Act, to request a maximum of 104 sick leave hours (13 days) to provide for medical/dental or routine illness of a family member; adoptions or to arrange/attend funerals. The Family Friendly Leave Act mandates automatic approval the first 40 hours (5 workdays) and up to an additional 64 hours (8 workdays) if employees maintain a balance of at least 80 hours of sick leave.

c. Other illness. Employee who must stay home to care for a child with a communicable disease for which public health officials require the child be quarantined, isolated or restricted, or who are exposed to such a disease, shall be granted sick leave, on submission of appropriate documentation.

11-6. Leave for Other Parental and Family Responsibilities.

Supervisors should be flexible in granting leave for parents who are obligated to attend events such as teacher conferences, school plays, sporting events or other activities. Annual leave or LWOP are appropriate for those activities.

11-7. Leave to Care for Elderly Parents and Other Dependents.

Employees may request leave under the Family & Medical Leave Act or the Family Friendly Leave Act.

CHAPTER 12  
HOME LEAVE

12-1. General. Home leave is earned by employees serving in posts outside the United States, the Commonwealth of Puerto Rico, or a possession of the United States. Employees may use home leave whenever they are in the continental United States.

12-2. Eligibility Requirements. Home leave is earned in daily, not hourly, increments at the following rates for each 12 months abroad:

a. Fifteen days when serving under a mobility agreement prescribing that the incumbent must accept assignments anywhere in the world as determined by the command/activity.

b. Fifteen days for service at a post for which a foreign or non-foreign differential of 20 percent or more is authorized.

c. Fifteen days for service with a United States mission to a public international organization.

d. Ten days for service at a post for which a foreign or non-foreign differential of at least 10 percent, but less than 20 percent, is authorized.

e. Five days for service at a post other than those listed above.

12-3. Computation. Service abroad begins on the date of arrival for duty or the enter-on-duty date is recruited abroad at a post outside the U.S. and ends on the date of departure from post for separation or reassignment in the U.S. or separation abroad. Full credit is given for the day of arrival and the day of departure. Service abroad includes absence without pay up to two weeks each 12 months abroad, authorized leave with pay, time spent in the U.S. Armed Forces which interrupts service abroad, and period of detail. Computation of home leave for each month of service abroad is as follows:

| Month-of-Service | 15 days/yr | 10 days/yr | 5 days/yr |
|------------------|------------|------------|-----------|
| 1                | 1          | 0          | 0         |
| 2                | 2          | 1          | 0         |
| 3                | 3          | 2          | 1         |
| 4                | 5          | 3          | 1         |

| Month-of-Service | 15 days/yr | 10 days/yr | 5 days/yr |
|------------------|------------|------------|-----------|
| 5                | 6          | 4          | 2         |
| 6                | 7          | 5          | 2         |
| 7                | 8          | 5          | 2         |
| 8                | 10         | 6          | 3         |
| 9                | 11         | 7          | 3         |
| 10               | 12         | 8          | 4         |
| 11               | 13         | 9          | 4         |
| 12               | 15         | 10         | 5         |

12-4. Credit. Home leave credit for the month in which an employee moves from one foreign post to another foreign post with a different home leave rate will be at the rate for the post from which transferred. If there is a change in the differential rate during the month of service, the home leave rate for the month remains at the rate to which the employee was entitled before the change.

12-5. Limitations. Home leave may be accumulated without limit but cannot be used as terminal leave, nor can a lump sum payment be made.

12-6. Approval. Use of home leave may be approved by the employee's supervisor with concurrence of the component Director in accordance with the following:

a. Employees are eligible to use home leave only after 2<sup>4</sup> months of continuous service overseas, provided there has not been a break in service nor a permanent assignment to a position for which home leave is not authorized.

b. Home leave may be used only during service abroad.

c. Home leave may be used in combination with other types of leave.

d. Home leave may be approved for use only in the United States, the Commonwealth of Puerto Rico, or possessions of the United States.

e. Home leave may be approved only when employees are expected to return to a post overseas.

f. Home leave will be charged in full day increments only.

g. Home leave earned during previous assignments abroad, but not used, may be used upon reassignment from the U. S. to another post overseas, if the employee has completed at least the initial tour of duty prescribed for the post. Earlier use of home leave may be approved when warranted in individual cases.

12-7. Indebtedness. Employees who fail to return to service abroad after a period of home leave or after the completion of a temporary assignment in the U.S. are indebted for the home leave used unless:

a. They have completed six months or more in an assignment in the U.S. after using home leave.

b. The Activity head determines that there were compelling personal reasons of a compassionate or humanitarian nature, such as physical or mental health, or circumstances over which the employee had no control.

c. The Activity head determines it is in the public interest not to return the employee to the overseas post.

12-8. Transfer. Home leave accounts will be transferred with an employee moving between agencies, or recredited to their account when they are reemployed without a break in service of more than 90 days.

CHAPTER 13.  
FAMILY AND MEDICAL LEAVE ACT OF 1993

13-1. General. Since 5 August 1993, public and private employers nationwide, have a new obligation to grant, for any one of three reasons, up to twelve weeks of unpaid leave per year to their employees who have worked for at least twelve months. A leave request may be based on:

- a. an employee's medical condition;
  - b. the birth or adoption of a child to an employee-parent;
- and
- c. an employee's need to care for a child, spouse, or parent who has a serious health condition.

In cases in which the need for leave is foreseeable, such as an expected birth or planned medical treatment, the employee is required to provide the supervisor with at least thirty days notice before the date the leave is to begin. When circumstances prevent the employee from giving the thirty days' notice, the employee is to provide notice as soon as practicable. In cases of leave for planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the activity operation.

If a husband and wife both work for the same command/activity, they are limited to a total of twelve weeks of leave in a twelve-month period for childbirth, placement, or caring for a sick parent.

13-2. Leave Entitlements. The basic thrust of the Family and Medical Leave Act is a guarantee of a right to leave with/without pay. An eligible employee is entitled to a total of twelve workweeks of leave during any twelve-month period for one or more of the following reasons:

- a. The birth of a son or daughter of the employee, in order to care for such son or daughter.
- b. The placement of a son or daughter with the employee for adoption or foster care.
- c. The need for the employee to care for the spouse, child or parent of the employee, when such spouse, son, daughter, or parent that has a serious health condition.

The entitlement to leave for birth or child placement expires one year after the date of childbirth or placement. Childbirth or placement leave is to be taken in one block of time up to twelve weeks, unless the employee and the approving official agree otherwise.

An employee's entitlement to leave for a serious health condition is a little different. In that case, when medically necessary, leave may be taken intermittently or on a reduced-time schedule, that is, on a schedule that reduces the regular workday or workweek. If the employee requests intermittent leave or leave on a reduced-time schedule that is foreseeable because the employee has a planned medical treatment, then the activity may transfer the employee temporarily to another position for which the employee is qualified. The activity may place the employee in an alternate position that would better accommodate the recurring periods of leave than would the employee's current position, but may not reduce the pay and benefits of the employee in the alternate position.

13-3. Definition of Serious Health Condition. A "serious" health condition is an illness, injury, impairment, or physical or mental condition that involves hospitalization or continuing treatment by a health care provider. According to the Department of Labor regulations, the term serious health condition is intended to cover conditions or illnesses affecting one's health to the extent that inpatient care is required, or absences are necessary on a recurring basis for more than a few days for treatment or recovery. Examples in the legislative history include heart attacks, most cancers, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, injuries caused by serious accidents on or off the job, pregnancy, the need for prenatal care, childbirth and recovery from childbirth. Where inpatient care is not involved, the regulations require that the absence from work or from school or the incapacity in performing other daily activities in the case of a family member, be for a period of more than three days in addition to requiring the continuing treatment of a health care provider.

13-4. Requirements. Commands/activities may require an employee to verify the need for leave due to a serious medical condition of the employee or a member of the employee's family. In general, requests for leave must be granted based on a certification issued by a health-care provider. The employee is required to provide upon request of the approving official a copy of required medical certification using U.S. Department of Labor Form WH-380 (Certification of Health Care Provider). Appendix E.

All certificates must contain three statements:

a. The date when the serious health condition began.

b. The probable duration of the condition.

c. The appropriate medical facts known by the health-care provider regarding the condition. If the leave request is to care for a family member, the certificate must contain a statement that the employee is needed to provide such care. If the leave request is for the employee with a serious medical condition, the . . . certificate must include a statement that the employee is unable to perform the functions of his or her position. The approving official may require the employee to furnish medical certification that the employee is able to resume work.

If the approving official doubts the validity of the leave request, he/she may require the employee to obtain a second opinion from a second health-care provider of the command/activity choice. The command/activity bears the cost of obtaining the second opinion. If the second opinion conflicts with the original medical opinion, then the command/activity may require, at the expense of the command/activity that the employee obtain a third opinion from a health-care provider mutually agreed upon by the command/activity and the employee. The opinion of the third health care provider is final and binding on the command/activity and the employee.

13-5. Employment and Benefits Protection. The Family & medical Leave Act is a guarantee of leave; an essential element of that guarantee is the right of the employee to return either to the position he or she left when the leave began, or to an equivalent position with the same benefits, pay and other conditions of employment.

a. Section 105(a) of the Act makes it unlawful for an employer to interfere with, restrain, or deny the exercise of any right under the act, or to discharge or otherwise discriminate against an employee who opposes practices made unlawful by the act. The act further provides that it is unlawful to discharge or otherwise discriminate against an employee because the employee files a charge under the act or otherwise participates in any inquiry or proceeding under the act.

b. Section 106 of the act is vested in the U.S. Department of Labor (DOL). Employers are to maintain records demonstrating compliance with the act; the records may be inspected as often once a year by DOL, and more often if DOL has reasonable cause to believe a violation of the act has occurred.

c. Section 107 gives employees the authority to enforce their rights under the act by suing the employer. An employee may file an action against any employer, including a public agency, in any Federal or state court of competent jurisdiction. The employee has two years to file, unless there is a willful violation of the act, in which case the employee has three years.

As a general rule, if the employee prevails in the lawsuit, he or she may be awarded an amount equal to lost wages, salary, employment benefits, or other compensation lost by reason of the violation (including interest), as well as any actual monetary loss sustained by the employee as a direct result of the violation, such as the cost of providing care. The total award, however, cannot exceed the amount equivalent to twelve weeks' compensation plus actual loss. In cases of willful violation, the act provides for "liquidated damages," doubling the award. In that case, the employee would be entitled to twice the amount of twelve weeks' compensation, plus interest.

CHAPTER 14.  
FEDERAL. EMPLOYEES FAMILY FRIENDLY LEAVE ACT

14-1. General. On 22 October 1994, the President signed Public Law 103-388 which became effective on 2 December 1994. It provides Federal agencies new authority to grant an expanded use of sick leave and removed the 3-year break-in-service limitation on the re-crediting of sick leave for former employees who are reemployed on or after 2 December 1994. Eligible employees may be authorized the use of sick leave: (1) to provide care for a family member as a result of physical or mental illness, injury, pregnancy, childbirth, or medical, dental, or optical examination or treatment; or, (2) to attend to the affairs and activities associated with the death of a family member. Under this program, the maximum amount of sick leave that may be granted to an eligible employee is 104 hours per leave year. Application for Family Friendly Leave will be made by completing SF71, Application for Leave, using item #6 to indicate use of act and specific reason; (i.e., "bereavement of family member"; "sick child"; etc.)

14-2. Eligibility.

a. Full-time Employees. Full-time employees may be authorized use of 40 hours (5 workdays) of sick leave per year, and up to an additional 64 hours (8 workdays) if the employee maintains a balance of at least 80 hours of sick leave. If sick leave is to be used in conjunction with the communicable disease of a family member, and it cannot be determined that the employee's exposure to it would jeopardize the health of other employees, a full-time employee will be limited to a total of 13 days of sick leave per year (subject to the requirement of maintaining 80 hours of sick leave in their account).

b. Part-time Employees/Employees with an Uncommon Tour of Duty. Part-time employees/employees with an uncommon tour of duty may be authorized to use the basic amount of sick leave for family care or bereavement equal to the average number of hours of work in the employee's scheduled tour of duty each week. In addition, if this employee maintains a sick leave balance equal to at least twice the average number of hours of work in the employee's scheduled tour of duty each week, they may be authorized to use an amount equal to the number of hours of sick leave normally accrued by the employee during a leave year.

14-3. Definitions.

a. Family Members.

- (1) Spouse and parents thereof.
- (2) Children (includes adopted children, and spouses thereof, and adult sons and daughters whether disabled or not).
- (3) Parents.
- (4) Brothers and sisters, and spouses thereof.
- (5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

14-4. Command/Activity Responsibilities.

- a. Commands/activities will identify and delegate a qualified person to approve and administrate sick leave invoking Public law 103-388.
- b. Will maintain accurate and up-to-date records of participants who use sick leave to care for a family member or bereavement purposes. These records will contain:
  - (1) The grade or pay level, and gender of each employee.
  - (2) The total number of hours of sick leave used by each employee for family care or bereavement.
- c. Will submit to the Command/activity Head a composite report of the use no later than 15 January each year commencing 1996.
- d. Will submit to the CIPPO a command/activity composite report reflecting sick leave use by 30 January of each calendar year.
- e. Will take timely action when employees are suspected abusing privileges.

A "Serious Health Condition" means an illness, injury impairment, or physical or mental condition that involves one of the following:

Hospital Care

Patient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

Absence Plus Treatment

(a) A period of incapacity<sup>2</sup> of more than three consecutive calendar days (including any subsequent treatment or period of incapacity<sup>2</sup> relating to the same condition), that also involves:

(1) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider, or

(2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

Chronic Conditions Requiring Treatments

chronic condition which:

(1) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider,

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

Permanent/Long-term Conditions Requiring Supervision

The period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

<sup>4</sup> A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over the counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

# Leave Recipient Application Under The Voluntary Leave Transfer Program

Optional Form 630  
June 1989  
U.S. Office of Personnel Management  
FPM Chapter 630

|   |                           |                    |
|---|---------------------------|--------------------|
| 1. Applicant's Name (Last, First, Middle) | 2. Social Security Number | 3. Employee Number |
|---|---------------------------|--------------------|

|  |
|--|
| 4. Position Title, Pay Plan, and Grade/Pay Level |
|--|

|  |                          |
|--|--------------------------|
| 5. Name of Organization (Agency, Department, Office, Division, Branch, etc.) | 6. Payroll Office Number |
|--|--------------------------|

|   |  |  |
|---|--|--|
| 7. Nature and Severity of the Medical Emergency |  |  |
|---|--|--|

|  |                                 |  |
|--|---------------------------------|--|
| 8. Individual Affected by Medical Emergency (Check One)<br><input type="checkbox"/> Employee <input type="checkbox"/> Employee's Family Member | 9. Date Medical Emergency Began | 10. Date Medical Emergency Ended (or is expected to end) |
|--|---------------------------------|--|

|   |
|---|
| 11. Name of Physician Who Will Verify the Medical Emergency (Attach documentation from the physician (or other appropriate expert) showing the diagnosis, prognosis and duration of the illness.) |
|---|

|   |  |
|---|--|
| 12. What is the Applicant's Leave Balance as of End of Last Pay Period? | 13. How many Hours of Leave Without Pay Have Been Used for This Medical Emergency? |
|---|--|

|  |
|--|
| 14. Does the Applicant Want a Description of the Medical Emergency Distributed to Servicing Personnel Offices so that Other Employees May Donate Leave to the Account?<br><input type="checkbox"/> No <input type="checkbox"/> Yes    If "YES," Provide the Description Below: |
|--|

Check, If the Applicant Does Not Wish to Have Name Used With the Description or Disclosed to Anyone Except Supervisor, the Supervisory Channel and the Deciding Official, and Individuals Who Maintain the Program.

|  |                           |                  |
|--|---------------------------|------------------|
| 15. Name of Individual Completing the Application (If Applying on Behalf of the Applicant) | Relationship to Applicant | Telephone Number |
|--|---------------------------|------------------|

|   |             |
|---|-------------|
| 16. I Certify that the Above Statements are True.<br>Signature of Applicant or Individual Applying on Behalf of the Applicant | Date Signed |
|---|-------------|

**Privacy Act Statement**  
Participation in this program is voluntary; however, solicitation of this information is authorized by P.L. 100-566 (October 31, 1988). The information furnished will be used to identify records properly associated with the application to become a leave recipient. 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. Executive Order 9397 (November 22, 1943) authorizes use of the Social Security Number (SSN). 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.

|   |   |
|---|---|
| 17. First Level Supervisor's Recommendation, Signature, and Date Signed<br><input type="checkbox"/> Approve <input type="checkbox"/> Disapprove | 18. Deciding Official's Decision, Signature and Date Signed<br><input type="checkbox"/> Approve <input type="checkbox"/> Disapprove |
|---|---|

## Request To Donate Annual Leave To Leave Recipient (Outside Agency) Under The Leave Transfer Program

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 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 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 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, U.S.C., on the date the medical emergency terminates.

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.

### Privacy Act Statement

This program is voluntary; however, solicitation of this information is authorized by P.L. 100-566 (October 31, 1988). The information furnished will be used to identify records properly associated with the leave donation. 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. Executive Order 9397 (November 22, 1943) authorizes use of the Social Security Number (SSN). Furnishing the Social Security Number, as well as other data is voluntary, but failure to do so may delay or prevent action on the request to donate leave.

### PART A-TO BE COMPLETED BY LEAVE DONOR

|   |  |   |                    |
|---|--|---|--------------------|
| 1. Name (Last, First, Middle)   |  | 2. Social Security Number                                     | 3. Employee Number |
| 4. Position, Title, Pay Plan, and Grade/Pay Level   |  | 5. Relationship of Leave Donor to Leave Recipient<br>(if Any) |                    |
| 6. Leave Donor's Agency (Agency, Department, Office, Division, Branch, etc.)  |  |   |                    |
| 7. Amount of Annual Leave 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 Be Transferred                      |                    |
| 10. Leave Recipient's Name, Agency, Agency's Address, Organization (Agency, Department, Office, Division, Branch, etc.) |  |   |                    |
| 11. Leave Donor's Signature   |  | Date Signed   |                    |

### PART B-TO BE COMPLETED BY EMPLOYING AGENCY OF LEAVE DONOR

**INSTRUCTIONS:** 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. |                  |
| 14. Name of Agency Contact Who Can Provide Further Information  | Telephone Number |

I certify that the donor currently has sufficient annual leave in his/her annual leave account to make a donation for 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.

► Signature of Authorizing Official and Date Signed

## Request To Donate Annual Leave To Leave Recipient (*Within Agency*) Under The Leave Transfer Program

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 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 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 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, U.S.C., on the date the medical emergency terminates.

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

### Privacy Act Statement

This program is voluntary; however, solicitation of this information is authorized by P.L. 100-566 (October 31, 1988). The information furnished will be used to identify records properly associated with the leave donation. It may also be disclosed to a national, State, or local law enforcement agency where there is an indication of a potential violation of civil or criminal law,

rule, or regulation; or to another agency or court when the Government is party to a suit. Executive Order 9397 (November 22, 1943) authorizes use of the Social Security Number (SSN). Furnishing the Social Security Number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the request to donate leave.

### TO BE COMPLETED BY LEAVE DONOR

|   |  |   |                    |
|---|--|---|--------------------|
| 1. Name ( <i>Last, First, Middle</i> )  |  | 2. Social Security Number                   | 3. Employee Number |
| 4. Position, Title, Pay Plan, and Grade/PayLevel  |  |   |                    |
| 5. Name of Organization ( <i>Agency, Department, Office, Division, Branch, Servicing Payroll Number</i> ) |  |   |                    |
| 6. Amount of Annual Leave 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 of Identification Number to Whom Leave is Being Donated and their employing activity |  |   |                    |
| 10. Signature   |  |   | Date Signed        |

**APPLICATION FOR RESTORED ANNUAL LEAVE**

NAME OF EMPLOYEE \_\_\_\_\_ PAYROLL # \_\_\_\_\_

EMPLOYEE TITLE \_\_\_\_\_ SERIES & GRADE \_\_\_\_\_

Date employee submitted request for Annual Leave \_\_\_\_\_

Date leave request was approved \_\_\_\_\_

Name of approving official \_\_\_\_\_

**Dates annual leave was scheduled:**

Date (s)

Amount of leave

Note: It is required that the original SF-71 be attached to support above information.

**REASONS FOR CANCELLING ANNUAL LEAVE:**

- a. Describe exigency or other reason.
  
  
  
  
  
  
  
  
  
  
- b. Explain why alternatives to cancelling leave that would be forfeited cannot be made.
  
  
  
  
  
  
  
  
  
  
- c. If the above is an exigency of public business identify the date when the exigency began \_\_\_\_\_ ended \_\_\_\_\_
  
  
  
  
  
  
  
  
  
  
- d. Name and title of official who cancelled the approved leave.

# LEAVE REQUEST FORM

1. IT IS ESSENTIAL THAT THIS FORM BE FULLY COMPLETED. (Forward original to Defense Finance Accounting Service, Pensacola, Fla 32508.)  
 2. NFRWASHINST 7410.3 CONTAINS POLICIES CONCERNING NON-ROUTINE LEAVE REQUESTS. IT SHOULD BE REVIEWED PRIOR TO REQUESTING OR RECOMMENDING APPROVAL OR DISAPPROVAL OF NON-ROUTINE LEAVE REQUESTS. POINTS TO BE CONSIDERED ARE:

- a. Effect of employees absence on workload.
- b. Employee's leave record.
- c. Seriousness of illness (in case of advanced sick leave).
- d. Use of annual leave prior to advanced sick leave.
- e. Probability of return to duty.

| PART I<br>TO BE COMPLETED BY REQUESTING EMPLOYEE   |  |
|--|--|
| EMPLOYEE'S NAME (last, first, middle initial)  | OFFICE CODE  |
| EMPLOYEE'S TITLE AND GRADE   | SOCIAL SECURITY NUMBER   |
| TYPE OF LEAVE REQUESTED<br><br><input type="checkbox"/> ADVANCED ANNUAL<br><br><input type="checkbox"/> LEAVE WITHOUT PAY IN EXCESS OF 10 DAYS<br><br><input type="checkbox"/> ADVANCED SICK LEAVE (Doctor's statement must be attached stating nature of illness or incapacitation and dates employee cannot work.)<br><br><input type="checkbox"/> OTHER | PERIOD COVERED BY LEAVE REQUESTED:<br><br>FROM: _____ THROUGH: _____<br><br>REASON FOR REQUESTING NON-ROUTINE LEAVE: |
|  | EMPLOYEE'S SIGNATURE _____   |

| PART II<br>SUPERVISORY RECOMMENDATION ON APPROVAL OF REQUESTED LEAVE |          |             |
|--|----------|-------------|
|  | APPROVED | DISAPPROVED |
| SIGNATURE OF FIRST LEVEL (IMMEDIATE) SUPERVISOR                      |          |             |
| SIGNATURE OF SECOND LEVEL SUPERVISOR                                 |          |             |

| PART III<br>TO BE COMPLETED BY THE AUTHORIZING OFFICIAL                       |              |            |       |
|---|--------------|------------|-------|
| Employee's Leave Balances as of Pay Period Ending _____                       |              |            |       |
| SICK LEAVE  | ANNUAL LEAVE | AWOL/LWOP  |       |
| HOURS   | HOURS        | HOURS      | HOURS |
| <input type="checkbox"/> APPROVED<br><br><input type="checkbox"/> DISAPPROVED | COMMENTS     |            |       |
| SIGNATURE OF AUTHORIZING OFFICIAL _____                                       |              | DATE _____ |       |

**Appendix B to Part 825 — Certification of Health Care Provider (Optional Form WH-380)**

Certification of Health  
Care Provider  
(Family and Medical Leave Act of 1993)

U.S. Department of Labor  
Employment Standards Administration  
Wage and Hour Division

1. Employee's Name

2. Patient's Name (if different from employee)

3. The attached sheet describes what is meant by a "serious health condition" under the Family and Medical Leave Act. Does the patient's condition<sup>1</sup> qualify under any of the categories described? If so, please check the applicable category.

(1) \_\_\_\_ (2) \_\_\_\_ (3) \_\_\_\_ (4) \_\_\_\_ (5) \_\_\_\_ (6) \_\_\_\_ , or None of the above \_\_\_\_

4. Describe the medical facts which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

5.a. State the approximate date the condition commenced, and the probable duration of the condition (and also the probable duration of the patient's present incapacity<sup>2</sup> if different):

b. Will it be necessary for the employee to take work only intermittently or to work on a less than full schedule as a result of the condition (including for treatment described in Item 6 below)? \_\_\_\_\_

If yes, give the probable duration:

c. If the condition is a chronic condition (condition #4) or pregnancy, state whether the patient is presently incapacitated<sup>2</sup> and the likely duration and frequency of episodes of incapacity<sup>2</sup>:

6.a. If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments:

If the patient will be absent from work or other daily activities because of treatment on an intermittent or part-time basis, also provide an estimate of the probable number and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

b. If any of these treatments will be provided by another provider of health services (e.g., physical therapist), please state the nature of the treatments:

<sup>1</sup> Here and elsewhere on this form, the information sought relates only to the condition for which the employee is taking FMLA leave.

<sup>2</sup> "Incapacity," for purposes of FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom.