

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

4630.2
Revision 3

7/12/23

LEAVE

I. PURPOSE

This directive provides instructions for administering the FSIS leave program and determining employee eligibility for leave benefits.

II. CANCELLATIONS

FSIS Directive 4630.2, Rev. 2, *Leave*, 9/15/10
FSIS Directive 4630.5, Rev. 1, *Leave Bank Program*, 11/27/20
FSIS Notice 40-22, *Parental Bereavement Leave*, 7/14/22

III. BACKGROUND

[5 CFR Part 630](#), *Absence and Leave*, and [5 CFR Part 550](#), *Pay Administration (General)*, serve as the regulatory basis by which FSIS effectively balances the needs of the workplace with the needs of its employees. Leave administration requires attention on the part of supervisors and employees because of its importance and growing complexity. Attachment 1 provides definitions of common terms related to leave.

IV. LEAVE POLICY AS IT RELATES TO THE LABOR MANAGEMENT AGREEMENT (LMA)

A. In accordance with the LMA, when there are conflicts between the terms of the LMA and this directive, the terms of the LMA will govern.

B. Provisions of this directive supersede conflicting terms of the LMA as they apply to:

1. Revisions in law or Government-wide rules;
2. Regulations issued after the effective date of the LMA; and
3. Implementation of a new provision of law.

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CHAPTER ONE – RESPONSIBILITIES

A. Employees:

1. Observe designated duty hours and be on time when reporting to work and returning from meal periods;
2. Review statements of earnings and leave provided in the Employee Personal Page (EPP) (e-Auth required) each pay period to ensure leave balances are accurate and alert their supervisors of discrepancies with leave balances when they are discovered;
3. Obtain approval to use leave in advance. Employees who use leave due to an illness or emergency are to notify their supervisors as early as possible on the first day of the absence. A personal representative may notify the supervisor if an employee is incapacitated;
4. Ensure annual leave is scheduled to prevent forfeiture of excess annual leave at the end of the leave year; and
5. Provide medical certification as requested to support using leave for personal needs or to provide family care.
6. Employees who fail to properly notify their supervisors may be charged absence without leave (AWOL), which could result in disciplinary action.

B. Approving officials (e.g., supervisors, district managers, designees):

1. Approve leave requests for assigned personnel and authorize excused absences;
2. Remind employees to schedule annual leave so they do not forfeit excess annual leave at the end of the leave year;
3. Request documentation to support leave requests as appropriate;
4. Contact the Office of Human Resources (OHR), Human Capital Planning and Accountability Branch (HCPAB) with leave policy questions by calling 1-877-FSIS-HR1 (1-877-374-7471) or emailing FSISHR1@usda.gov; and
5. Contact the OHR, Labor and Employee Relations Division (LERD) for guidance by calling 1-877-FSIS-HR1 (1-877-374-7471) or emailing FSISHR1@usda.gov when they have employees who are suspected of leave abuse or those with attendance issues.

C. HCPAB:

1. Provides guidance and responds to inquiries from employees and management pertaining to leave administration and policy;
2. Evaluates, approves, or disapproves requests to restore forfeited leave;
3. Evaluates, approves, or disapproves Voluntary Leave Transfer Program (VLTP) recipient requests; and
4. Evaluates and obtains approval or disapproval from the Leave Bank Program (LBP) Board for LBP

recipient requests.

D. Office of the Chief Financial Officer (OCFO):

1. Establishes a leave bank account in the timekeeping system each leave year for the LBP;
2. Processes approved LBP membership applications in the timekeeping system;
3. Establishes donated leave accounts in the timekeeping system for approved LBP and VLTP recipients;
4. Processes leave donor requests designated for individual LBP and VLTP recipients;
5. Coordinates the use of donated leave with the supervisors and timekeepers of approved LBP and VLTP recipients; and
6. Closes VLTP and LBP recipient leave accounts when they are no longer eligible for donated leave.

CHAPTER TWO – ANNUAL LEAVE

I. ANNUAL LEAVE APPROVAL

A. Employees have the right to use annual leave for any reason, subject to the discretion of and coordination with supervisors to determine when annual leave may be used.

B. Supervisors are to consider the following factors when approving leave including their ability to:

1. Maintain necessary coverage to accomplish work requirements;
2. Permit employees to adjust their plans to meet work requirements; and
3. Allow employees to schedule annual leave to prevent forfeiture of leave in excess of their annual leave ceiling.

C. The minimum fraction of annual leave that may be charged is 15 minutes.

II. ANNUAL LEAVE ACCRUAL

A. Permanent full-time and part-time employees and those on temporary appointments of 90 calendar days or more are eligible to accrue annual leave.

B. Accruals are based on length of service:

1. Employees with less than 3 years of service earn 4 hours per pay period;
2. Employees with at least 3 years of service, but less than 15 years earn 6 hours per pay period; and
3. Employees with 15 years of service or more earn 8 hours per pay period.

C. Part-time employees accrue annual leave on a pro-rated basis and only while in a pay status. The amount of leave accrued is based on the number of hours worked during a pay period, including hours of paid leave (e.g., annual leave and sick leave) and their leave earning category as follows:

1. Part-time employees with less than 3 years of service earn 1 hour for each 20 hours in a pay status;
2. Part-time employees with 3 years of service but less than 15 years earn 1 hour for each 13 hours in a pay status; and
3. Part-time employees with 15 years of service or more earn 1 hour for each 10 hours in a pay status.

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

F. Part-time carryover hours are forfeited whenever a part-time employee changes from part-time to full-time status or separates from the Federal government.

G. Hours worked in excess of the scheduled part-time hours are excluded when calculating accruals for part-time employees.

H. Employees on temporary appointments that are less than 90 calendar days are not eligible to accrue annual leave. However, in cases where the appointment is extended to 90 calendar days or more, the employee is then eligible to accrue leave, and receives leave accruals retroactive to the date of their initial temporary appointment. Changes from one leave-earning category to another take effect at the beginning of the next full pay period following the pay period in which the service computation date falls.

I. Only employees who are employed for the entire biweekly pay period earn annual leave. For example, a full-time or part-time employees who are appointed after the pay period starts or separate before the pay period ends will not accrue annual leave for that pay period.

J. Full-time employees do not earn leave in any pay period during the leave year when an increment of 80 hours (e.g., 80, 160, 240, etc.) in a nonpay status is reached (e.g., LWOP, AWOL, suspension).

K. Nonpay status hours are not carried over from 1 leave year to the next.

Note: Annual leave accrual rates for full-time and part-time employees may be based on creditable service rather than length of service. (See [FSIS Directive 4630.7, Creditable Service for Annual Leave Accrual.](#))

III. GRANTING ADVANCED ANNUAL LEAVE

A. A grant of advanced annual leave is limited to the number of hours employees will accrue in the remainder of the leave year or their appointment, whichever is less.

B. Granting advanced annual leave is at the discretion of the supervisor, district manager, or designee. While advanced leave is not an employee right, requests for advanced annual leave due to a personal or family medical emergencies or serious health conditions (e.g., pregnancy, childbirth, heart attack, stroke) are to be approved unless the employee has:

1. Applied for disability retirement;
2. Resigned; or

3. Received a notice of separation, furlough, or reduction-in-force.

IV. REPAYING ADVANCED ANNUAL LEAVE

A. Advanced leave is repaid with subsequent pay periods' accruals throughout the remainder of the leave year.

B. Employees may request to buy back advanced annual leave (see V. Voluntary Leave Buy Back.)

C. Advanced annual leave not repaid by the end of the leave year, will be recovered by a monetary repayment to FSIS in the amount of advanced leave paid to the employee. The amount to be repaid is based on the rate of pay when the advanced leave was used.

NOTE: Payments cannot extend beyond the end of the leave year. Repayment will be made either by:

1. A single salary deduction from the first paycheck in the new leave year; or
2. A series of deductions from the first paycheck in the new leave year and subsequent paychecks if the supervisor determines that:
 - a. There is no risk to the Government; and
 - b. The employee's financial needs merit spreading the amount owed over several payments.

D. Employees who are indebted for unearned (advanced) annual leave and separate from Federal service are required to pay back the dollar amount paid for unearned leave for which they are indebted, or FSIS will deduct that amount from any pay due to them upon separation.

E. The repayment requirement does not apply when employees die, retire for disability, or resign or separate because of a disability that prevents them from returning to duty or continuing in the service, and FSIS determines the basis of the separation to be credible based upon medical evidence.

F. The repayment requirement does not apply to employees who enter active military service with a right of restoration.

V. VOLUNTARY LEAVE BUY BACK

A. Employees who were advanced annual leave may submit a request to "buy back" all or part of the advanced leave. Once FSIS determines the number of hours to buy back, the Human Resources Operations Division (HROD) sends a request to the National Finance Center (NFC) for a calculation of the amount owed.

B. Employees have the option of paying the bill in full by check or requesting payroll deductions of at least \$25 each pay period. If repaying by payroll deduction, the payment schedule cannot exceed 1 year.

C. Employees who wish to buy back advanced leave are to submit a request in writing to HROD at FSISHR1@usda.gov and include:

1. Full name;
2. Type of leave advanced;

3. Number of hours the employee is buying back; and
4. The method of payment (pay in full or payroll deduction).

D. Leave being repaid is not available for use until the repayment has been completed and the leave has been credited back to the employee.

VI. ANNUAL LEAVE CEILING

A. Most full-time and part-time employees can carry an accumulation of 240 hours of annual leave from one leave year to the next.

B. Certain employees stationed outside of the United States can carry forward 360 hours of accumulated leave. Employees whose leave balances exceed the authorized ceiling will forfeit the excess hours when the new leave year begins.

C. SES and SL employees can carry forward 720 hours of accumulated annual leave from one leave year to the next. Employees who move into SES or SL positions during the leave year will need to use any annual leave in their accounts on the pay period prior to their move to SES/SL that exceeds their prior leave ceiling by the end of that leave year, or it will be forfeited. For example, a GS who has 260 hours of annual leave would forfeit 20 hours if it is not used by the end of the leave year. If that employee is converted to an SES position during the leave year, the leave ceiling changes to 720 hours but the 20 hours that exceeded the GS leave ceiling of 240 hours is still subject to forfeiture if not used by the end of the leave year.

D. If employees move out of SES or SL positions and into positions with a 360-hour or 240-hour leave ceiling, hours of leave that exceed the new ceiling will remain to their credit until they are used. The balance above the leave ceiling at the end of each subsequent leave year becomes their personal leave ceiling and continues as such until the balance reaches or is less than their leave ceiling of either 360 or 240 hours.

VII. CONDITIONS FOR RESTORATION

Employees may only request restoration of forfeited annual leave for one of the following reasons:

- A. Administrative error;
- B. Illness of the employee; or
- C. Exigency of the public business (e.g., severe weather emergencies, national emergencies, local public emergencies).

VIII. REQUESTING RESTORATION OF FORFEITED ANNUAL LEAVE

A. Employees cannot request restoration until after leave has been forfeited and they are to do so by the date provided in the annual FSIS notice on leave restoration. Requests to restore forfeited annual leave are to be forwarded through the appropriate supervisory channels to HCPAB for approval. Leave is to have been scheduled (requested and approved) in writing before the beginning of the third biweekly pay period prior to the end of the leave year to be eligible and considered for restoration.

B. Requests for restoration of forfeited annual leave are to include:

1. The leave ceiling and balance at the end of the leave year;
2. The number of hours of scheduled annual leave that was forfeited; and
3. Written evidence (e.g., timekeeping system printout) that annual leave was scheduled and approved, and that it was canceled.

C. Employees who resign before the established date in which restored leave is to be used will receive a lump-sum payment for the remaining hours of restored leave.

IX. TRANSFER AND SEPARATION

A. Employees who transfer (or are separated and reemployed without a break in service) to a position under the same or a different Federal leave system, will have their leave certified and transmitted to the receiving agency for credit and charge. In cases where the employees will serve without a regularly scheduled tour of duty, a lump-sum payment will be made. If the gaining agency does not recognize or accept transferred credit hours, the losing agency will pay employees a lump-sum for the amount of credit hours at their regular rate of pay.

B. When employees transfer to FSIS from other agencies, their annual leave balance transfers with them. The HROD will accept leave audits of the employees' leave balances from the losing agencies until the SF-1150, Record of Leave Data, is received. Timekeepers and HROD are to communicate leave balances with one another so that employees' leave balances will reflect the same information in the NFC and timekeeping systems.

C. Employees who separate from Federal service are entitled to receive a lump-sum payment for accrued and accumulated annual leave. Such separation includes resignation, retirement, death, a separation for 1 workday or more, or a grant of military furlough unless the employee elects to retain leave credit until their return.

1. The lump-sum payment equals the pay the employee would have received had they remained in the Federal service until expiration of the period of leave. A lump-sum payment is considered income for taxation purposes only. The period of leave used for calculating the lump-sum payment cannot be extended due to any holiday occurring after separation. An employee cannot earn leave for the period covered by the lump-sum payment.
2. Employees who received a lump-sum payment for leave and are reemployed in the Federal service prior to the expiration of the lump-sum period, are to pay back an amount equal to the pay covering the period between the date of reemployment and expiration of the lump-sum period. An amount of annual leave equal to the leave represented by the refund is reccredited to employees upon full payment of indebtedness.

D. Employees are not to be granted annual leave when it is known that they will not return to Federal service following their absence, except when they:

1. Worked the entire pay period and reported to work for at least 15 minutes on their last day;
2. Took leave during the pay period but worked the entire day on their last scheduled workday;
3. Applied for disability retirement;

4. Are in a leave status pending entrance for active military duty; or
5. Involuntarily separated because of a reduction in force or declined a transfer of function and used leave to extend the separation date to reach eligibility for retirement or Federal Employees Health Benefits (FEHB) coverage.

CHAPTER THREE – SICK LEAVE

I. ELIGIBILITY AND ACCRUAL

- A. Employees are entitled to use sick leave for medical, dental or optical examinations or treatments, physical or mental illness, injury, pregnancy, childbirth, adoption, general family care and bereavement, and to provide care to family members with serious health conditions.
- B. Employees who are injured for a short duration and not filing a workers' compensation claim or become ill while on duty and report to the workplace health unit may remain there for up to 1 hour without charge to leave or loss of pay. Absences over 1 hour are charged to sick leave or, if employees prefer and supervisors approve, another type of available leave. Inspection program personnel (IPP) may visit the inspected establishment's medical station in emergency situations.
- C. Employees who are required by doctors' orders to rest for a specified period of time during each workday, are charged sick leave, or other paid or unpaid leave (after receiving supervisory approval) for the time spent resting.
- D. There is no limit to the amount of sick leave employees may use for their own medical needs.
- E. Full-time, part-time, permanent, or other employees with scheduled tours of duty will accrue sick leave beginning with the first full biweekly period of employment.
- F. Full-time employees earn 4 hours of sick leave for each full pay period. Part-time employees earn 1 hour of sick leave for each 20 hours in a pay status, up to a maximum of 4 hours per pay period.
- G. Employees who move from part-time to full-time employment lose all carryover or fractional parts of 1 hour of leave. There is no credit for fractional parts of the biweekly pay periods either at the beginning or end of their period of service.
- H. Full-time employees do not accrue sick leave during a pay period in which their absence without pay in a pay period totals 80 hours, or an increment of 80 hours (e.g., 80 hours, 160 hours, 240 hours, etc.).
- I. There is no limit to the number of hours of sick leave that employees may accumulate.

II. REQUESTING SICK LEAVE

- A. Employees are to submit their requests to use sick leave as far in advance as possible when the need for leave is foreseeable.
- B. When the need to use sick leave is not foreseeable, employees are to notify their supervisors as early as possible on the first day of the absence and to request leave.
- C. The minimum fraction of sick leave that may be charged is 15 minutes.

III. SUPPORTING EVIDENCE FOR THE USE OF SICK LEAVE

- A. Generally, employees are not required to furnish medical certification if their absence is for 3 consecutive days or less. However, supervisors can request medical certification for any duration of absence if they have a legitimate reason (e.g., suspected leave abuse).
- B. When medical certification is necessary or requested, it is to be a written statement signed by a registered practicing physician or other practitioner certifying the incapacitation, examination, treatment, or period of disability or incapacitation, and is to legibly show the doctor's name and address (i.e., physician's letterhead).
- C. Employees are to provide administratively acceptable medical certification no later than 15-calendar days from the date it is requested. If it is not practicable to provide the requested medical certification despite the employee's diligent good faith efforts, supervisors are to grant a one-time extension of 15-calendar days. The employee is to provide such certification no later than 30-calendar days from the initial request.
- D. Employees who do not provide the required medical certifications within the above specified time limit are not entitled to use sick leave for the period of absence and are to use another form of available paid leave, LWOP, or they could be charged with AWOL.
- E. Self-Certification and Written Medical Certification:
1. In cases where the nature of the illness is such that employees would not likely be expected to see a medical practitioner (e.g., common cold), their self-certifications concerning the illness will ordinarily be acceptable. However, for any instance of sick leave, supervisors may ask for medical certification if they have a reasonable belief that employees may be abusing sick leave.
 2. Sick leave also provides for paid absence should an employee's exposure to communicable diseases threaten the health of coworkers.

NOTE: The determination of this threat is made by a health authority or health care provider that the employee would jeopardize the health of others by being present at the worksite.

3. Employees who request sick leave to provide care to family members may be required to provide a written statement from a health care provider concerning the family member's need for psychological comfort or physical care. The written statement is to certify how the family member will benefit from the employee's presence; that the family member requires psychological comfort or physical care; the specific type and frequency of physical care; and the duration the employee's family member will require psychological comfort or physical care.

F. Medical certification of a serious health condition may be required. The term "serious health condition" is not intended to cover short-term conditions for which treatment and recovery are very brief (3 workdays or less). Illnesses such as the common cold, flu, earache, upset stomach, headaches (other than migraines), and routine dental or orthodontia problems are not considered serious health conditions unless complications arise.

IV. SICK LEAVE FOR FAMILY CARE AND BEREAVEMENT

A. Employees are permitted to use sick leave to provide care for family members who are incapacitated or require attention with any of the following:

1. Physical or mental illness;

2. Injury;
3. Pregnancy, childbirth, and recovery from childbirth;
4. Medical, dental, or optical examination or treatment, including travel with a family member to access medical care; and
5. To make arrangements necessitated by the death of, or to attend the funeral of, a family member.

B. For information regarding parental bereavement leave see Chapter Eight of this directive.

V. LIMITATION ON SICK LEAVE USED FOR FAMILY CARE AND BEREAVEMENT

A. Sick leave for family care is divided into two categories and limited as follows:

1. General family care and bereavement (limited to 104 hours in a leave year); and
2. Care for a family member with a serious health condition (limited to 480 hours in a leave year).

B. Hours of sick leave used for general family care and bereavement during the leave year will reduce the amount of sick leave that employees can use to provide care for family members with serious health conditions. Employees are limited to 480 hours of sick leave each leave year for all family care purposes combined.

NOTE: Family Friendly Sick Leave and the Family Medical and Leave Act (FMLA) are two separate employee entitlements. See Chapter Six for detailed information on FMLA.

VI. REQUESTING SICK LEAVE FOR FAMILY CARE AND BEREAVEMENT

A. Employees who request sick leave for family care and bereavement are to:

1. Request leave in advance, when possible;
2. Provide medical certification or death notification when requested;
3. Appropriately record the absence by using transaction code (TC) 62, Family Friendly Sick Leave; and
4. Monitor usage to ensure the limitation is not exceeded.

B. Supervisors are to:

1. Ensure employees are aware of their responsibilities and assist as necessary;
2. Request medical certification or death notification when they determine it is necessary to verify eligibility; and
3. Deny requests to use sick leave for general family care and bereavement purposes when employees reach the maximum for the leave year.

VII. ADVANCED SICK LEAVE FOR FULL-TIME EMPLOYEES

A. Employees can be advanced sick leave for personal medical conditions, family care, and bereavement purposes; and to provide care for family members with serious health condition.

B. Full-time employees may be advanced up to 104 hours of sick leave each leave year for general family care and bereavement purposes; and up to 240 hours for personal medical conditions, to provide care for family members with serious health condition, or for adoption-related purposes. Advanced sick leave may not exceed 240 hours (6 weeks) in a leave year.

C. Employees are not required to exhaust their accrued sick leave prior to requesting advanced sick leave.

VIII. ADVANCED SICK LEAVE FOR PART-TIME EMPLOYEES AND EMPLOYEES ON TEMPORARY APPOINTMENTS

A. Part-time employees may be advanced a maximum of 6 weeks of sick leave that is prorated based on the number of regularly scheduled hours in an administrative workweek. For example, advanced sick leave for an employee who is scheduled to work 20 hours in an administrative workweek is limited to 120 hours (20 hours x 6 weeks = 120 hours).

B. Employees serving under temporary appointments may be granted sick leave up to the amount of sick leave they will earn in the remaining period of the temporary appointment.

IX. GRANTING ADVANCED SICK LEAVE

A. Granting advanced sick leave is at the discretion of the supervisor, or designee. While employees are not entitled to advanced leave, requests for advanced sick leave due to a personal or family medical emergency or serious health condition (e.g., pregnancy, childbirth, heart attack, stroke) are to be approved unless it is known or reasonably expected that they will not return to work or have:

1. Applied for disability retirement;
2. Resigned; or
3. Received a notice of separation, furlough, or reduction-in-force.

B. Employees who enter active military service and have a right of restoration of employment (return rights) are deemed not to have separated for the purposes of refunding advanced sick leave.

X. REPAYING ADVANCED SICK LEAVE

Employees who are indebted for advanced sick leave and separate from Federal service are required to pay back the dollar amount paid for unearned leave for which they are indebted, or FSIS will deduct that amount from any pay due to employees upon separation. The amount to be repaid is based on the rate of pay when the advanced leave was used.

NOTE: The repayment requirement may not apply when employees die, retire for disability, or are separated because of a disability, which prevents them from returning to duty or continuing in the service, and is the basis of the separation as determined by FSIS as supported by medical certification that is considered acceptable.

XI. LIQUIDATING ADVANCED SICK LEAVE BY SUBSTITUTING ANNUAL LEAVE

- A. Employees may substitute annual leave for advanced sick leave if they request the substitution in time to use the substituted hours as annual leave prior to the end of the leave year.
- B. Employees should coordinate with their supervisor to ensure their annual and sick leave balances are updated and accurately reflected in the timekeeping system.

XII. SICK LEAVE FOR ADOPTION

Employees may use sick leave for purposes related to the adoption of a child for the following reasons:

- A. Appointments with adoption agencies, social workers, or attorneys;
- B. Court proceedings;
- C. Required travel;
- D. Any period of time the adoptive parents are ordered or required by the adoption agency or the court to take time off from work to care for the adopted child; and
- E. Other activities that are necessary to allow the adoption to proceed.
- F. Employees' initial written requests to use sick leave for adoption-related purposes are to include known details of the adoption that will require time off from work. In addition, employees are to:
 - 1. Continue to keep their supervisors updated until the process is complete;
 - 2. Submit leave requests in advance, when possible, for any leave used for adoption-related purposes;
 - 3. Use TC-62, Family Friendly Sick Leave to record hours of sick leave used for adoption-related purposes.
- G. Sick leave cannot be used by adoptive parents who voluntarily choose to be absent from work to bond with an adopted child. Parents may be eligible to use paid parental leave, if eligible (see Chapter Seven of this directive), or they may use other paid leave such as annual leave, comp time, travel comp time, or LWOP for this purpose.

XIII. TRANSFER OR SEPARATION

- A. Employees who transfer to a position under the same or different Federal leave system will have their leave certified and transmitted to the receiving Agency for credit and charge.
- B. When employees transfer to FSIS from other agencies, their sick leave balance transfers with them. The HROD will accept leave audits of the employees' leave balances from the losing agencies until the SF-1150, Record of Leave Data, is received. Timekeepers and HROD are to communicate leave balances with one another so that employees' leave balances will reflect the same information in the NFC and timekeeping systems.
- C. Employees who separate and are eligible for an immediate annuity or die leaving a survivor eligible for a survivor annuity are entitled to service credit for 100 percent of their unused sick leave. This additional service time cannot be used toward eligibility to retire but is added to employees' service time in the computation of their retirement annuity. For example, if an employee has 30 years of service and retires

at the age of 62 with 2087 hours (1 year) of unused sick leave, those hours of sick leave will be added to their years of service to give them a total of 31 years of service.

D. Employees with a break in service are entitled to a recredit of sick leave, regardless of the date of separation, if they return to Federal service on or after December 2, 1994.

NOTE: Sick leave remaining at the time of separation prior to December 2, 1994, would have been forfeited, and therefore, not available to individuals who are reemployed in the Federal service.

CHAPTER FOUR – ADMINISTRATIVE LEAVE

I. GENERAL – ADMINISTRATIVE LEAVE

Administrative leave (also referred to as excused absence) is an authorized absence that supervisors may grant to employees that does not result in a loss of pay or charge to their leave. It is granted to employees for reasons determined to be in the Government's interest.

II. HOLIDAYS

A. Employees who are in a pay status either the day before or the day after a holiday are entitled to paid holiday time off. See FSIS Directive 4610.2 for a list of the legal holidays or reference the FSIS annual holiday notice.

B. Special Holidays:

1. Federal employees in the Washington, DC, area are entitled to a holiday on the day a President is inaugurated on January 20th for each fourth year after 1965, if they would be otherwise scheduled to work on Inauguration Day within the "Inauguration Day Area." Federal law defines "The Inauguration Day Area" as:
 - a. District of Columbia;
 - b. Montgomery and Prince George's Counties in Maryland;
 - c. Arlington and Fairfax Counties in Virginia; and
 - d. Cities of Alexandria and Falls Church in Virginia.
2. Any other day declared to be a holiday by a federal statute or executive order.

C. Holiday Observances. The day employees observe holidays depends upon their tour of duty and status of the day on which the holiday falls.

D. For employees on standard or maxiflex work schedules, holidays are observed as follows:

1. Holidays that Fall on a Scheduled Workday. For holidays that fall on a regularly scheduled workday, employees will observe the holiday on that day. Employees are granted 8 hours of paid holiday time off (administrative leave) for the holiday.
2. Holidays that Fall on a Saturday. For holidays that fall on a Saturday or a scheduled non-workday other than Sunday, the last scheduled workday preceding the holiday is observed as a holiday. Employees are granted 8 hours of paid holiday time off (administrative leave) for the holiday.

3. Holidays that Fall on a Sunday. Holidays that fall on a Sunday are observed on the following Monday. Employees are granted 8 hours of paid holiday time off (administrative leave) for the holiday.

E. For employees on compressed work schedules, holidays are observed as follows:

1. Holidays that Fall on a Workday. Holidays that fall on a scheduled workday are observed on that day. Employees are granted paid holiday time off (administrative leave) for the number of hours scheduled for that day (8, 9, or 10 hours).
2. Holidays that Fall on Non-workdays. Holidays that fall on a scheduled non-workday are observed on the workday prior to that day. Employees are granted paid holiday time off (administrative leave) for the number of hours scheduled for that day (8, 9, or 10 hours). For example, if the holiday falls on a Wednesday and that is a compressed day (scheduled non-workday), the holiday moves to the prior workday and is observed on Tuesday.

F. Holidays that Fall on Consecutive Non-workdays. For employees who have 3 consecutive non-workdays, and a holiday falls on one of those days, the following apply:

1. When holidays fall on the first or second non-workday, employees are excused from work on the preceding workday and granted paid holiday time off (administrative leave) for the number of hours scheduled to work that day. For example, if the holiday falls on a Friday which is the employee's scheduled non-workday, Friday remains as the scheduled non-workday and the holiday moves to the preceding Thursday.
2. When holidays fall on the third non-workday, employees are excused from work on the next scheduled workday and granted paid holiday time off (administrative leave) for the number of hours scheduled to work that day. For example, if the holiday falls on a Monday which is the employee's scheduled non-workday, Monday remains as the scheduled non-workday and the holiday moves to the following Tuesday.

G. For employees on a first 40-hour work schedule (a work schedule without the requirement for specific days (up to 6 days) and hours within an administrative workweek (Sunday through Saturday), holidays are observed as follows:

1. Holidays that Fall on a Saturday. Holidays that fall on a Saturday are observed the preceding Friday. Employees are granted 8 hours of paid holiday time off (administrative leave) on that day.
2. Holidays that Fall on a Sunday. Holidays that fall on a Sunday are observed the Monday immediately following. Employees are granted 8 hours of paid holiday time off (administrative leave) for the holiday on Monday.

H. Holiday Observances for Part-Time Employees. Part-time employees are granted paid holiday time off (administrative leave) for the number of hours they are scheduled to work when the holiday falls on a scheduled workday. Part-time employees are not entitled to "in lieu of" holidays except when they are prevented from working because the work location is closed due to an "in lieu of" holiday for full-time employees.

I. Holiday Observances for Intermittent Employees. Intermittent employees may be entitled to paid holiday time off (administrative leave) when a holiday falls within their assigned tour of duty.

J. Holiday Observances for Employees with Shifts that Span 2 Calendar Days. Employees whose work schedules include shifts that span 2 calendar days are excused from work for the entire shift that begins on the holiday. For example, a holiday falls on a Monday and the employee's tour of duty is Sunday through Thursday, 11:00 p.m. to 7:00 a.m. The employee observes the holiday on the shift that begins at 11:00 p.m. on Monday.

K. Special Holidays Declared by Executive Order. Occasionally, the President will declare Federal holidays to recognize special events or unique circumstances such as the death of a former president. Supervisors and employees are to approach these holidays as they would other holidays. Paid holiday time off (administrative leave) is granted when employees had previously scheduled leave (e.g., annual, or sick leave). For employees on Alternative Work Schedules (AWS) whose scheduled non-workdays coincide with the special holiday, they are observed as "in lieu of" holidays on the preceding workday. When special holidays are announced too abruptly, employees will observe them on the workday following the special holiday as the "in lieu of" holiday, or they can reschedule the non-workday.

L. Local, State, Territorial, and Foreign national Holidays. Supervisors are to authorize administrative leave (excused absence) for all Federal employees when local, State, territorial, and foreign national holidays make it unreasonable for an office to remain open. When the office remains open, supervisors are to be as liberal as mission requirements permit in approving requests for annual leave or LWOP from employees who request time off to observe the holiday.

M. Effect of Nonpay Status on Holiday Leave. Only employees who are in a pay status (working or on paid leave) either immediately the day before or the day after the holiday are entitled to paid holiday time off (administrative leave). Employees who are in a nonpay status (e.g., LWOP or AWOL) on the day immediately before and after the holiday are not entitled to paid holiday time off (administrative leave).

N. The inspector-in-charge or supervisor is to:

1. Notify establishment officials of specific calendar days that inspection personnel will observe holidays; and
2. Post the scheduled holidays from the annual holiday notice in the Government office at the establishment.

III. WEATHER AND SAFETY LEAVE

A. Weather and safety leave may be granted when it is determined that an employee or group of employees cannot safely travel to or from, or perform work at, their normal worksite, a telework site, or other approved location (i.e., remote) due to an act of God, terrorist attack, or severe weather events such as hurricanes, earthquakes, and floods. This form of administrative leave is used in conjunction with operating status announcements. There is no limit to the number of hours that may be recorded as weather and safety leave.

B. Operating Status Announcements. OPM modified dismissal and closure procedures to include all Federal employees in all locations. The [Governmentwide Closure and Dismissal Procedures](#) (*Procedures*) apply when acts of God (e.g., natural disasters, adverse weather conditions), terrorist attacks, or other emergency situations occur that disrupt Federal government operations and prevent employees from safely traveling to or safely performing work at their normal worksites, or other approved locations in the Washington, D.C. area. The *Procedures* provide direction as to where the responsibility lies regarding issuing operating status announcements and are available on OPM's website.

C. OPM determines the Federal government's operating status in Washington, D.C. and notifies the

media and updates the operating status on their website as to whether Federal agencies are open, closed, operating under an unscheduled leave or telework policy, a delayed arrival policy, or an early dismissal policy.

D. Employees located in metropolitan areas outside of Washington, D.C. may receive dismissal or closure announcements from the Federal Executive Board (FEB) or Federal Executive Association (FEA). The FEB or FEA determines the Federal government's operating status in that area and notifies the media and updates the operating status on their website as to whether Federal agencies are open, closed, operating under an unscheduled leave or telework, a delayed arrival, or an early dismissal policy. FSIS agencies with offices in those major metropolitan areas or their commuting area are to follow the FEB's or FEA's dismissal decisions unless the USDA-leased facility is closed by its owner or other non-USDA host organization.

E. Employees who are approved for weather and safety leave are to remain available to be contacted by their supervisor because they may be called back to active status if circumstances change.

IV. WEATHER AND SAFETY LEAVE USAGE

A. If employees are scheduled to use sick leave for medical appointments on the day of a dismissal or closure announcement and that medical appointment is cancelled (for weather-related or other reasons), then there ceases to be a legal basis for the employee to use sick leave and the employee will be granted weather and safety leave.

B. Employees with scheduled time off who are ready, willing, and able to telework (telework-ready with a telework agreement in place) instead of taking scheduled leave may be permitted to telework.

C. When delayed arrivals, early dismissals, or closures are authorized, time is charged in 15-minute increments.

D. Weather and safety leave may not be granted when:

1. An employee is on pre-approved paid or unpaid leave. In this case, the employee remains in that status if their normal worksite is closed; or
2. FSIS determines that an employee changed a regular day off in a flexible or compressed work schedule, for the primary purpose of obtaining weather and safety leave.

E. Emergency Employees. Emergency employees, as determined by FSIS, are those employees who cannot be excused from work for reasons of national security, defense, public health, or other essential public business. The following applies:

1. Dismissal or closure announcements do not apply to emergency employees unless they are specifically instructed otherwise;
2. Emergency employees are expected to report to their worksites or begin teleworking (as permitted) on time unless otherwise directed by their supervisors; and
3. Weather and safety leave is to rarely be granted to emergency employees and only when it is determined that circumstances have made traveling to or performing work at their worksites unsafe.

F. Remote and Telework Employees. During adverse weather conditions or other emergencies that result in the regular worksite being closed or closed to the public, telework-ready employees, meaning those who have approved telework agreements, and remote employees are expected to work. This expectation applies to employees who work remotely or are regularly scheduled to telework on the day of a closure. The expectation may also apply to those who were not scheduled to telework on that day. In these instances, employees are expected to telework and cannot be granted weather and safety leave if:

1. The event could reasonably have been anticipated;
2. Their telework agreements acknowledge that they may be expected to telework when the regular worksite is closed, even if the day of closure is not a regularly scheduled telework day;
3. Circumstances (e.g., power outage at the telework site) do not prevent them from working; and
4. The employee can safely perform telework.

G. Employees who do not have signed telework agreements, or who are prevented from working at approved telework sites due to unforeseen circumstances (e.g., power failure, unsafe working conditions, inability to safely travel to the telework site), are not charged leave when there is an administrative dismissal. These employees are granted weather and safety leave. Supervisors are responsible for ensuring that employees are aware of this policy. For more information, see [DR 4080-811-002](#).

H. Employees cannot be “required” to enter into a telework agreement, even if some, or all, of the duties of their positions can be performed at alternative locations.

I. Telework/Remote Work and Dependent Care. Departmental policy regarding the performance of telework with dependents in the home can affect whether weather and safety leave may be granted during a dismissal or closure. USDA telework and remote work programs policy ([DR 4080-811-002](#)) requires employees who telework or work remotely to ensure appropriate arrangements for dependent care while working, but does not preclude them from working when there is a caregiver in the home who provides care, or if the dependent does not require constant supervision or care and their presence does not disrupt the ability of the employee to effectively perform work. Employees who are not able to work due to dependent care requirements may request to adjust their work schedule or take unscheduled leave for the non-work time that occurred during the employee’s tour of duty for the workday.

J. Generally, telework program participants and remote workers are ineligible for weather and safety leave when a closure is announced except in rare circumstances when one of the exceptions under [5 CFR 630.1605\(a\)\(2\)](#) applies. Generally, when a remote worker whose home is considered the official worksite is not granted weather and safety leave when the employee’s parent office (i.e., the office where the employee would work but for the remote work arrangement) is closed, since the employee is able to safely perform work at an approved location. Weather and safety leave may be appropriate if the employee is unable to safely perform work at their home as a result of the severe weather or other emergency event.

V. WEATHER AND SAFETY LEAVE TIME AND ATTENDANCE REPORTING

A. Employees who are granted weather and safety leave for non-overtime hours between 6:00 a.m. and 6:00 p.m. are to use TC-66, Weather and Safety Leave.

B. Employees who are granted weather and safety leave for non-overtime hours between 6:00 p.m. and 6:00 a.m., are to use TC-66, Weather and Safety Leave with Night Differential.

C. Employees who have Sundays as part of their regular, non-overtime schedules would use TC-66, Weather and Safety Leave if unable to work on Sundays. Only employees who are scheduled to perform work on Sunday and do so are entitled to Sunday premium pay.

D. No hours are recorded when weather and safety leave is authorized on a day that falls on an employee's non-workday. For example, if the employee works Tuesday-Saturday, they would not be entitled to weather and safety leave that was granted to employees for Monday.

VI. MILITARY FUNERAL LEAVE

A. Supervisors are to grant administrative leave to employees whose family members have died as a result of a wound, disease, or injury while serving as a member of the armed forces in a combat zone.

B. Supervisors are to grant employees a maximum of 3 days of administrative leave for making arrangements, or to attend the funeral or memorial service of a family member who served in the armed forces. The 3 days of administrative leave does not need to be consecutive when employees provide a justification for nonconsecutive days.

VII. COURT LEAVE

A. Court leave is the authorized absence from duty without loss of pay or charge to employees' personal leave. Supervisors are to grant administrative to employees for:

1. Jury duty in a Federal, state, or municipal court; or
2. Attending a judicial proceeding as a witness, or on behalf of any party, of the United States, the District of Columbia, or a State or local government is a party.

B. Employees who are summoned or assigned by their Agency to testify in an official capacity or ordered to produce official records in a judicial proceeding are considered to be in an official duty status and not entitled to administrative leave.

C. Supervisors are to grant administrative leave to attend court only for those days and hours within employees' scheduled work hours. Employees to expected to return to work if excused by the court unless their supervisor determines their return would be impractical (e.g., the work schedule or the distance of the court from the residence or duty station).

D. If excused early from jury duty, employees are to contact their supervisor for a determination of whether they should return to work. Employees who fail to contact their supervisor will have the excess time of absence from their duty station charged with AWOL, annual leave, or LWOP.

E. Employees are to submit the court order, subpoena, or official request to attend court that is covered by administrative leave to their supervisor upon returning to work. The court documentation is to provide evidence of attendance showing the dates and hours for time and attendance coding.

VIII. TARDINESS OR BRIEF ABSENCE

Supervisors may excuse employees who are absent less than 1 hour for a justifiable reason (e.g., inclement weather or hazardous conditions). When the absence is not justifiable to the supervisor, it is to be charged to another form of available leave or AWOL. Supervisors who place employees in a leave status other than AWOL are considered to have approved the absence.

IX. EXCUSED ABSENCE IN CONJUNCTION WITH OFFICIAL TRAVEL

Supervisors may grant employees up to 2 hours of administrative leave before or after a period of travel. Supervisors determine if the time of departure from or arrival at a duty station warrants official leave. For example, if an employee whose office closes at 4:45 p.m. arrives at the airport at 4:00 p.m. and they have an estimated travel time to the duty station of 30 minutes, they would not arrive at a sufficient time to justify the trip. The supervisor may grant the employee 45 minutes of administrative leave (excused absence) and the employee would report for duty the following workday.

X. VOTING AND POLL WORKER ACTIVITIES

A. Employees may be granted up to 4 hours of administrative leave for:

1. Voting in connection with each Federal general election day, and each election event (including primaries and caucuses) at the Federal, State, local (county and municipal), Tribal, and territorial level including Federal special Congressional elections in which they participate by voting at the poll, including in-person early voting when offered and
2. Serving as non-partisan poll workers or to participate in non-partisan worker activities at the Federal, State, local, Tribal, and territorial levels, including training activities. This leave is in addition to any administrative leave granted to employees for use to vote.

B. Employees are to request administrative leave in advance and receive supervisory approval before using it.

C. Supervisors are to determine whether employees can be relieved from duty during the specific periods of leave requested without impairing mission-essential operations.

D. Administrative leave may not be used on non-workdays or during hours of overtime work.

E. Supervisors may grant employees up to 4 hours of administrative leave for:

F. Administrative leave cannot be granted to employees for individual election events that coincide with a Federal general election day. Such events taking place on the same day as the Federal general election event are considered part of it and therefore subject to the preceding limitation.

G. Supervisors are to grant administrative leave only for the time employees need to vote. For example, if an employee lives near a polling site and is able to travel to and from the location and cast their ballot within 3 hours, only 3 hours of administrative leave may be used.

H. Employees may be granted other paid leave (i.e., annual leave, comp time, travel comp time, credit hours earned under a flexible work schedule, or LWOP) if they request more than 4 hours to perform poll worker activities.

XI. PHYSICAL EXAMINATIONS

A. Physical Examinations. Employees who are required by FSIS to undergo physical examinations other than that required for appointment are to be granted administrative leave for the period time needed to complete the examinations. This includes screening for illegal drugs when it is a requirement for employees to remain in their positions.

B. Physical Examinations for Military Duty. Employees who are required to undergo physical examinations for induction or enlistment in the armed forces are to be granted administrative leave for the period of time necessary to complete the examinations. Employees who are members of the reserves and recalled to active duty are placed on a pay status with the military service and not entitled to administrative leave. When members of the reserves are to report for physical examinations for reserve promotions, they are to take annual leave unless the military service has placed them on active duty for the time needed.

XII. BLOOD, BONE MARROW, AND ORGAN DONATION

A. Blood Donation. Supervisors may grant up to 4 hours of administrative leave (not including the time needed for the donation) for rest and recuperation when employees make free donations of blood. Supervisors may request medical documentation when employees return to work. Employees who receive compensation for blood donation that occurs during duty hours are not entitled to administrative leave and are to take other paid or unpaid leave (annual leave, comp time, travel comp time, credit hours earned under a flexible work schedule or LWOP) for the absence.

B. Bone Marrow and Organ Donation. Supervisors may grant employees a maximum of 7 days of administrative leave each calendar year to serve as bone marrow donors. Employees may be granted up to 30 days of administrative leave each calendar year to serve as organ donors.

XIII. PREVENTIVE HEALTH SERVICES

Employees with less than 80 hours of accrued sick leave may be granted up to 4 hours of administrative leave each leave year for preventive health services. Health care screenings include, but are not limited to:

1. Prostate;
2. Cervical;
3. Colorectal;
4. Breast cancer;
5. Sickle cell anemia;
6. Blood lead level;
7. Blood cholesterol level;
8. Immunity disorders (e.g., HIV); and
9. Blood sugar level testing for diabetes.

XIV. PROFESSIONAL EXAMINATIONS

Employees are to be granted administrative leave to take qualification examinations or to obtain professional licenses if the examination:

1. Is required for the position they currently occupy;
2. Is for a position to which FSIS or Department has recommended they be transferred, promoted, or

reassigned; or

3. Is required for a professional license or certification (e.g., CPA certification, engineer's license) that is considered advantageous to FSIS.

XV. OFFICIALLY SPONSORED FUNCTIONS AND PROGRAMS

Supervisors may grant employees administrative leave to participate in programs and functions sponsored by the Department or a Departmental agency if participation is in the interest of the Federal government. Under certain circumstances, employees may be excused when the function is sponsored by another Federal government agency such as OPM. These situations are to be determined on a case-by-case basis.

CHAPTER FIVE - LEAVE WITHOUT PAY (LWOP)

I. REQUESTING AND ADMINISTERING LWOP

A. Employees are to request LWOP and obtain supervisory approval in advance, except in the case of emergencies. Approving officials have the discretion to grant up to 30 days of LWOP for any justifiable reason. Requests for LWOP for more than 30 days can be granted only if such leave will benefit FSIS and advance the welfare of employees who use it and if employees are expected to return to duty (except in cases of disability retirement).

B. Generally, granting LWOP is a matter of supervisory discretion. Employees, however, have an entitlement to LWOP in the following situations:

1. When they invoke their entitlement to FMLA;
2. When their employment is interrupted by a period of service in the uniformed service;
3. When disabled veterans need to be absent for necessary medical treatment; or
4. When employees are receiving workers' compensation payments from DOL.

C. Employees may be granted up to 24 hours of LWOP each leave year for the following:

1. School and early childhood educational activities to allow employees to participate in school activities directly related to the educational advancement of their child. This includes parent-teacher conferences or meetings with childcare providers, interviewing for a new school or childcare facility, or participating in volunteer activities that support the child's educational advancement. For the purpose of this directive, "school" refers to an elementary school, secondary school, Head Start Program, or a childcare facility.
2. Routine family medical purposes to allow parents to accompany children to medical or dental appointments (i.e., annual checkups, routine vaccinations). These activities are not currently covered under FMLA, but the provisions of 'Sick Leave for Family Care and Bereavement' permit employees to use up to 13 days (104 hours) of sick leave each leave year for such purposes. Approving officials are to ensure that employees are permitted to use up to 24 hours of LWOP for these purposes in cases where no accrued sick leave is available to employees.
3. Elderly relatives' health or care needs to allow employees to accompany an elderly relative to routine medical or dental appointments, or other professional services related to the care of the

elderly relative (i.e., arranging for housing, meals, banking services, and other similar activities).

D. Requests for LWOP in excess of 30 continuous days are considered extended LWOP and subject to the following provisions:

1. Form SF-52, Request for Personnel Action, is to be completed in order to authorize and process extended LWOP and include a not-to-exceed date.
2. Grants of extended LWOP are limited to 1 calendar year at a time.
3. Approving officials are to be reasonably sure that employees who are approved for extended LWOP will return to duty following the period of LWOP (except when used by employees who are disabled veterans or applying for disability compensation or retirement).

II. EFFECT OF LWOP ON CERTAIN FEDERAL BENEFITS

Employees are to be aware of the effect that extended LWOP may have on their entitlements or eligibility for certain Federal benefits. See the [Office of Personnel Management \(OPM\) Fact Sheet on the Effect of Extended Leave Without Pay \(LWOP\) \(or Other Nonpay Status\) on Federal Benefits and Programs](#).

CHAPTER SIX – FMLA

I. FMLA ELIGIBILITY AND ENTITLEMENT

A. Permanent, temporary, or intermittent employees who have completed 1 year of cumulative Federal civilian service are entitled to 12 administrative workweeks (480 hours) of LWOP during any 12-month period for:

1. The birth of a child, and care of such child (within 1 year of birth);
2. The placement of a child with the employee for adoption or foster care (within 1 year of placement);
3. The serious health condition of employees that prevents them from performing essential duties;
4. Employees to provide care to family members with serious health conditions; and
5. Qualifying exigencies arising when employees' spouses, children or parents are on active duty or call to active-duty status as members of the National Guard or reserves in support of contingency operations.

B. The 12-month period begins on the date that employees first use leave under FMLA and continues for 12 months. Employees are not entitled to 12 additional workweeks of leave until the previous 12-month period expires and an event or situation occurs that entitles them to another period of leave under FMLA, including a continuation of a previous event or situation.

C. Holidays and non-workdays that occur during the period in which employees are on leave under FMLA are not counted toward the 12-week entitlement.

D. Changes to employees' scheduled work hours (e.g., changing from full-time to part-time) require that the remaining hours of their entitlement to leave under FMLA be recalculated based on the number of hours in their administrative workweek. For example, a full-time employee has used 6 weeks of leave under FMLA (240 hours) and then the employee changes from full-time to part-time, 20 hours per week.

The remaining entitlement changes from 240 hours to 120 hours.

E. Employees are not to directly or indirectly intimidate, threaten, or coerce another employee to try to interfere with their right to use leave under FMLA.

F. Supervisors are not to prevent employees from requesting leave under FMLA. Supervisors who plan to decline such requests are to forward the requests and medical certifications through their supervisory chain to HCPAB for review and guidance by emailing it to payandleaveguidance@usda.gov.

G. Employees whose requests for leave under FMLA are denied may appeal the decision through the Administrative Grievance System (see [FSIS Directive 4771.1](#)) or the bargaining unit's negotiated grievance procedures, as appropriate.

II. LEAVE UNDER FMLA TO CARE FOR INJURED MEMBERS OF THE ARMED FORCES

A. Federal employees are entitled to up to a combined total of 26 weeks of leave under FMLA and military family leave during a 12-month period to care for family members who are in the Armed Forces when they have a serious injury or illness, and the following requirements are met:

1. The Federal employee is the spouse, child, parent, or next of kin of the FMLA-covered member of the Armed Forces; and
2. The serious illness or injury was incurred by the FMLA-covered service member in the line-of-duty while on active duty in the Armed Forces.

B. The use of military leave in a single 12-month period does not limit the use of regular FMLA leave during any other 12-month period; and

C. Military family leave is unpaid leave (LWOP), but employees may request to substitute earned or advanced annual leave, or sick leave as appropriate.

III. PROTECTION OF EMPLOYMENT AND BENEFITS

A. Employees who take leave under the FMLA are entitled, upon return to work, to be returned to the same position they held when the leave commenced, or an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment.

B. While on LWOP under the FMLA, employees can maintain health benefits coverage by paying their share of the health benefits premium while they are absent or upon their return to work.

IV. REQUESTING LEAVE UNDER FMLA

A. Employees are to invoke their entitlement to leave under FMLA, subject to notification and certification requirements, by submitting leave requests through the timekeeping system, or other acceptable means of requesting leave (e.g., email or OPM-71, Request for Leave or Approved Absence).

B. Employees may not retroactively invoke their entitlement to leave under FMLA. However, if employees and their personal representative are physically or mentally incapable of invoking the entitlement to leave under FMLA during the entire period in which the employees are absent from work for an FMLA-qualifying purpose, employees may retroactively invoke their entitlement to leave under FMLA within 5 workdays of returning to work. In such cases:

1. The incapacity of the employees is to be documented by written medical certification from a health care provider; and
2. The employees are to provide to the supervisor administratively acceptable evidence explaining the inability of their personal representative to notify the employees' supervisor and invoke their entitlement to FMLA, during the entire period the employee was absent from work for an FMLA-qualifying purpose.

V. ADVANCE NOTIFICATION AND CERTIFICATION

A. When the need for leave is foreseeable (e.g., childbirth, scheduled medical treatment, adoption proceedings) employees are to provide notice of intent to invoke FMLA at least 30 days prior to using it, or as soon as possible.

B. Employees who do not provide required certification to support using leave under FMLA within the specified time are not entitled to use sick leave for the associated periods of absence.

C. Employees are to provide their supervisor with medical certification for leave under FMLA using the appropriate Department of Labor (DOL) certification form (i.e., [WH-380E](#), [WH-380F](#), [WH-384](#), or [WH-385](#)), or alternatively, other written format where the written medical certification includes:

1. The date the serious health condition commenced;
2. The probable duration of the serious health condition or specification that the serious health condition is a chronic or continuing condition of an unknown duration, whether the patient is currently incapacitated, and the duration and frequency of incapacitating episodes; and
3. The appropriate medical facts, within the health care provider's knowledge, regarding the serious health condition, including a general statement as to the incapacitation, examination, or treatment that can be required by a health care provider.

D. For leave under FMLA taken to care for a family member with a serious health condition, employees are to provide:

1. A statement from the health care provider certifying that the spouse, child, or parent of the employee requires psychological comfort or physical care; needs assistance for basic medical, hygienic, nutritional, safety, or transportation needs, or in making arrangements to meet such needs; and would benefit from the employee's care or presence; and
2. A statement from the employee on the care they will provide and an estimate of the amount of time needed to care for their spouse, child, or parent.

E. When using leave under FMLA intermittently or on a reduced leave schedule for planned medical treatment, the employees are to provide:

1. The dates (actual or estimated) when such treatment is expected to be provided;
2. The duration of such treatment; and
3. The period of recovery when applicable or specification that the serious health condition is a chronic or continuing condition of an unknown duration, whether the patient is currently incapacitated, and the duration and frequency of incapacitating episodes.

VI. USING LEAVE CONTINUOUSLY OR INTERMITTENTLY, OR ON A REDUCED LEAVE SCHEDULE

A. FMLA leave may be used continuously or intermittently. Intermittent leave is leave taken in separate blocks of time, rather than for one continuous period of time, and may include leave periods of less than 1 hour to several weeks. Intermittent leave may be appropriate if there is more than one situation for which employees are entitled to FMLA leave, or for ongoing medical treatment when the amount of FMLA leave available for the 12-month period has not been exhausted. See the following examples.

EXAMPLE 1: A full-time employee goes on leave from January 1 through March 31, using 12 administrative workweeks of leave continuously, and exhausting the entitlement of 480 hours for that 12-month period.

EXAMPLE 2: A full-time employee used leave intermittently by splitting the 12-week leave entitlement into segments. The employee used 3 weeks (or 120 hours) from January 12 through 22; used 8 weeks (or 320 hours) from May 1 through June 30; and used 1 week (or 40 hours) from September 1 through 8. In this example, as of September 8, the employee has exhausted the entitlement of 480 hours for that 12-month period that began January 12. The employee would be eligible to invoke FMLA again beginning January 13 of the following year.

B. Another way an employee can use FMLA leave intermittently is to reduce their work schedule. A reduced work schedule is one where the employee continues to work, but the number of hours regularly worked per workday or workweek is reduced by using amounts of FMLA leave intermittently. See the following examples.

EXAMPLE 1: A full-time employee with a regular work schedule of 40 hours per workweek (5 8-hour days) is entitled to 480 hours of FMLA leave. The employee reduces the number of work hours on 3 days of each workweek from 8 hours to 4 hours by using 4 hours of FMLA leave each of the 3 workdays (or 12 hours of FMLA leave per week). The employee can do this for 40 weeks, until the 480 hours of FMLA leave are exhausted (480 divided by 12 = 40).

EXAMPLE 2: A part-time employee with a regular work schedule of 32 hours per workweek of 4 8-hour days is entitled to 384 hours of FMLA leave in a 12-month period (32 multiplied by 12 = 384). The employee reduces each workweek by 1 workday, by using 8 hours of FMLA leave per week. The employee can do this for 48 weeks, until the 384 hours of FMLA leave are exhausted (384 divided by 8 = 48).

C. Employees may not include night differential for leave taken under FMLA when it totals 8 or more hours during the pay period.

VII. SUBSTITUTION OF PAID LEAVE

A. Employees may elect to substitute paid leave (i.e., annual, or sick leave) for unpaid leave under FMLA, but it is to be requested at the time of the leave request. Paid leave includes PPL (Chapter 7).

B. Employees may not retroactively request to substitute paid leave for LWOP previously used under FMLA.

VIII. APPROVING LEAVE UNDER FMLA

A. Approving officials may not place employees on leave under FMLA nor subtract leave from their entitlement to leave under FMLA unless they have obtained confirmation from employees of their intent to invoke their entitlement to FMLA. The employee's notice of intent (which can be verbal or in writing) to

take leave under FMLA can suffice as their confirmation.

B. Prior to approving a request for leave for FMLA-eligible purposes, approving officials are to ask employees if they are requesting leave under FMLA if it isn't clear that the employee is electing to do so

CHAPTER SEVEN - PAID PARENTAL LEAVE (PPL)

A. Employees who are eligible to invoke FMLA may substitute 12 weeks of PPL for the unpaid leave entitlement under FMLA for the birth of a child, adoption or foster care during the 12-month period that begins on the date of birth, or the placement event provided they have a continuing parental role. If the parental role ends due to the death of the child, or if the child is adopted or placed into foster care, they are no longer eligible for PPL.

B. Eligible full-time employees may elect to substitute up to 12 weeks (480 hours) of PPL under FMLA in connection with childbirth or placement event. Once they have invoked FMLA, PPL then becomes an entitlement.

C. Eligible part-time employees are entitled to a prorated amount determined by multiplying their biweekly scheduled hours by six. For example, part-time employees with a biweekly work requirement of 40 hours would be entitled to 240 hours, or 6 weeks of PPL ($40 \times 6 = 240$).

D. The amount of PPL that employees will be able to use is offset for those who used leave under FMLA not associated with PPL and are currently within a 12-month eligibility period and can use the remainder of the 12-week PPL entitlement once the first 12-month period expires. For example, Jane invoked her entitlement to leave under FMLA and used 3 weeks of sick leave (120 hours) beginning January 10, 2022. Her 12-month eligibility period started on January 10, 2022, and ends January 9, 2023. Then, Jane finalizes an adoption on April 15, 2022, for which she invoked FMLA to use PPL. That begins another eligibility period which expires on April 14, 2023. Jane can use 9 weeks of leave during the eligibility period that ends on January 9, 2023; then she can use the 3 weeks of PPL that remain from January 10, 2023, to April 14, 2023.

E. Employees may elect to use PPL at any time during the 12-month eligibility period that begins immediately following childbirth or placement and shall be permitted to use PPL intermittently.

F. Employees cannot be required to use annual or sick leave prior to using PPL, but they may *elect* to use annual or sick leave, as appropriate, without invoking FMLA.

G. Employees are to provide supporting documentation within 15 calendar days of beginning PPL use. If employees are unable to provide supporting documentation within that period, despite their diligent, good faith effort to do so, approving officials are to grant them a one-time extension of 15 calendar days to provide it. Appropriate documentation may include, but is not limited to:

1. A birth certificate;
2. A signed statement from a medical practitioner certifying the birth of a child; or
3. A document from a court or an adoption or foster care agency regarding the placement.

H. Employees who fail to provide the required supporting documentation within 30 calendar days are not entitled to use PPL and may be permitted to use another type of paid or unpaid leave.

I. In circumstances where it is determined that employees have acted fraudulently, supervisors are to

charge them as AWOL and work with LERD to pursue appropriate disciplinary action.

J. Employees are to agree in writing prior to using PPL that they will work 12 weeks upon the conclusion of PPL by signing the work obligation agreement (Attachment 2) and providing it to their supervisors with their leave requests.

K. While on PPL, employees:

1. Receive the same pay as if they were on annual leave.
2. Whose regular tour of duty includes nighttime hours will not receive night differential if PPL totals 8 or more hours during a biweekly pay period.
3. Whose regular tour of duty that includes Sunday will not receive Sunday premium pay while on PPL.

L. Employees are to record PPL using whichever of the following is applicable:

1. TC-62 Biological Birth;
2. TC-62 Adoption; and
3. TC-62 Foster Care.

CHAPTER EIGHT – PARENTAL BEREAVEMENT LEAVE (PBL)

I. ENTITLEMENT

A. Effective December 27, 2021, this paid leave entitles eligible employees to 2 workweeks of parental bereavement leave during any 12-month period in connection with the death of a child under 18 years of age, or 18 years of age and older for a child who is incapable of self-care.

B. Employees may not receive more than 2 workweeks of PBL in any 12-month period.

C. The 12-month period used for this purpose begins on the date of the death of an employee's child (or on the date of death for multiple children on the same day) and continues for 12 months.

D. Overlapping eligibility periods occur when employees experience multiple losses of children on different dates. When this happens, the 12-month eligibility period that began with the first death would need to expire before the 2 workweeks connected with the second death may be used. For example, if an eligible employee loses a child on March 10, 2022, the 12-month eligibility period to use the 2-workweek entitlement is March 10, 2022, through March 9, 2023. The employee then loses another child on May 15, 2022, which begins another 12-month period that ends on May 14, 2023, resulting in an overlapping eligibility period from May 15, 2022, through March 9, 2023.

If the employee used 2 workweeks for the death that occurred on March 10, 2022, the employee may not use the 2 workweeks for the second death that occurred May 14, 2022, until the previous 12-month period expires. Therefore, the employee could use bereavement leave for the second death during the period of March 10, 2023, through May 14, 2023.

E. The 2-workweek leave entitlement is based on the number of hours in the scheduled tour of duty and is converted to hours, subject to the following:

1. The equivalent of 2 workweeks for full-time employees is 80 hours.
2. The equivalent of 2 workweeks for part-time employees is the number of hours they are scheduled to work in a biweekly pay period. For example, 40 hours is the equivalent of 2 workweeks for a part-time employee who is scheduled to work 20 hours each week of the biweekly pay period.

II. ELIGIBILITY

Individuals are eligible for PBL if they:

- A. Meet the definition of “employee” in [5 USC 6381](#);
- B. Are serving under a permanent or term appointment (individuals serving on temporary appointments of 1 year or less are not eligible);
- C. Have an established full-time or part-time work schedule (intermittent employees are not eligible); and
- D. Have completed at least 12 months of Federal service.

III. EMPLOYEE NOTIFICATION

Employees are to notify their supervisors as soon as possible once the need to use PBL is known.

IV. USAGE

- A. Employees who establish eligibility and meet all conditions and requirements are entitled to use PBL upon request during their regularly scheduled work hours.
- B. The use of PBL is separate from other leave or time off, that employees might otherwise use and does not affect the accrual or balances of other paid leave or paid time off (i.e., annual leave, sick leave).
- C. Sick leave is permitted for the specific limited purposes of making arrangements necessitated by the death of the employee’s child or to attend the child’s funeral. It does not cover the broader purposes of bereavement.
- D. Generally, PBL is to be used continuously, but it can be used intermittently as mutually agreed upon by employees and supervisors.
- E. Employees may request corrected timesheets to use PBL in place of other leave that may have been used retroactively in connection with the death of a child on or after December 27, 2021.
- E. Holidays and other non-workdays that occur during a period of PBL are excluded from the 2-workweek entitlement.
- F. Employees who use PBL will receive night differential for hours of work within their regularly scheduled tour of duty that are performed from 6:00 p.m. through 6:00 a.m.
- G. Employees with unused PBL at the time of transfer to qualifying positions in other Federal agencies will keep the unused hours as long as they are still within the 12-month eligibility period.
- H. Unused PBL hours at the time of separation are forfeited unless employees are reappointed to

qualifying positions within the 12-month eligibility period.

I. Unused hours of PBL are never paid out and are forfeited when employees separate or transfer to non-qualifying positions in other Federal agencies.

J. The use of PBL does not affect service credit used for retirement annuity computations.

V. RECORDING PBL

Employees are to record the use of PBL in a minimum of 15-minute increments on their timesheets using TC-66 Administrative Leave/Excused Absence or TC-66 Administrative Leave/Excused Absence w/Night Differential if they are regularly scheduled for night work. The NFC will establish a transaction code and make it available for use in the timekeeping system.

CHAPTER NINE – MILITARY LEAVE

I. GENERAL – MILITARY LEAVE ENTITLEMENT

A. Full-time employees who are entitled to military leave and ordered to report for active duty or training are to be released from their civilian positions. Requests for military leave are to be supported by a copy of the order directing employees to report for active duty or training.

B. Only members of the National Guard of the District of Columbia are entitled to military leave for each day of a parade or encampment ordered or authorized by the District of Columbia.

C. Intermittent employees and those on appointments of less than 1 year are not entitled to military leave.

D. Part-time employees are entitled to military leave on a prorated basis. The amount is determined by dividing 40 by the number of hours in their weekly tour of duty, multiplying by 15 (days), and rounding down to the lower number of whole days. For example, a part-time employee who works 20 hours in a week is entitled to 7 days of military leave ($40/20 = .5 \times 15 = 7.5$, rounded down to 7).

II. TYPES OF MILITARY LEAVE

A. Regular Military Leave. Employees are entitled to 15 days of regular military leave each fiscal year for active duty, active duty training, and inactive duty training. Fifteen days of military leave may be carried over from 1 fiscal year to the next. Inactive duty training is authorized training performed by members of a reserve component not on active duty and performed in connection with the prescribed activities of the reserve component.

B. Emergency Military Leave. Employees may be entitled to 22 days of emergency military leave each calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor. This leave is provided for employees who are called to perform military duties in support of civilian authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation.

C. National Guard of the District of Columbia. Employees who are members of the National Guard of the District of Columbia are entitled to unlimited military leave for certain types of duty ordered or authorized under Title 39 of the District of Columbia Code.

D. Reserve and National Guard Technicians. Reserve and National Guard technicians are entitled to 44 days of military leave for duties overseas when they are on active duty without pay.

III. DAYS OF MILITARY LEAVE

A. Military leave is credited to full-time employees on the basis of an 8-hour workday and it is charged in 1-hour increments. Employees are charged military leave only for hours that they would otherwise have worked and received pay.

B. Employees who request military leave for inactive duty training are charged only the amount of military leave needed to cover the period of training and necessary travel. Military leave is not charged for weekends or holidays that occur within the period of military service.

CHAPTER TEN – DISABLED VETERAN LEAVE (DVL)

I. ELIGIBILITY AND ENTITLEMENT

A. Employees hired on or after November 5, 2016, who have received a disability rating of at least 30 percent as determined by the Veterans Benefits Administration (VBA) are entitled to a one-time credit of up to 104 hours of sick leave for use within the first 12 months from their “first day of employment” (defined below in subparagraph IV.C.).

B. This category of leave is accounted for separately from regularly accrued sick leave and may only be used for the purposes of undergoing medical examinations or treatment the qualifying service-connected disability (or combination of service-connected disabilities).

C. Hours of DVL remaining after the eligibility period has ended are forfeited and cannot be restored. Employees may not receive a lump-sum payment for unused DVL under any circumstance. Employees who do not earn leave are not eligible to receive or use DVL.

II. CREDITING DVL

A. The number of DVL hours credited is based on the employee’s work schedule. For example, a full-time, non-seasonal employee would be eligible for a credit of up to 104 hours; a part-time employee would receive a prorated credit based on the number of hours scheduled for the pay period (e.g., an employee on a 40-hour biweekly tour would be eligible for a credit of up to 52 hours).

B. Full credit is provided to qualifying employees with 0 hours of accrued sick leave on their “first day of employment”. Employees who have accumulated sick leave at the time they are eligible for DVL will receive a partial credit of DVL. For example, an employee is hired, but does not yet have a qualifying disability rating from the VBA. Subsequently, they are notified that they have received a qualifying rating and have accumulated 24 hours of sick leave. The DVL credit of 104 hours is offset by the 24 hours of sick leave they accrued, resulting in a credit of 80 hours of DVL ($104 - 24 = 80$).

III. USING AND RECORDING DVL

A. Employees may use DVL retroactively to substitute only for periods of paid or unpaid leave taken for the purposes of receiving medical examinations or treatment for a qualifying service-connected disability (excluding periods of AWOL or suspension).

B. Employees who have claims pending review by VBA that are later approved with a retroactive effective date may retroactively substitute available DVL when another form of leave was taken within the eligibility period for the medical examinations or treatment of a qualifying service-connected disability. In these cases, employees may request corrected timesheets.

C. Employees whose service-connected disability rating decreases or is discontinued during the 12-month eligibility period are no longer eligible to request DVL effective as of the date of the rating change.

D. Employees who separate from Federal service for at least 1 workday during the 12-month eligibility period with unused DVL, and later begin employment in a covered agency within the same eligibility period, are entitled to a recredit of the unused DVL balance.

E. Employees who use DVL are to record it on their timesheets using TC-62 Disabled Veteran Leave.

IV. TERMS AND DEFINITIONS SPECIFIC TO DVL

A. First Day of Employment: The first day of service that qualifies as employment and occurs on or after the later of:

1. The earliest date on or after November 5, 2016, that an employee is hired after the effective date of the employee's qualifying service-connected disability as determined by the VBA; or
2. The effective date that the employee's qualifying service-connected disability is rated at least 30 percent by the VBA.

B. 12-Month Eligibility Period: The continuous 12-month period that begins on the first day of employment or when the VBA provides a disability rating of 30% or more.

C. Employment: Service as an employee during which the employee is covered by a leave system under which leave is charged for periods of absence but excluding service in a position in which the employee is not covered by [5 U.S.C. 6329](#) due to another applicable statute.

D. Hired: The personnel action occurring on or after November 5, 2016, in which the employee:

1. Receives an initial appointment to a civilian position in the Federal government in which the service qualifies as employment;
2. Receives a qualifying reappointment following a break in service of at least 90 days, to a civilian position in the Federal government in which the service qualifies as employment; or
3. Returns to duty in a civilian position with the Federal government in which the service qualifies as employment when it immediately follows a break in service to perform military service.

E. Qualifying Service-Connected Disability: A veteran's service-connected disability rated at 30 percent or more. A temporary disability rating issued under 38 U.S.C. 1156 is valid for as long as it is in effect.

F. Service-Connected Disability: A disability that is incurred or aggravated in the line of duty in the active military, naval, or air service as determined by VBA.

G. Veteran: A person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable.

CHAPTER ELEVEN – HOME LEAVE

I. GENERAL – HOME LEAVE

Home leave is granted with pay in addition to any other types of leave and earned by service abroad (time served as a Federal employee on or after September 6, 1960, at a duty station outside of the United States and the employee's residence if the place of residence is in the Commonwealth of Puerto Rico or a U.S. territory or possession). Home leave is intended for use in the United States, the Commonwealth of Puerto Rico, or in U.S. territories or possessions.

II. ELIGIBILITY

Eligible employees earn home leave when one or more of the following conditions are met ([5 USC 6304\(b\)](#)):

1. The employee is directly recruited or transferred by the Federal government from the United States, including transfers to Puerto Rico;
2. The employee is directly recruited or transferred by the Federal government from Puerto Rico or U.S. territories or possessions for employment outside the area of recruitment or the area from which they were transferred; or
3. Persons who are normally residents of the area concerned are discharged from service in the U.S. Armed Forces to accept employment with the Federal government.

III. CREDITABLE SERVICE FOR HOME LEAVE ACCRUAL

A. Creditable service for home leave accrual includes:

1. Full credit for the day of arrival and the day of departure;
2. Absence in a nonpay status up to 2 workweeks within each 12-month period of service abroad;
3. Authorized leave with pay (e.g., annual leave, sick leave);
4. Any period of time the employee serves on a detail; or
5. Time spent in the U.S. Armed Forces which interrupts otherwise creditable service. The service is included for eligibility, but not for leave-earning service;

B. Creditable service for home leave accrual begins on the date an employee:

1. Enters on duty (if recruited abroad); or
2. Performs duties in an area outside of the United States and outside of the area of recruitment or area from which transferred when performance of such duties is required while traveling to an overseas post of regular assignment.

C. Creditable service is given when the final administrative approval to effect a change in duty station when the employee is on detail or on leave in the United States, or in an area (Commonwealth of Puerto Rico, or a U.S. possession) from which the employee was recruited or transferred.

IV. HOME LEAVE EARNING RATES

A. Earning Rates. An employee earns home leave in 1-day increments for each 12-month period of service abroad at the following rate:

1. 15 days of home leave are earned when:
 - a. An employee accepts an appointment to or occupies a position for which FSIS has prescribed the requirement that the incumbent accepts assignments anywhere in the world as the needs of FSIS dictate.
 - b. An employee is serving with a U.S. mission to a public international organization.
 - c. An employee is serving at a post for which payment of a foreign or nonforeign (but not a tropical) differential of 20 percent or more as authorized by law or regulation.
2. 10 days of home leave are earned when an employee not included in subparagraph IV.A.1.a. is serving at a post for which payment of a foreign or territorial (but not a tropical) differential of at least 10 percent but less than 20 percent is authorized by law or regulation.
3. 5 days of home leave are earned when an employee is not included in subparagraphs IV.A. a. and b.
4. 0 days of home leave are earned when an employee included in subparagraphs IV.A.1.a. and b. and whose civilian service abroad is interrupted by a tour of duty in the U.S. Armed Forces for the duration of such tour.

B. Changing Leave Earning Rates. Employees who move between different home leave earning rates during a month of service abroad, or have a change in differential during a month, are credited for the month at the accrual rate to which they would have been entitled before the change.

C. Accumulating Home Leave. Home leave can accumulate without limitation. Employees cannot receive a lump-sum payment for unused accumulated home leave, nor may it be used as terminal leave.

V. USE OF HOME LEAVE

A. Advancing Home Leave. Home leave cannot be used before it is earned under any circumstances.

B. Applying to Use Home Leave. Employees are to request the use of home leave by submitting a request for leave to the appropriate approving official.

C. Granting and Charging Home Leave. The minimum charge for home leave is 1 day. Home leave may be granted for use only in the United States, its territories or possessions, or Puerto Rico when:

1. An employee has completed 24 months of continuous service abroad, or after 18 months of continuous service abroad if the assigned tour abroad was only for 18 months;
2. An employee is expected to return to an assignment abroad; and
3. An employee returns (within 6 months) from service abroad if they are expected to return to service abroad immediately or upon completion of an assignment in the United States. If home leave cannot be granted until an employee completes another substantial period of service abroad, this period of service cannot be less than the tour prescribed for the employee's post of assignment unless an authorized official justifies an earlier grant of home leave.

D. Home Leave Determinations. Home leave may be taken when employees:

1. Work abroad (outside of the contiguous United States) and are eligible to earn 45 days of annual leave; and
2. Maintain a permanent residence within the contiguous United States or Puerto Rico during their period of work abroad.

VI. HOME LEAVE REFUND

A. Refund of Home Leave. An employee who files to return to service abroad following a period of leave or after completion of an assignment in the United States is indebted for home leave used and is to make a refund to the Government.

B. Waiver of Refund. A refund for home leave may only be waived if both of the following occur:

1. An employee has completed 6 months of service in an assignment in the United States following a period of leave; and
2. The appropriate official determines that the employee's failure to return to duty abroad is due to compelling personal reasons, circumstances of which the employee has no control, or it is determined to be in the public interest not to return the employee abroad.

VII. TRANSFER AND RECREDIT OF HOME LEAVE

Accumulated home leave will be transferred or reccredited when employees:

- A. Move between agencies; or
- B. Are reemployed in the Federal service without a break in service of more than 90 days.

VIII. TRAVEL TIME

An employee who is authorized to accumulate up to 45 days of annual leave can be granted travel time without charge to leave for the time spent traveling from their post of duty to a place of residence and return if the employee is serving outside the United States or in the Commonwealth of Puerto Rico or a U.S. territory or possession, and their place of residence is elsewhere.

IX. HOME LEAVE SCENARIOS—HOME LEAVE DETERMINATIONS

A. Employees who qualify for the maximum annual leave accumulation of 45 days under the provisions of [5 USC 6304\(b\)](#) are eligible to use home leave. Once eligibility is verified, a determination is made on residency status. In making the determination, nothing precludes employees from establishing a residence in another location. The following examples are not all-inclusive but illustrate the areas supervisors may consider when evaluating a request to use home leave. Ultimately, supervisors are to ensure that their determinations are consistent and not arbitrary, capricious, or contrary to law.

EXAMPLE 1: Chart used to make home leave determinations:

If the employee's permanent residence is:	Employee is recruited to work in:	Employee is:	Then the employee:

United States - stateside, excluding Puerto Rico	Puerto Rico	Eligible to accrue 45 days annual leave	Is entitled to home leave back to the United States - stateside.
United States - stateside	Guam, Virgin Islands, Europe, China, Mexico	Eligible to accrue 45 days annual leave	Is entitled to home leave back to the United States - stateside.
Puerto Rico	Puerto Rico	NOT eligible to accrue 45 days annual leave	Is NOT entitled to home leave.
Puerto Rico	Guam, Virgin Islands, Europe	Eligible to accrue 45 days annual leave	Is entitled to home leave back to Puerto Rico
Puerto Rico	United States - stateside	NOT eligible to accrue 45 days annual leave	Is NOT entitled to home leave back to Puerto Rico

EXAMPLE 2: Employee born in Puerto Rico:

An employee was born and raised in Puerto Rico. They worked the last 10 years in New York City and established permanent residency in New York. If they went to work in Germany, they would be entitled to home leave. When requesting to use home leave, the approving official may request documentation to support residency status.

EXAMPLE 3: Residency determinations:

Using the same scenario in Example 2, if the employee went to work in Puerto Rico, they would be entitled to home leave because of having established permanent residency in New York. When requesting to use home leave, the approving official can request documentation to support residency status. Residency determinations are to include consideration of these factors as well as any other supporting documentation:

1. Circumstances surrounding the hiring of the employee;
2. The employee's work history;
3. The chronological record of individual or family associations with the claimed place of residence;
4. Benefits enrollment forms from the employee's electronic Official Personnel Folder;
5. Place of birth;
6. Place of education;
7. Voter registration;
8. State to which income or personal property taxes are paid;
9. Place where children, if any, were born, raised, and educated;

10. Family ties; and

11. Any other written documentation establishing declared place of residence.

B. The immediate supervisor is responsible for determining the actual residence after obtaining guidance from HCPAB, using the chart in Example 1, and reviewing any documentation provided by the employee. Home leave determinations are made on a case-by-case basis and based on all available information. Employees are responsible for providing information establishing their place of residence to support the request for home leave. Falsifying this information could lead to removal from Federal service.

CHAPTER TWELVE - ABSENCE FOR RELIGIOUS OBSERVANCES

A. Employees whose personal religious beliefs require they abstain from work during certain periods of time may request any type of paid leave (except sick leave) to cover the absence but may elect to work in excess of their normal work schedules and use the religious comp time earned for their religious observances. Religious comp time may be earned and used 13 pay periods before or 13 pay periods after religious observances.

B. **Scheduling Time Off.** Supervisors are to schedule and approve religious comp time for employees when mission requirements permit. Employees and supervisors are to discuss and schedule in advance the amount of religious comp time to be earned and used during a 6-month to 1-year period. Employees are to submit their requests for adjusted work schedules in advance, specifically state that it is for a religious purpose, and provide documentation for the need to abstain from work. The documentation is to include the name or description of the religious observance, the duration of the absence, and when the extra hours will be worked. Supervisors are not to make any judgment about employees' religious beliefs or affiliations with religious organizations and may disapprove a request if modification of the work schedule would interfere with FSIS' mission.

C. **Accruing Time.** Employees may only earn the amount of religious comp time needed for the religious absences. Hours of religious comp time not used as planned may be redirected for future religious observances that have been approved, even if it is more than 13 pay periods after the time was originally earned. Employees may not earn additional hours of religious comp time when unused hours remain in their leave accounts.

D. **Making Up Time.** Supervisors are not to grant requests for time off without scheduling the hours employees are to work to make up the time. Scheduling the make-up time provides a clear record of the adjusted work schedule. Employees who are absent when scheduled to make up time off for religious absences are to use paid or unpaid leave (annual leave, travel comp time, credit hours earned under a flexible work schedule or LWOP).

E. **Relationship to Premium Pay and Overtime Work.** Title 5 U.S.C. and the FLSA, as amended, do not apply to employees who adjust the hours or days of their work schedules due to religious observances. This applies to employees who voluntarily work in excess of 40 hours per week or 8 hours per day for this purpose.

F. **Employee Separation or Transfer.** Employees who separate from Federal service or transfer to another agency before using their religious comp time are to be paid at their rate of basic pay that was in effect when the extra hours of work were performed. Employees who are indebted for advanced religious comp time are billed. Senior level employees cannot be paid for unused religious comp time earned when they separate from Federal service, but if they transfer to another agency, the hours will transfer.

CHAPTER THIRTEEN – LEAVE SHARE PROGRAMS

PART ONE – LEAVE BANK PROGRAM (LBP)

I. GENERAL

A. The LBP permits eligible employees to become members for the purposes of receiving donated annual leave to cover absences due to a personal or family-related medical emergencies who will be without enough accrued annual and sick leave to cover at least 24 hours of the absence (pro-rated for part-time employees).

B. Only LBP members may apply to be recipients.

II. LBP MEMBERSHIP

A. Employees may apply to become members of the LBP during the annual enrollment period which coincides with the FEHB open season each year. Member applications submitted and approved during the annual open enrollment period are effective the first pay period of the next leave year.

B. Employees who wish to become LBP members are to complete [FSIS Form 4630-6](#), FSIS Leave Bank Program – Donor Application (level two e-authentication is needed to access the electronic version of this form) and submit it to the Leave Bank Coordinator at FSISHR1@usda.gov with the subject “Leave Bank Membership,” during the annual enrollment period (or a supplemental enrollment period).

C. Employees who are returning from extended leave may apply to become members of the LBP within 30 days of their return to work. Membership approval is effective the first day of the pay period after the application is approved.

D. Employees who are newly appointed, transferred, or are changed to full-time or part-time employment may apply to become members of the LBP within 30 days of the effective date of the new appointment, transfer, or change in work schedule. Membership is effective the first day of the pay period after the membership application is approved.

E. LBP membership is valid for one leave year beginning pay period 1 through the end of the leave year, or from the pay period of approval through the end of the leave year for requests approved outside of the annual enrollment period for the reasons listed in subparagraphs II.C. and D.

F. Employees without sufficient leave to cover the minimum contribution requirement may request waivers from the LBP Coordinator by providing a brief explanation as to why they do not have sufficient leave to make the membership contribution. The membership contribution amount is determined each year by the Leave Bank Board.

III. APPLYING TO RECEIVE LEAVE FROM THE BANK

A. Leave bank members who are experiencing a personal or family-related serious health condition or medical emergency and will be without sufficient accrued sick and annual leave to cover at least 24 hours of the expected absence may apply to become a leave recipient and receive donated leave from the bank. Member have up to 60 calendar days after the end of the medical emergency to submit their request.

B. A request to become a leave recipient is not a leave request. Employees will still need to submit a leave request to their supervisors. Employees are to obtain approval to be off work for personal or family-related serious health conditions or medical emergencies, according to standard procedures for requesting

an absence of the type and duration involved. To be eligible for assistance via the leave bank, a member has to have a personal or family medical emergency that results in a serious financial hardship for the employee because accrued paid leave is not available at the time of application to the leave bank or within 60 calendar days after the end of the medical emergency.

C. Members who would like to apply for donated leave from the bank are to complete [FSIS Form 4630-5](#) and submit it to their supervisors.

D. Supervisors are to review the recipient applications and concur, or not concur, that employees:

1. Are, or were affected by a personal or family-related serious health condition or medical emergency;
2. Are expected to be absent from duty without sufficient leave to cover at least 24 hours of the absence; and
3. Are not receiving unemployment benefits or workers' compensation benefits in connection with a personal serious health condition or medical emergency.

E. Supervisors are to approve the leave request for employees' absence due to the serious health condition or medical emergency, sign [FSIS Form 4630-5](#), and return it to them.

F. Supervisors cannot prevent employees from applying to receive transferred annual leave. If supervisors do not concur (provide a reason) with the employee's recipient application for the LBP, the employee may still submit the form with the supervisory comments for consideration by the LBP Board. Only the LBP Board has the authority to deny leave bank recipient applications.

G. Once members receive the signed application from their supervisors, they, or their representative, are to submit their completed recipient application along with supporting medical certification to the LBP Coordinator at LeaveBankProgram@usda.gov with the subject "LBP Recipient Application." Supporting medical certification is provided using WH-380E (personal) or WH-380F (family), or other written document as long as it includes the name and address of the practice, the doctor's signature and:

1. A brief description of the serious health condition or medical emergency and its severity, and when used to provide care to a family member, it is to also specify the specific type and frequency of care to be provided;
2. The anticipated duration of the serious health condition or medical emergency (e.g., expected end date or date of re-evaluation for chronic conditions); and
3. The approximate frequency durations of absences that may be required due to the serious health condition or medical emergency if episodic in nature.

NOTE: Approved recipients with long-term or extended absences may be required to provide updated medical certification every 120 days until the serious health condition or medical emergency ends.

4. [FSIS Form 4630-8](#), Authorization to Release Medical Information (level two e-authentication is needed to access this form); and
5. If the leave is needed to provide care to a family member, the LBP Board may request proof of a family membership.

H. Approved recipients are to:

1. Use the donated leave only for hours of approved absence related to the serious health condition or medical emergency;
2. Use all available paid leave (except for leave in set-aside accounts – see paragraph IX.);
3. Provide updated medical certification with the status of the serious health condition or medical condition to the LBP Coordinator every 120 days; and
4. Notify the LBP Coordinator when there is a change or end to the circumstances of the absence due to the serious health condition or medical emergency.

I. A leave bank recipient who returns to work part-time and uses donated leave part-time will accrue leave in their regular annual and sick leave accounts based on the time spent in a work status and in their set-aside annual and sick leave accounts for time spent in a shared leave status (when using donated leave). For example, an employee who earns 8 hours of annual leave and 4 hours of sick leave each pay period works 40 hours and uses 40 hours of donated leave during 1 pay period, will accrue 4 hours of annual leave each in their regular and set-aside annual leave accounts and 2 hours of sick leave each in their regular and set-aside sick leave accounts.

J. The use of donated leave is limited as follows:

1. Employees with serious health conditions or medical emergencies other than childbirth can receive no more than 480 hours (12 weeks) of donated leave from the bank per leave year.
2. Employees who request donated leave due to childbirth can receive no more than:
 - a. 240 hours (6 weeks) for natural birth; or
 - b. 320 hours (8 weeks) for a cesarean section.
 - c. If employees have complications and are required to be off work for additional time prior to or following childbirth, additional donated leave may be used based on the doctor's certification of the complications and the medical need to be off from work due to the complications.

K. Donated leave may only be used for medically necessary time off from work and cannot be used to bond with a healthy newborn.

L. The Board will limit the number of donated hours that can be granted to approved recipients based on the number of hours available in the bank.

NOTE: If the bank balance is below 750 hours, the Board will determine the number of hours, if any, to award to a recipient, based on the number of hours requested and the time left in the leave year.

IV. USING DONATED ANNUAL LEAVE FROM THE LEAVE BANK

A. Leave donations may be applied retroactively to substitute for periods of LWOP or replace advanced annual or sick leave used due to the serious health condition or medical emergency.

B. Leave transferred from the leave bank to a leave recipient may not be:

1. Included in a lump-sum payment; or
2. Made available for recredit upon reemployment by a Federal agency.

C. Leave recipients are to request and receive approval from their supervisors through the timekeeping system for each day they intend to be absent from work.

D. Employees who are absent without approval are to be charged AWOL. Supervisors may determine that AWOL charged may be changed to another type of leave if they later approve the absence.

V. LBP COORDINATOR AND BOARD RESPONSIBILITIES

A. The LBP Coordinator and Board are to review recipient applications to determine if employees meet the requirements and how leave will be transferred to them for use during their serious health conditions or medical emergencies.

B. The LBP Board will provide written notification of approval or denial to recipients within 10 workdays of receiving a completed application. This notification will include the amount of leave to be distributed and the effective dates for its use, or if denied, it will include the reason and inform employees of their right to appeal the decision with the Board as instructed in the notification. The LBP Board may request a third-party review by Federal Occupational Health on a case-by-case basis.

C. The LBP Coordinator:

1. Manages the overall program;
2. Signs and agrees to adhere to the provisions of non-disclosure and confidentiality agreements regarding applicant medical documentation;
3. Reviews member applications to ensure they are complete and comply with program requirements, and verifies leave balances;
4. Returns incomplete forms to applicants with an explanation and instructions to complete the forms correctly and return them to the LBP Coordinator;
5. Provides redacted recipient applications to the LBP Board for review and approval or denial;
6. Maintains records documenting the various stages of the leave bank application process in a secure database (e.g., date received, date sent to the Board, date approved, number of hours requested and approved, dates that individual serious health conditions or medical emergencies are expected to end or extensions);
7. Monitors the status of serious health conditions or medical emergencies of recipients or their qualifying family members;
8. Tracks member and recipient participation;
9. Coordinates with OCFO for the processing of leave donations and contributions from members and non-members of the leave bank;
10. Coordinates the processing of leave adjustments in the payroll/personnel systems and the timekeeping system;

11. Announces and publicizes enrollment periods;
12. Promotes awareness of the program (e.g., flyers, mass e-mail notifications, internal newsletter articles, and coordinating information for town hall, all-hands and work unit meetings);
13. Collaborates with the LBP Board to identify and implement changes and updates to the LBP based on lessons learned; and
14. Provides advice and guidance to the Board, employees, supervisors, and managers as needed.

D. The LBP Board:

1. Establishes internal decision-making procedures;
2. Signs and agrees to adhere to the provisions of non-disclosure and confidentiality agreements regarding applicant medical documentation;
3. Monitors the amount of leave in the leave bank;
4. Monitors the number of applicants who become recipients; and
5. Maintains an adequate amount of leave in the leave bank to the greatest extent possible.

VI. TERMINATING RECIPIENT OR MEMBER STATUS

A. An employee's recipient status terminates:

1. At the end of the biweekly pay period in which the leave recipient provides written notice that the serious health condition or medical emergency has ended;
2. At the end of the biweekly pay period in which the LBP Board determines, after written notice to the leave recipient and opportunity for response is provided, that the serious health condition or medical emergency has ended, based on the recipient application; or
3. At the end of the biweekly pay period in which FSIS receives notice that the leave recipient has been approved for disability retirement.

NOTE: An employee who is waiting for a determination on an application for disability retirement needs to consult with their servicing benefits specialist before substituting transferred leave retroactively for a period of LWOP since the last date in a pay status determines the effective date of disability retirement if the employee meets the service requirements as of that date.

4. On the date the recipient begins to receive unemployment benefits or workers' compensation, including continuation of pay for the serious health condition or medical emergency; or
5. On the date the leave recipient leaves FSIS.

B. The LBP Board may terminate a member's recipient status or membership in the leave bank for:

1. Fraud (e.g., falsifying medical documentation);
2. Failure to provide additional medical certification as requested;

3. Falsifying time and attendance records; or
 4. Using donated leave for absences not related to the serious health condition or medical emergency.
- C. Falsifying or altering any Government or medical documents can lead to disciplinary action including suspension from work or termination of employment.

PART TWO – VOLUNTARY LEAVE TRANSFER PROGRAM (VLTP)

I. GENERAL

- A. Employees who are experiencing personal or family-related serious health conditions or medical emergencies and will not have sufficient leave may apply to receive donated annual leave from other Federal employees.
- B. Employees who donate leave to approved VLTP recipients are to specify:
1. The amount of annual leave to be donated; and
 2. The recipient who is to receive the donated annual leave.
- C. Employees can donate annual leave to, or receive donated annual leave from:
1. Other USDA employees (with the exception of their immediate supervisors); and
 2. Federal employees outside of USDA.
- D. A request to become a leave recipient is not a leave request. Employees still need to submit leave requests to their supervisors. The VLTP serves as a vehicle through which employees who are in an approved leave status can receive donations of leave from other Federal employees. Employees who apply for donated leave are to obtain approval for the time off from work due to the medical emergency according to standard procedures established within their work units.

II. EMPLOYEE RIGHT TO PARTICIPATE

- A. Employees are not to directly or indirectly intimidate, threaten, or coerce other employees for the purpose of interfering with their right to donate, receive, or use transferred annual leave.
- B. Supervisors are not to prevent employees from applying to receive transferred annual leave. Supervisors who do not concur with employees' applications for donated leave are to submit the applications along with their comments to the Branch Chief, HCPAB, at payandleaveguidance@usda.gov for consideration. Only the Branch Chief, HCPAB has the authority to disapprove applications to become approved recipients under VLTP.
- C. Supervisors are not to prevent employees from using transferred leave when in an approved leave status. Donated leave may not be used for periods of absence that change to AWOL.
- D. Employees whose applications for donated leave are disapproved may appeal the decision through the Administrative Grievance System (see [FSIS Directive 4771.1](#)) or the bargaining unit's negotiated grievance procedure, as appropriate.

III. PRIVACY REQUIREMENTS AND PUBLICITY

A. Leave recipients' and leave donors' right to privacy is to be respected. HCPAB obtains consent from approved recipients before disclosing their names and circumstances (e.g., serious health condition, injury, serious family medical condition) to individuals who may need to know in order to process donor requests.

B. Approved recipients may only receive donations specifically designated to them so it may be necessary for employees or their supervisors (with the recipient's consent) to let coworkers know they are an approved recipient.

C. HCPAB, with consent from approved recipients on what information is publicized, will add their names to the [approved recipient listing](#) so donors can select one or more recipients to receive donated leave.

IV. CRITERIA TO APPLY AS A RECIPIENT

Employees who are experiencing a personal or family serious health condition or medical emergency and will be without sufficient accrued sick and annual leave to cover at least 24 hours of the expected absence may apply for donated leave up to 60 calendar days after the end of the medical emergency by submitting the following to payandleaveguidance@usda.gov.

V. SERIOUS HEALTH CONDITIONS – MEDICAL EMERGENCIES

Serious health conditions or medical emergencies (experienced by employees or their family members) include, but are not limited to:

1. Cancer;
2. Heart attacks;
3. Strokes;
4. Severe injuries;
5. Alzheimer's disease;
6. Pregnancy; and
7. Childbirth.

VI. APPLYING FOR DONATED LEAVE

A. Eligible employees are to submit a complete application package to HCPAB by emailing it to payandleaveguidance@usda.gov with the subject "VLTP Recipient Application."

B. Completed application packages include:

1. Completed Form [AD-1046](#), Leave Transfer Program – Recipient Application; and
2. Medical certification using either Form [WH-380E \(personal\)](#) or [WH-380F \(family\)](#) as appropriate, or a signed statement from the physician on letterhead that briefly describes the reason for and duration of incapacitation and the anticipated return to work date.

C. Medical certification for family care is to specify the reason care is needed, the type and frequency of care to be provided, and the duration care will be needed.

D. Employees who are incapacitated and unable to complete and submit their application may have a personal representative submit it on their behalf.

VII. DONATING ANNUAL LEAVE

A. Employees who wish to donate annual leave to approved leave recipients in the VLTP, can donate through the timekeeping system or by submitting a completed [Form AD-1043](#), Leave Transfer Program – Donor Application, to OCFO, FMD at FSCGeneral@usda.gov. See Chapter Thirteen, Part One – LEAVE BANK PROGRAM (LBP) for Leave Bank donations.

B. Employees may donate no more than one-half of the annual leave they will earn during the leave year.

C. Employees may only donate accumulated annual leave or restored annual leave. Other types of leave (i.e., sick leave, comp time, credit hours, travel comp time or time off awards) cannot be donated.

D. Full-time employees who have been employed for the full leave year may donate leave according to their leave earning category as follows:

ANNUAL LEAVE EARNING CATEGORY	MAXIMUM DONATION (HOURS)
4	52
6	80
8	104

E. Employees who have projected annual leave that otherwise would be subject to forfeiture at the end of the leave year may donate the amount of annual leave that is the lesser of:

1. One-half the amount of annual leave that the donor would be entitled to accrue during the leave year that the donation is made; or
2. The number of hours remaining in the leave year (as of the date the donated leave is transferred) that the leave donor is scheduled to work and receive pay. For example, if the leave donor wishes to donate 104 hours effective the last pay period of the leave year, and during that pay period there is one 8-hour holiday and the employee will use 8 hours of leave, the employee could donate only 64 hours (80 hours minus 16 hours). Donation limitations are prorated for part-time employees.

VIII. WAIVER OF HOURS LIMITATION

A. The limitation on the number of hours that can be donated may be waived if:

1. The donated leave does not exceed the number of hours needed by the designated recipient; or
2. It appears unlikely that the needed leave will be available from other donors.

B. Employees who request waivers are to notify the OCFO FMD and indicate the reason when they submit their donor applications.

IX. USE AND RECREDIT OF TRANSFERRED LEAVE

A. Leave recipients may use transferred annual leave only for approved absences related to the personal or family-related serious health condition or medical emergency for which donated leave was approved.

B. Donated leave cannot be transferred to anyone other than the recipient designated on the donor application.

C. When approved recipients separate from Federal service or if their eligibility for donated leave ends, any unused donated leave remaining in their account is:

1. Not included in a lump-sum leave payment; and
2. Recredited to the donor's or donors' accounts on a prorated basis.

X. DONATED LEAVE FROM AND TO OTHER FEDERAL DEPARTMENTS

A. FSIS employees may donate leave to approved recipients in other Federal agencies and approved recipients in FSIS may receive donated leave from Federal employees outside of USDA.

B. FSIS employees who are approved recipients may receive donations from Federal employees outside of USDA if any of the following is true:

1. The amount of leave expected from donors within USDA will not fully meet the leave recipient's needs;
2. The donor is a member of the leave recipient's family; or
3. Acceptance of the donation would further the purpose of the VLTP.

C. Employees who wish to donate leave to Federal employees outside of FSIS are to complete and submit [OPM Form 630B](#), *Request to Donate Annual Leave to Recipient under the Voluntary Leave Transfer Program*, to HCPAB at payandleaveguidance@usda.gov with the subject "Leave Donation."

XI. LEAVE ACCRUAL LIMITATION

A. Approved recipients continue to accrue leave while in a transferred leave status. Leave accrual is limited to 40 hours each of annual and sick leave (pro-rated for part-time employees) and is placed in a set-aside account, separate from the transferred leave account. Leave in the set-aside account will be available for use after transferred leave status terminates.

B. Employees who have exhausted all transferred leave and their medical emergencies have not yet terminated may use leave from their set-aside accounts.

XII. TERMINATION FROM THE VLTP

A. OCFO monitors accounts and leave usage to determine when to terminate approved recipients from the VLTP. However, immediate supervisors are to notify OCFO at FSCGeneral@usda.gov as soon as possible when it is known that a recipient's medical emergency has ended or will end. Other than the exception in subparagraph XI.B., a recipient's eligibility to receive and use annual leave donated under the VLTP terminates:

1. When they separate from Federal employment;

2. At the end of the biweekly pay period that they (or their personal representative) notify the immediate supervisor and OCFO that the medical emergency has ended;
3. At the end of the biweekly pay period that OCFO determines that the medical emergency has ended ; or
4. At the end of the biweekly pay period that OCFO is notified that their application for disability retirement has been approved.

NOTE: An employee who is waiting for a determination on an application for disability retirement needs to consult with their servicing benefits specialist before substituting transferred leave retroactively for a period of LWOP because the last date in a pay status determines the effective date of disability retirement if the employee meets the service requirements as of that date.

B. Exceptions: A leave recipient may continue to receive, or use transferred annual leave after the medical emergency ends under the following conditions:

1. If at the end of the medical emergency, the recipient has transferred annual leave that could be retroactively applied to a related period of LWOP or advanced annual or sick leave; or
2. If upon return to work, the recipient has not received adequate leave donations to cover periods of LWOP or replace advanced annual or sick leave used for the medical emergency.

C. A recipient who chooses to remain in the VLTP according to the exceptions will be terminated from the VLTP when the earliest of the following occurs:

1. Adequate donations are received; or
2. Six months from the end of the medical emergency.

D. When the medical emergency ends, unused transferred annual leave is restored to the leave accounts of eligible donors on a prorated basis.

XIII. RELATIONSHIP TO OTHER EMPLOYMENT BENEFIT PROGRAMS

A. Disability Retirement. Employees who apply, or plan to apply for disability retirement because of medical emergencies are eligible for the VLTP if all other VLTP requirements are met.

1. Employees will be terminated from the VLTP upon approval of their disability retirement application.
2. The beginning date of the employee annuity could be affected depending upon how transferred annual leave is applied to the employee's period of absence. Write ask.benefits@usda.gov for more information.

B. Worker's Compensation. Employees who are absent from work due to a work-related injury or illness are eligible for the VLTP only after a claim to OWCP for workers' compensation has been decided, and then only if:

1. The employee has not and will not receive workers' compensation for the period of LWOP;
2. As a result of the OWCP's decision, the employee has or will have 24 hours of LWOP (prorated if

part-time) relating to the illness or injury; and

3. The employee meets all other eligibility requirements for the VLTP.

C. Optional Retirement. Employees who are eligible for optional retirement may apply for the VLTP if all other requirements are met and they do not wish to retire at the time that application is made (e.g., the employee expects to return to work). Employees who retire after becoming approved recipients will be terminated from the VLTP upon the effective date of the approved retirement application. Annuities will not be affected by the manner in which the transferred leave was applied to the period of absence.

XIV. VLTP FOR FEDERAL EMPLOYEES WHO ARE WOUNDED VETERANS

Employees who are wounded veterans may participate in the VLTP without first having to exhaust their own available annual and sick leave. Recipients are eligible to receive donated annual leave for up to 5 years from the start of their treatment and continue to undergo such medical treatment.

PART THREE – EMERGENCY LEAVE TRANSFER PROGRAM (ELTP)

I. GENERAL – ELTP

A. The ELTP allows Federal employees to donate annual leave to be transferred to employees within or outside of FSIS who are adversely affected or have family members who are adversely affected (e.g., loss of life or property, serious injury, or mental illness) by a disaster or emergency (e.g., floods, earthquakes, hurricanes).

B. In the event of a major disaster or emergency as declared by the President that results in severe adverse effects for a substantial number of employees, the President may direct OPM to establish an ELTP so that affected employees who need to be off work do not have to use their own leave.

C. If it is determined that an ELTP will be established, the ELTP coordinator will facilitate the distribution of donated leave from approved emergency donors to approved emergency recipients and determine the period in which employees may apply to receive donated leave or donate leave.

D. Unused hours of donated emergency leave will be returned to the donors on a prorated basis if they cannot be used by another ELTP within USDA or other Federal agencies.

F. Employees affected by the disaster or emergency are eligible to apply for donated leave and be approved without exhausting their annual and sick leave.

G. Donated leave under the ELTP may not be:

1. Included in a lump-sum payment;
2. Recredited to a former employee who is reemployed by a Federal agency; or
3. Used to establish initial eligibility for immediate retirement or acquire eligibility to continue health benefits into retirement.

II. APPLYING TO BECOME AN ELTP RECIPIENT

A. Employees who are impacted by a major disaster or emergency for which an ELTP has been established may apply to receive leave by completing and submitting [OPM Form 1637](#), *Application to*

Become a Leave Recipient Under the Emergency Leave Transfer Program, to HCPAB by emailing it to PayandLeaveGuidance@usda.gov with the subject “ELTP.”

- B. If a request to become an ELTP recipient is denied, the reason will be provided to the applicant.
- C. Approved ELTP recipients can receive a maximum of 240 hours of donated annual leave at one time for each disaster or emergency.
- D. Employees who apply for donated leave and are denied may appeal the decision through the Administrative Grievance System (see [FSIS Directive 4771.1](#)) or the bargaining unit’s negotiated grievance procedure as appropriate.

III. USING DONATED LEAVE

- A. Approved ELTP recipients are not required to exhaust their accrued annual and sick leave before applying for and receiving donated leave. Donated annual leave received by an ELTP recipient may only be used for absences related to the disaster or emergency for which the ELTP recipient was approved.
- B. Annual leave transferred under the ELTP to a leave recipient may be:
 - 1. Substituted retroactively for any period of LWOP used because of the disaster or emergency; or
 - 2. Used in place of advanced annual or sick leave used because of the disaster or emergency. Annual or sick leave may be advanced as appropriate (even if the employee has available annual and sick leave), so that the ELTP recipient is not forced to use accrued leave before donated annual leave becomes available.
- C. Annual leave transferred under the ELTP to a leave recipient may not be:
 - 1. Included in a lump-sum payment;
 - 2. Recredited to a former employee who is reemployed by a Federal agency; or
 - 3. Used to establish initial eligibility for immediate retirement or acquire eligibility to continue health benefits into retirement.

IV. DONATING ANNUAL LEAVE TO AN ELTP

- A. Employees who wish to donate annual leave to a named ELTP are to complete and submit [OPM Form 1638](#), *Request to Donate Annual Leave Under the Emergency Leave Transfer Program* to HCPAB by emailing FSISHR1@usda.gov with the subject “ELTP.”
- B. Donations of annual leave to an ELTP may not be less than 1 hour or more than 104 hours during a leave year and are prorated for part-time employees.

V. ACCRUING LEAVE WHILE USING DONATED LEAVE

- A. Recipients under ELTP continue to accrue annual and sick leave at the same rate as if there were in a paid leave status.
- B. Annual leave carryover limitations apply.

VI. TERMINATION OF AN EMERGENCY

ELTP recipients will no longer receive leave at the earliest occurrence of one of the following conditions:

1. When USDA determines that the disaster or emergency has ended;
2. When the employee's Federal service terminates;
3. At the end of the biweekly pay period in which an employee or their personal representative provides notification that they are no longer affected by the disaster or emergency;
4. At the end of the biweekly pay period in which FSIS determines that the employee is no longer affected by the disaster or emergency after providing notice to the employee and an opportunity to answer orally or in writing; or
5. At the end of the biweekly pay period in which FSIS is notified by OPM that the employee has received approval for disability retirement.

VII. RESTORING UNUSED DONATED ANNUAL LEAVE

A. Upon termination of an ELTP, any unused annual leave donated to the ELTP is to be returned to the donors proportional to the amount they donated.

B. Donors may elect to have the unused donated leave returned to them by crediting the restored annual leave to their annual leave accounts in either the current leave year or on the first pay period of the following leave year.

XVII. QUESTIONS

Direct questions about this directive to OHR at 1-877-FSIS-HR1 (1-877-374-7471) or email FSISHR1@usda.gov with "Leave" in the subject line.

Assistant Administrator
Office of Policy and Program Development

DEFINITIONS

Accrued Leave: Hours of leave earned during the leave year.

Accumulated Leave: The buildup of unused paid absences remaining to an employee's credit at the beginning of the leave year.

Administrative Order: A command issued by an authorized agency official.

Adoption: A legal process by which an individual becomes the legal parent of another's child. The source of an adopted child (e.g., a licensed placement agency or otherwise) is not a factor in the definition.

Advanced Leave: A paid absence from duty granted to an employee before it has been earned.

Annual Leave: A paid absence from duty that provides an employee time off for rest and recreation, leisure travel, personal business, or in lieu of sick leave.

Available Paid Leave for VLTP/LBP Purposes: Accrued or accumulated annual and sick leave, and recredited or restored annual and sick leave (excludes advanced leave).

AWOL: A period of unauthorized, nonpaid absence from duty.

Carryover Hours: A total of work hours that are insufficient to earn the minimum of 1 hour of leave during a pay period.

Committed Relationship: An association that occurs when an employee, and the domestic partner of an employee, are each other's sole domestic partners (and are not married to or domestic partners with another) and they share responsibility for a significant measure of each other's common welfare and financial obligations. This includes but is not limited to any relationship between two individuals of the same or opposite sex that is granted legal recognition by a State or by the District of Columbia as a marriage or analogous relationship (including but not limited to a civil union).

Compensatory Time Off: Time off granted to an employee in lieu of payment for overtime work.

Contagious Disease: An infectious disease communicable by contact with one who has it, with a bodily discharge of such patient, or with an object touched by such a patient or by bodily discharges.

Contingency Operation: A military operation that is designated by the Secretary of Defense as an operation in which members of the Armed Forces are, or can become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force, resulting in the call or order to, or retention of, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of 10 USC, or any other provision of law during a war or during a national emergency declared by the President or Congress. Employees who use the additional 22 workdays of emergency military leave will have their military leave pay offset against civilian pay for the same period. Employees may choose to use annual leave instead of military leave for any of the additional 22 workdays with no offset against the civilian pay.

Credit Hours: Time off earned by an employee on a flexible work schedule to compensate for hours voluntarily worked beyond the basic scheduled work requirement.

Detail: A temporary assignment to a different position for a specified period when the employee is expected to return to their regular duties at the end of the temporary assignment.

Disabled Veteran Leave: Leave credited to employees hired on and after November 5, 2016, and having a disability rating of at least 30 percent as determined by the VBA.

Domestic Partner: An adult in a committed relationship with another adult (includes same/opposite-sex relationships).

Emergency Employees: Agency personnel occupying positions involving duties that is to be performed regardless of emergency conditions.

Employee: An individual to whom Subchapter I of Chapter 63 of Title 5, United States Code, applies. For purposes of determining creditable service for annual leave accrual, an employee receiving their first appointment (regardless of tenure) as a civilian employee of the Federal government or an employee who is reappointed following a break in service of at least 90 calendar days after their last period of civilian Federal employment.

Executive Order: A command issued by the President of the United States.

Family Member (for the Purpose of Sick Leave, Military Funeral Leave, and Leave Sharing Programs):

1. Spouses, and parents thereof;
2. Children, and spouses thereof;
3. Parents, and spouses thereof;
4. Siblings, and spouses thereof;
5. Domestic partner and parents thereof, including domestic partners of any individual listed in J and Q; and
6. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Family Member (under FMLA):

1. Spouse (excluding ex-spouses);
2. Child (a biological, adopted, foster child, stepchild, legal ward, or a child of a person standing in *loco parentis* who is under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability); and
3. Parents (excluding parents-in-law).

Federal Executive Boards: A forum for communication and collaboration among Federal agencies outside of the Washington, D.C. metropolitan area.

Flexible Work Schedule: A work schedule other than the standard 40-hour per week schedule with an established arrival and departure time (e.g., maxiflex).

Forfeited Leave: Hours of annual leave that exceed the maximum accumulation at the end of the leave year and, therefore, are to be deleted from an employee's account.

Foster Care: Twenty-four-hour care for children in substitution for and away from their parents or guardians. Such placement is made by or with agreement of the state.

Home Leave: Leave authorized by 5 U.S.C. 6305(a) and earned by an employee's service abroad for use in the United States, Commonwealth of Puerto Rico, or territories of possessions of the United States.

In Loco Parentis: A situation in which an individual has day-to-day responsibility for the care and financial support of a child, or in the case of an employee, an individual who had such responsibility for the employee when the employee was a child. (A biological or legal relationship is not necessary).

Intermittent Leave Schedule under FMLA: Leave taken in separate blocks of time rather than one continuous period that can include leave periods of 1 hour to several weeks.

Intermittent Work Schedule: A work schedule that requires an employee to work on an irregular basis with no prearranged work schedule (referred to as an intermittent employee).

Leave Account (or leave balance): The amount of leave an employee has available for use at any given time (i.e., accrued, and accumulated leave).

Leave Donor: A current employee who voluntarily requests the transfer of annual leave from their account to the annual leave account of an approved leave recipient in the VLTP or LBP.

Leave Recipient: A current employee for whom the employing agency has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.

LBP/VLTP: Programs by which Federal employees may donate annual leave to other Federal employees or leave bank to be used for personal or family medical emergencies or serious health conditions.

Leave Year: The period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year. See the [OPM Fact Sheet on Leave Year Beginning and Ending Dates](#).

LWOP: An absence from duty that is a temporary nonpaid status, in most cases requested by an employee and approved by a supervisor.

Maximum Accumulation: The total number of leave hours an employee may carry forward into the next leave year.

Medical Certificate: A written statement by a registered, practicing physician, or other practitioner certifying as to the incapacitation, examination, treatment, or period of disability while the patient was receiving professional treatment.

Medical Emergency (for the purpose of LBP/VLTP): A medical condition of an employee or their family member that is likely to require an employee's absence from duty for 24 or more hours and result in a substantial loss of income to the employee because of the unavailability of paid leave.

Military Funeral Leave: Administrative leave allowing an employee to make arrangements for, or to attend the funeral or memorial service for an immediate relative who died as a result of a wound, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone.

Month (for the purpose of home leave): A period which runs from a given day in 1 month through the date preceding the numerically corresponding day in the next month.

Nonpay Status: A period when an employee is ineligible for pay (i.e., LWOP, AWOL, furlough, and suspension).

Parent:

1. A biological, adoptive, step, or foster parent of the employee or a person who was a foster parent of the employee when the employee was a minor.
2. A person who is the legal guardian of the employee or was the legal guardian of the employee when the employee was a minor or required someone to stand *in loco parentis*.
3. A person who stands *in loco parentis* to the employee or stood *in loco parentis* to the employee when the employee was a minor or required someone to stand *in loco parentis*.
4. A parent, as described previously in this definition, of an employee's spouse or domestic partner.

Pay Status: A period when an employee is eligible for pay and benefits. The term most commonly applies to when an employee is at work but also covers periods of paid leave, excused absences, comp time, travel comp time, credit hours, or time off awards.

Pro Rata: Leave accruals divided among the days of the workweek.

Public Exigency: An event or situation of critical importance to an agency. If the appropriate action is not taken by the appropriate individuals, FSIS's mission will be in jeopardy.

Restored Leave: Previously forfeited leave which has been returned to the employee's leave account.

Serious Health Condition: Defined in accordance with OPM's regulations for administering the FMLA, a serious health condition includes such conditions as:

1. Cancer
2. Heart attacks
3. Strokes,
4. Severe injuries,
5. Alzheimer's disease,
6. Pregnancy, and
7. Childbirth.

Service Abroad: Service on and after September 6, 1960, by an employee at a post of duty outside of the United States and when the employee's place of residence is in the Commonwealth of Puerto Rico or

a territory of possession of the United States.

Sick Leave: A paid absence from duty that provides Federal employees time off to:

1. Recover from incapacitation resulting from illness, injury, or pregnancy.
2. Receive dental or medical examination or treatment.
3. Travel to access medical care.
4. Attend to necessary activities relating to the adoption of a child.
5. Provide care for a family member.
6. Attend to arrangements necessitated by the death of a family member or attend their funeral.

Son or Daughter:

1. A biological, adopted, step or foster son or daughter of the employee.
2. A person who is a legal ward or was a legal ward of the employee when that individual was a minor or required a legal guardian.
3. A person for whom the employee stands *in loco parentis* or stood *in loco parentis* when that individual was a minor or required someone to stand *in loco parentis*.
4. A child, as described above, of an employee's spouse or domestic partner.

Terminal Leave: Annual leave used prior to separation from Federal service when it is known that the employee will not return from leave before separation.

Transferred Annual Leave: Donated annual leave credited to the leave account of an approved leave recipient under LBP, VLTP, and ELTP.

Agreement to Complete 12-Week Work Obligation

I, _____, understand that the usage of paid parental leave (PPL) requires that I complete a 12-week work obligation at the agency employing me at the time I conclude using paid parental leave granted in connection with the birth or placement (for adoption or foster care) of my child.

I agree to return to work and complete the required 12 weeks of work. I understand that 12 weeks of work will be converted to hours of work based on my work schedule, consistent with OPM regulations at 5 CFR 630.1705.

I understand that the required 12-week work obligation is fixed and not proportionally reduced if I use less than 12 weeks of paid parental leave. I understand that only actual work periods when I am on duty (during my scheduled tour of duty) will count toward the 12-week work obligation. I understand that periods (paid or unpaid) of leave and time off (including holiday time off) do not count towards the completion of the 12-week work obligation.

I understand that only work performed after use of paid parental leave concludes counts toward the 12-week work obligation. I understand that any periods of work during intermittent usage of paid parental leave (i.e., work performed prior to the conclusion of the use of paid parental leave) does not count toward the 12-week work obligation.

Employee's Signature: _____ Date: _____

Note: Provide signed work obligation to your supervisor when you submit your request for PPL.