

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

FSIS NOTICE

45-18

8/29/18

RESTORATION OF FORFEITED ANNUAL LEAVE

I. PURPOSE

This notice reminds employees and supervisors of their mutual responsibility to plan and schedule annual leave throughout the leave year. This notice provides the conditions under which forfeited annual leave may be restored; procedures to request declaration of an exigency of the public business (e.g., operational emergency); procedures to request restoration of forfeited annual leave; a listing of the documents required to request restoration of forfeited annual leave; and the timeframes for scheduling annual leave, compensatory leave and credit hours.

II. SCHEDULING ANNUAL LEAVE

A. Employees are responsible for requesting and using leave to avoid forfeiture at the end of the leave year. Employees, and especially those on alternative work schedules, are to monitor the "Projected Use or Lose" block on Form AD-334, Statement of Earnings and Leave. Leave balances are available on the Employee Personal page of the National Finance Center's web site and in WebTA. The annual leave balance cannot exceed the maximum carryover (i.e., 240 hours for GS employees and 720 hours for most SES/SL employees).

B. Generally, USDA employees are to use compensatory time and credit hours before using annual leave. If the use of earned compensatory time off and/or credit hours results in the forfeiture of excess annual leave, the forfeited leave cannot be restored. Employees may request to use annual leave before using compensatory time or credit hours if they would otherwise forfeit annual leave.

C. Employees are to request annual leave in writing through one of the means described below in paragraph II. F of this notice, by November 24, 2018. This scheduling requirement is regulatory (i.e. [5 CFR 630.308](#)), and FSIS does not have the authority to waive the requirement under any circumstances. Meeting this scheduling requirement establishes eligibility to request restoration if an employee forfeits annual leave.

D. Supervisors and employees are responsible for ensuring that annual leave is scheduled by the end of the third pay period prior to the end of the leave year, which is November 24, 2018. If a supervisor is unable to approve the leave for the date(s) requested, he or she, and the employee are to make every effort to reschedule the leave for another time during the current leave year.

E. Employee leave requests are to be approved on or before November 24, 2018 to establish eligibility to seek restoration of forfeited annual leave.

F. Nonbargaining Unit employees must request annual leave using WebTA. Bargaining Unit employees with access to WebTA may elect to utilize WebTA or follow methods acceptable to their

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supervisor. Bargaining Unit employees without WebTA access are to use Office of Personnel Management SF-71, Request for Leave or Approved Absence, or other written means such as leave rosters, calendars, or memoranda as instructed by their supervisor.

G. Employees are to ensure that the following information is contained in their written request for leave (such as WebTA leave request or SF-71):

1. The employee's organizational unit;
2. The specific dates and clock hours within the assigned tour of duty for which leave is being requested;
3. The total number of hours requested; and
4. The employee's signature and date.

H. Supervisors are to state whether the leave request is approved or denied in a timely manner and sign and date the written request for leave. If the leave request is denied, supervisors are to provide the reason.

I. Employees beginning the leave year with a balance of 240 hours of annual leave are to use all annual leave earned in the new leave year by the end of the leave year, January 5, 2019, to avoid forfeiture. What this means is:

1. Employees in an 8-hour leave earning category are to schedule and use all 208 hours that they expect to earn;
2. Employees in a 6-hour leave-earning category are to schedule and use all of the 160 hours that they expect to earn; and
3. Employees in a 4-hour leave earning category are to schedule and use all of the 104 hours that they expect to earn.

III. MEETING CONDITIONS FOR RESTORATION

A. Forfeited annual leave can be restored for the following reasons:

1. Administrative error that caused the forfeiture of annual leave in excess of the carryover amount of 240 hours;

NOTE: Math errors (e.g., an employee in the six-hour leave earning category who fails to account for the extra four hours of leave earned in PP 25) made by employees and timekeepers are not a basis to restore forfeited annual leave.

2. Unjustified or unwarranted personnel action that caused the forfeiture of annual leave;
3. Illness of the employee, occurring so late in the year, or of such duration that the annual leave approved prior to November 24, 2018, could not have been rescheduled for use before the end of the leave year. When sick leave extends during a period when annual leave was scheduled, and the annual leave is subsequently forfeited because of the use of sick leave, supervisors and employees are responsible for rescheduling the annual leave in writing as described above in section II of this notice. Also, before forfeited annual leave can be restored because of illness, the employee's leave restoration is to be supported by a medical certificate for the period of incapacitation; or

4. Exigency of the public business (see [FSIS Directive 4630.2, Leave](#)) when the annual leave was approved by an appropriate official in writing on or before November 24, 2018. Only a genuine operational emergency of such importance that FSIS cannot effectively conduct its public business will support canceling an employee's approved annual leave. Heavy workload, such as a year-end report, is not a condition under which forfeited annual leave can be restored. A furlough because of a lack of funds or work (which resulted in the cancellation of scheduled leave) could constitute an exigency of the public business *if* the employee made every effort to reschedule the use or lose annual leave and was prevented from actually taking the leave because there was insufficient time left in the leave year in which to take the leave (see [5 CFR 630.308](#)).

B. The supervisor and the appropriate management official are to take the following steps to document approval or disapproval of the exigency in writing ***prior*** to canceling an employee's scheduled and approved annual leave. The supervisor is to:

1. Prepare the documentation to include the beginning and ending dates of the exigency, if applicable (see attachment 1 for a sample letter requesting a declaration of exigency);
2. Submit documentation to the appropriate higher-level management official for approval (see attachment 2 for an exigency flowchart); and
3. Notify the employee after receiving the decision on the exigency that the approved annual leave has been canceled because of the operational emergency, and then take action to reschedule the leave for the current leave year, if possible.

C. The supervisor and the appropriate management official are to:

1. Document the approval or disapproval of the exigency in writing;
2. Notify the recommending supervisor of the decision; and
3. Maintain the paperwork documenting the exigency.

IV. REQUESTS FOR RESTORATION OF FORFEITED ANNUAL LEAVE

A. Employees are to submit requests for restoration of forfeited annual leave by March 15, 2019.

B. A supervisory official or employee initiates the memorandum seeking restoration. All requests are routed through supervisory channels to the Chief, Employment, Classification and Compensation Branch (ECCB), Human Resources Management Division (HRMD), Office of Management, and are to include the supervisor's recommendation on the merits of the request and the information listed in subparagraph D, below.

C. The Chief, ECCB, is authorized to approve or disapprove restoration requests. Form AD-582, Authorization for Restored Annual Leave, serves as notification to the employee, timekeeper, HRMD, and the Financial Services Center on restored leave amounts and time limits for use.

D. Restoration requests, as described in [FSIS Directive 4630.2](#), are to include the following information:

1. The employee's name, title, grade, organizational unit, and location.
2. A leave audit covering the leave year in question that includes accurate hours of leave balances and leave forfeited. The timekeeper is to identify and take the necessary steps to

correct all leave discrepancies before the leave audit is submitted to the ECCB.

3. The details of the specific circumstances that caused the forfeiture of annual leave because of one or more of the following:
 - a. Administrative error that caused the forfeiture of annual leave;
 - b. Unjustified or unwarranted personnel action that caused the forfeiture of annual leave;
 - c. Nature of the employee illness that resulted in cancelation of scheduled annual leave, including the medical certificate, date the illness began, and the date employee returned to duty; and
 - d. Exigency that resulted in cancelation of the scheduled leave, including the beginning and ending dates.
4. Copies of forms or documents used to schedule or reschedule forfeited annual leave (e.g., approved leave request, leave rosters or memorandums) are to include:
 - a. The date the supervisor approved the leave;
 - b. The specific dates of scheduled leave and the total number of hours;
 - c. Copies of the employee's time and attendance records for the last pay period of the leave year for which leave was forfeited and the first pay period of the following leave year;
 - d. The specific dates annual leave was canceled, and the total number of hours forfeited;
 - e. An explanation of why annual leave could not be rescheduled and used during the leave year;
 - f. An explanation of options other than cancelation of leave that were considered and rejected (e.g., reschedule leave, reassign work to another employee, and request extension of a project deadline);
 - g. In cases where restoration is requested because of an exigency of public business, a copy of the paperwork documenting the exigency, and its approval by the appropriate management official. Documentation is to be approved at the time the exigency is known or expected but are to be approved before canceling the employee's leave; and
 - h. The date the leave was rescheduled.

V. ADDITIONAL OPTION FOR USE-OR-LOSE ANNUAL LEAVE

A. Another option for employees who may be forfeiting use-or-lose annual leave is to consider donating to an approved leave recipient under the Voluntary Leave Transfer Program (VLTP). The VLTP allows Federal employees to donate annual leave for use by other Federal employees who need it because of personal or family medical emergencies. Under the VLTP, Federal employees can voluntarily donate unused, accrued, or restored annual leave to other Federal employees at any time during the leave year.

B. Detailed information on the VLTP can be found in [FSIS Directive 4630.2](#). A current list of approved recipients, information for donating leave, and applying to become a recipient can be found on the InsideFSIS: [Personnel](#) (Level 2 eAuthentication is needed to access this information on InsideFSIS).

VI. QUESTIONS

Refer questions to the ECCB, HRMD.

A handwritten signature in cursive script that reads "Sabrina J. Wagner". The signature is written in black ink and is positioned above the printed name and title.

Assistant Administrator
Office of Policy and Program Development