



Leave

**Food Safety
and Inspection
Service**

**FSIS Directive
4630.2**

Revision 2

LEAVE

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

FSIS DIRECTIVE	4630.2 REVISION 2	9/15/10
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LEAVE

PART ONE—BASIC PROVISIONS

I. PURPOSE

Of the many benefits available to Federal employees, leave is one of the most valuable. FSIS recognizes the need to create an effective balance between the needs of the workplace and the needs of its employees. Because of its importance, its growing complexity and frequent revision, leave administration requires some care on the part of both managers and employees. This directive:

- A. Sets forth the responsibilities for administering the FSIS leave program.
- B. Establishes the guidelines for determining employee eligibility for leave benefits.
- C. Expands on leave policy contained within the Labor-Management Agreement.

II. CANCELLATION

This directive cancels:

- A. FSIS Directive 4630.2, Leave, dated 12/20/85.
- B. FSIS Directive 4630.4, Home Leave, dated 4/19/82.
- C. FSIS Directive 4630.5, Revision 2, Voluntary Leave Transfer Program, dated 1/30/96.
- D. FSIS Directive 4630.6, Revision 2, Family and Medical Leave Program, dated 12/29/97.

DISTRIBUTION:
Electronic; All Field Employees

OPI:
HRP – Performance and Compensation
Policy Branch

III. REASON FOR REISSUANCE

This directive is completely revised to update the procedures and responsibilities related to the FSIS leave program.

IV. REFERENCES

5 CFR 630, Absence and Leave
5 U.S.C. 63, Leave

V. ABBREVIATIONS AND FORMS

The following are used in their shortened form in this directive:

AWA	Alternative Workplace Arrangements
AWOL	Absence/Absent Without Leave
AWS	Alternative Work Schedule
Comp Time	Compensatory Time
FMLA	Family and Medical Leave Act
HRO	Human Resources Operations
HRP	Human Resources Policy
LERD	Labor and Employee Relations Division
LMA	Labor Management Agreement
LTP	Leave Transfer Program
LWOP	Leave Without Pay
OPM	Office of Personnel Management
OWCP	Office of Worker's Compensation Program
PCPB	Performance and Compensation Policy Branch, HRP
NFC	National Finance Center
SES	Senior Executive Service
SL	Senior Level
T&A	Time and Attendance
TC	Transaction Code

AD-334, Statement of Earnings and Leave
AD-1043, Leave Transfer Program – Donor Application
AD-1046, Leave Transfer Program – Recipient Application
Department of Labor Certification Forms WH-380-E, WH-380-F, WH-384, and
WH-385

OF-612, Application for Employment
SF-52, Request for Personnel Action
SF-71, Application for Leave
SF-171, Application for Employment
SF-1150, Record of Leave Data

VI. POLICY

In accordance with the LMA, Article 2 (Governing Laws and Regulations), Section 1, if a conflict exists between the terms of the LMA and this directive, then the terms of the LMA will govern. **EXCEPTIONS:** Provisions of this directive supersede any conflicting terms of the LMA as they apply to:

- A. Revisions in law or Governmentwide rules.
- B. Regulations issued after the effective date of the LMA.
- C. Implementation of a new provision of law.

VII. SUMMARY OF RESPONSIBILITIES

A. Approving Officials (Supervisors, District Managers, or Designees):

- 1. Approve leave for assigned personnel and authorize excused absences.
- 2. Ensure scheduling of annual leave so employees do not forfeit leave at the end of the leave year.
- 3. Contact HRP for leave program policy information.
- 4. Contact LERD for suspected leave abuse.

B. Employees:

- 1. Observe designated duty hours and be punctual in reporting to work and returning from lunch periods.
- 2. Review Form AD-334, Statement of Earnings and Leave, or information on the Employee Personal Page each pay period to ensure leave balances are correctly reported. Bring discrepancies in leave balances to the supervisor's attention as soon as possible.
- 3. Obtain advanced approval to use leave. If an employee takes leave because of an illness or emergency, the employee must notify their supervisor as early as possible on the first day of absence. (**NOTE:** If an employee is incapacitated, another individual can notify the supervisor on the employee's behalf.)
- 4. Provide documentation to support all leave requests (**example:** medical certification for sick leave or family and medical leave), as requested. When an employee fails to properly notify their supervisor, the absence might be charged as AWOL, which could result in disciplinary action.

C. HRP:

1. Provides guidance and answers questions on leave administration and policy for employees and management.
2. Evaluates, approves, or denies requests to restore forfeited leave.
3. Approves or denies an employee's request to participate in the voluntary LTP.

D. HRO:

1. Administers the LTP.
2. Processes leave donor applications.
3. Enters and removes employees from the LTP system.
4. Coordinates the entry of leave donor applications into the LTP system with timekeepers and T&A coordinators.
5. Processes various leave-related personnel actions in the NFC system.

E. LERD:

Provides assistance to employees and supervisors if leave abuse or other leave-related problems are suspected. Assistance might include instructions on how to:

1. Code T&A reports.
2. Gather evidence for disciplinary actions.
3. Draft leave restriction letters.

VIII. DEFINITIONS

See Attachment 1-1 for a listing of the definitions used in this directive.

DEFINITIONS

- A. **Accrued Leave.** A paid absence from duty that is earned by an employee during the current leave year and unused at any given time in that year.
- B. **Accumulated Leave.** The buildup of unused paid absences from duty remaining to the employee's credit at the beginning of the leave year.
- C. **Administrative Order.** A command issued by an authorized official of an agency.
- D. **Adoption.** A legal process in which an individual becomes the legal parent of another's child. The source of an adopted child (**example:** a licensed placement agency or otherwise) is not a factor in determining eligibility for leave.
- E. **Advanced Leave.** A paid absence from duty granted to an employee before it has been earned.
- F. **Annual Leave.** A paid absence from duty that provides Federal employees time off for rest and recreation, leisure travel, and personal business. Employees can also use annual leave in lieu of sick leave, to attend to family matters, and to handle emergency situations.
- G. **Available Paid Leave for the Purpose of LTP.** Accrued or accumulated annual or sick leave under subchapter I of chapter 63 of title 5, U.S.C., and recredited and restored annual or sick leave under subpart E of this part. Available paid leave does not include annual or sick leave advanced to an employee under 5 U.S.C. 6302(d) or 6307(c) or any annual or sick leave accrued under §630.907(a) that has not been transferred to the appropriate leave account under §630.907(c).
- H. **AWOL.** A period of unauthorized absence from duty.
- I. **Carryover Hours.** A total of hours that are insufficient to earn the minimum of one hour of leave during a pay period.
- J. **Committed Relationship.** An association that occurs when an employee, and the domestic partner of an employee, are each other's sole domestic partner (and are not married to or domestic partners with anyone else); and 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).
- K. **Compensatory Time Off.** Time off granted to an employee in lieu of payment for overtime work.

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

M. **Contingency Operation.** A military operation that:

1. 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.

2. Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of title 10, U.S.C., chapter 15 of title 10, U.S.C., or any other provision of law during a war or during a national emergency declared by the President or Congress. Employees using the additional 22 workdays of emergency military leave will have their military leave pay offset against civilian pay for the same period. Employees can choose to use annual leave instead of military leave for any of the additional 22 workdays and no offset against civilian pay will be made.

N. **Credit Hours.** Time off earned by an employee on a flexible work schedule to compensate for voluntarily working beyond the basic scheduled requirement.

O. **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 assignment.

P. **Domestic Partner.** An adult in a committed relationship with another adult, including both same-sex and opposite-sex relationships.

Q. **Emergency Employees.** Agency personnel occupying positions involving duties that must be performed regardless of emergency conditions.

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

S. **Family Member.**

1. For the purpose of sick leave, military funeral leave, voluntary leave transfer, and emergency leave transfer:

a. Spouse, and parents thereof.

b. Sons and daughters, and spouses thereof.

c. Parents, and spouses thereof.

- d. Brothers and sisters, and spouses thereof.
- e. Grandparents and grandchildren, and spouses thereof.
- f. Domestic partner and parents thereof, including domestic partners of any individual in paragraphs (b) through (e) of this definition.
- g. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

2. For the purpose of FMLA:

- a. Employee's current spouse.
- b. Employee's parents.
- c. Son or daughter (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 or age or older and incapable of self-care because of a mental or physical disability.)

T. **Federal Executive Boards (FEBs).** A forum for communication and collaboration among Federal agencies outside of Washington, DC.

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

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

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

X. **Home Leave.** Leave authorized by Title 5 U.S.C. Section 6305(a), and earned by service abroad for use in the United States, Commonwealth of Puerto Rico, or territories or possessions of the United States.

Y. **Immediate Relative.** Applies to all criteria listed under the definition for Family Member.

Z. **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.

AA. **Intermittent Leave Schedule (for the purpose of FMLA).** Leave taken in separate blocks of time, rather than for one continuous period of time, and can include leave periods of 1 hour to several weeks.

BB. **Intermittent Work Schedule.** A tour of duty that requires an employee to work on an irregular basis with no prearranged work schedule. Employees on such a schedule are usually referred to as intermittent employees.

CC. **Leave Account.** (Also referred to as leave balance.) The amount of leave an employee has available for use at any given time; a popular “umbrella” term used in reference to accrued and accumulated leave. (**NOTE:** This usage is notably imprecise, but nonetheless quite common).

DD. **Leave Donor.** An employee who voluntarily requests the transfer of annual leave to the annual leave account of a leave recipient who is approved by their own employing agency.

EE. **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.

FF. **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.

GG. **LTP.** A process whereby a Federal employee can donate annual leave to another Federal employee who needs leave for a medical emergency.

HH. **LWOP.** An absence from work that is a temporary nonpay status, in most cases requested by an employee and approved by a supervisor.

II. **Maximum Accumulation.** The total number of leave hours an employee can carry forward into the next leave year.

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

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

LL. **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.

MM. 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.

NN. Nonpay Status. A period when an employee is ineligible for pay, including LWOP, AWOL, furlough, and suspension.

OO. 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 a legal guardian.

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 in paragraphs (1) through (3) of this definition, of an employee's spouse or domestic partner.

PP. Pay Status. A period when an employee is eligible for pay and benefits. The term most commonly applies to an employee while at work but it also covers periods of paid leave, excused absences, and comp time.

QQ. Pro Rata. Leave accruals divided among the days of the work week (**example:** 4 hours divided among 10 days).

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

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

TT. Serious Health Condition. For the purpose of this directive, the term "serious health condition" is defined in accordance with OPM's regulations for administering the FMLA. That definition includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth. (Go to <http://www.opm.gov> for additional information.)

UU. Service Abroad. Service on and after September 6, 1960, by an employee at a post of duty outside the United States and outside the employee's place of residence if their place of residence is in the Commonwealth of Puerto Rico or a territory or possession of the United States.

VV. **Sick Leave.** A paid absence from duty that provides a Federal employee time off to:

1. Recover from incapacitation resulting from illness, injury, or pregnancy.
2. Receive dental or medical examination and/or treatment.
3. Attend to purposes relating to the adoption of a child.
4. Provide care for family members.
5. Make arrangements necessitated by a family member's death or attend their funeral.

WW. **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 son or daughter, as described in paragraphs (1) through (3) of this definition, of an employee's spouse or domestic partner.

XX. **Spouse.** An individual who is a husband or wife pursuant to a marriage that is a legal union between one man and one woman, including common law marriage between one man and one woman in states where it is recognized.

YY. **Terminal Leave.** Leave granted prior to separation from Federal service, when it is known that the employee will not return from leave before separation.

ZZ. **Transferred Annual Leave.** Donated annual leave credited to an approved emergency leave recipient's annual leave account.

PART TWO—ANNUAL LEAVE

Section One—Approval, Eligibility, Accrual, and Carryover

I. REFERENCES

FSIS Directive 4630.7, Creditable Service for Annual Leave Accrual
5 CFR 550, Pay Administration (General)
5 CFR 630, Subparts B, C and E
5 U.S.C. 63, Leave
5 U.S.C. 55, Pay Administration

II. ANNUAL LEAVE APPROVAL

Employees have the right to use annual leave subject to the discretion of and coordination with the supervisor to determine the timeframe. Factors for consideration include the supervisor's ability to:

- A. Maintain the necessary workforce.
- B. Minimize absences during peak workload periods.
- C. Permit employees to make adjustments in their plans in order to meet work requirements.
- D. Allow employees to schedule annual leave to prevent forfeiture of leave in excess of their annual leave ceiling.

III. ELIGIBILITY FOR ANNUAL LEAVE

Full- or part-time employees are eligible to accrue annual leave based on the length of their appointments. Intermittent employees (employees with no prearranged regularly scheduled tour of duty) are not eligible to earn or use leave. (**NOTE:** Intermittent employees do earn leave when assigned to a prearranged or prescheduled tour of duty.)

If:	Then:
The current appointment is for 90 calendar days or more.	The employee is eligible to earn annual leave. Accrual is based upon completion of a full pay period.
The current appointment is for less than 90 calendar days.	The employee is NOT eligible to earn annual leave.
The initial appointment was for less than 90 days, but was later extended to total 90 days or more (as long as there was no break in service of 1 workday or more).	The employee is entitled to earn annual leave when the total period of employment reaches 90 days. (NOTE: When employment reaches 90 days, annual leave will be credited retroactively to the beginning of the first full pay period after the initial appointment.)

IV. **ANNUAL LEAVE ACCRUAL**

A. **Full-Time Employees.**

Full-time employees earn leave during each full biweekly pay period while in pay status, or in a combination of pay and nonpay statuses. Changes from one leave category to another will take effect at the beginning of the next full pay period following the pay period in which the service computation date falls. **EXCEPTION:** When the computation date falls on the first day of the pay period, the leave category change is effective in the same pay period.

B. **Full-Time Employee Leave Categories.**

The amount of leave accrued is normally based on an employee's years of service. **EXCEPTION:** Eligible employees can earn leave based on creditable service rather than length of service. See FSIS Directive 4630.7, Creditable Service for Annual Leave Accrual, for more information.

IF years of service total:	THEN the employee will earn (per pay period):
0 to 3	4 hours
3 to 15	6 hours (NOTE: 10 hours for the last complete pay period in a calendar year)
15 or more	8 hours

C. Part-Time Employees.

Part-time employees earn leave only while in pay status. The amount of leave accrued is based on the number of hours worked, including hours in pay status (**examples:** sick and annual leave) and their leave category. (**NOTE:** When part-time employees earn LWOP, it does not affect their accrual rate.)

IF years of service total:	THEN for hours in a pay status the employee will earn (per pay period):
0 to 3	1 hour for each 20 hours
3 to 15	1 hour for each 13 hours
15 or more	1 hour for each 10 hours

V. CARRYOVER HOURS

Part-time employees can carry over into the next pay period any leftover (carryover) hours of qualifying service that fall short of the minimum needed to earn an hour of leave. (**EXAMPLE:** Employees with 5 years of service who work 64 hours per pay period will earn 4 hours of leave and carry over the 12 remaining hours into the next pay period.) Carryover hours are lost or dropped whenever a part-time employee changes from part-time to full-time status or is separated from the Federal Government. (**NOTE:** Carryover hours cannot be carried forward if the employee is rehired or changes back to part-time status.)

VI. LEAVE ACCRUALS FOR FIRST AND LAST PAY PERIODS OF EMPLOYMENT

To earn annual leave, an employee must be employed for their entire biweekly tour of duty. (**NOTE:** The employee does not have to work the entire pay period.) An employee who is not on the rolls for that complete pay period, excluding holidays and non-workdays, does not accrue leave because the system cannot determine if a new or separating employee is employed for the full pay period since the daily tour of duty is not recorded in the database.

VII. EFFECT OF NONPAY STATUS ON ACCRUAL

A full-time employee does not earn leave in any pay period during the leave year that the total hours in a nonpay status (**examples:** LWOP, AWOL, and suspension) equals 80 or a multiple of 80 hours. Nonpay status hours are dropped at the end of the leave year. An employee in annual leave category 6 normally earns 10 hours during the last full pay period in the calendar year. However, the employee will earn no leave if they reach 80 hours of nonpay status during that same period. (**NOTE:** This provision does not apply to part-time employees since they do not earn leave while in a nonpay status.)

Section Two—Maximum Annual Leave Accumulation

VIII. FULL- AND PART-TIME EMPLOYEES

Most full- and part-time Federal employees can carry an accumulation of 240 hours of annual leave forward into the next leave year. Certain employees stationed outside the United States can carry forward 360 hours of accumulated leave. (See Part Eight for more information). Employees whose leave balances exceed the authorized ceiling will forfeit the excess hours at the beginning of the new leave year.

IX. SES AND SL EMPLOYEES

SES and SL employees can carry forward 720 hours of accumulated annual leave. When an employee moves to the SES/SL, any annual leave in their account on the pay period prior to their move to SES/SL that exceeds their prior leave ceiling, must be used by the end of that leave year or be forfeited. Any leave earned while in SES/SL status is accrued toward the SES/SL ceiling of 720 hours. When employees in the 360 or 720-hour end-of-year annual leave ceiling category move to a position in the 240-hour end-of-year category, any annual leave accumulated that is in excess of 240 hours will remain to the employees' credit until it is used. Whatever balance they have above 240 at the end of the leave year becomes their new personal leave ceiling. (**NOTE:** This continues until their end-of-year leave balance reaches or goes below 240 hours.)

Section Three—Restoration of Forfeited Annual Leave

X. REASONS FOR RESTORATION

Forfeited annual leave can only be restored and credited to an employee's leave account for one of the following reasons:

- A. Administrative error.
- B. Illness.
- C. Exigency of public business (**examples:** hurricane, earthquake, flood, or tornado).

XI. REQUESTING RESTORATION

A. An employee cannot request restoration of annual leave until forfeiture after the end of the leave year, but no later than the date determined by HRP each year. (**NOTE:** This date is issued annually in an FSIS notice.) Requests must be forwarded through the appropriate supervisory channels to HRP for approval. For leave to be considered for restoration, it must have been scheduled (requested and approved) in writing before the start of the third biweekly pay period prior to the end of the leave year.

B. The employee's request for restoration of forfeited annual leave must include:

1. The leave ceiling and balance at the end of the leave year.
2. The number of hours of scheduled annual leave forfeited.
3. A copy of the T&A detailing dates of sickness (if applicable).
4. Written evidence (WebTA printout or SF-71) of the scheduled annual leave that was canceled.
5. A copy of the determination of exigency of public business (if applicable) including a beginning and ending date, a description of the emergency situation, and signed by an individual above the first-line supervisor with appropriate delegated authority. An official in the immediate organizational unit affected by the decision cannot make the exigency determination.

C. HRP will review the documentation, process requests that meet the necessary criteria, and through a memorandum:

1. Notify the employee, timekeeper, and HRO of the amount of any restored leave and the time limitation for its use.
2. Provide T&A processing instructions for the timekeeper.

XII. **USING RESTORED ANNUAL LEAVE**

A. Restored leave is placed in a separate leave account and not added to an employee's regular annual leave balance. Restored annual leave must be scheduled and used no later than the end of the leave year ending 2 years after:

1. The date of restoration due to administrative error.
2. The date fixed by the head of the Agency or designee as the date of termination of the exigency of public business.
3. The date the employee is determined to be recovered from illness or injury.

B. Restored leave not used by the date determined is lost and will not be restored again. (**NOTE:** If an employee resigns before the date determined, any remaining restored hours will be compensated via a lump sum payment. Refer to the annual FSIS notice on the restoration of forfeited annual leave for additional information.)

Section Four—Advanced Annual Leave

XIII. GRANTING ADVANCED ANNUAL LEAVE

A. For employees eligible to earn leave, the amount of annual leave that can be advanced cannot exceed the amount that the employee will accrue in the remainder of the leave year or their appointment, whichever is less.

B. The granting of advanced annual leave is at the discretion of the supervisor, district manager, or designee. In no way is advanced leave to be construed as an employee right. Before granting advanced leave, the approving official should consider such things as expectation of return to duty, benefits to the Agency in retaining the employee, and the ability of the Agency to recover the value of advanced leave if the employee separates.

C. Advanced annual leave cannot be approved in the following circumstances:

1. The employee has submitted an application for disability retirement.
2. The employee has submitted a resignation.
3. The employee has received a notice of separation, furlough, or reduction-in-force.

XIV. LIQUIDATION OF ADVANCED ANNUAL LEAVE

Any advanced annual leave not liquidated at the end of a leave year can be carried over as an advance on the following year's leave earnings if:

A. The leave still owed by the employee resulted from nonleave earning status due to illness or other personal emergency which prevented the employee from earning leave during the year to repay the advance.

B. The amount of advanced leave owed does not exceed one-half of the annual leave to be earned in the next leave year.

C. The charge against next year's leave is not made for 2 years in succession.

XV. REFUNDING ADVANCED ANNUAL LEAVE

A. Any advance leave which cannot be carried forward to the next leave year must be covered by a refund to the Agency in the amount paid to the employee for the leave. Refunds must be made either:

1. By a single salary deduction from the first paycheck in the new leave year.
2. By a series of deductions from the first and subsequent paychecks, if the supervisor determines that:
 - a. There is no risk to the Government.
 - b. The employee's financial needs merit spreading the amount of the refund over several payments. (**NOTE:** The payments cannot extend beyond the end of the new leave year.)

B. When an employee who is indebted for unearned (advanced) annual leave separates from Federal service, they are required to refund the dollar amount paid for unearned leave for which they are indebted, or the Agency will deduct that amount from any pay due to the employee upon separation.

C. The repayment requirement does not apply when an employee dies, retires for disability, resigns, or is 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 the Agency on medical evidence acceptable to it. (**NOTE:** An employee who enters active military service with a right of restoration is deemed not separated for the purpose of this requirement.)

XVI. **VOLUNTARY LEAVE BUY BACK**

A. An employee who has previously been advanced either annual or sick leave can request to "buy back" all or part of the leave that was advanced. Once the Agency determines the amount of hours to be purchased, HRO sends a request to NFC for calculation of the amount owed.

B. The employee has the option of paying the bill in full by check or requesting payroll deductions (minimum of \$25.00) each pay period. (**NOTE:** If payroll deductions are elected, the payment schedule cannot exceed 1 year.) The hours are not restored to the employee's leave account until the bill is paid in full.

C. To request a leave buy back, the employee must send a memorandum to HRO and include:

1. Full name.
2. Type of leave advanced (sick or annual leave).
3. Amount of hours the employee wishes to buy back.
4. The method of payment (paid in full by check or payroll deduction).

Section Five—Disposition and Acceptance of Annual Leave Upon Separation or Transfer

XVII. SEPARATION

A. An employee who separates from Federal service is entitled to receive a lump sum payment for accrued and accumulated annual leave. Such separation includes death, separation for 1 or more workdays, and a grant of military furlough unless the employee elects to retain leave credit until they return.

B. 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 the leave. A lump sum payment is considered pay 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. (**NOTE:** An employee cannot earn leave for the period covered by the lump sum payment.)

C. When an employee who received a lump sum payment for annual leave is reemployed in the Federal service prior to the expiration of the lump sum period, they must refund an amount equal to the pay covering the period between the date of reemployment and the expiration of the lump sum period. An amount of annual leave equal to the leave represented by the refund is recredited to the employee upon full payment of indebtedness.

XVIII. TRANSFER

A. When an employee transfers (or is separated and reemployed without a break in service) to a position under the same or a different Federal leave system, the leave is certified to the receiving agency for credit and charge. In cases where the employee will serve without a regularly scheduled tour of duty, a lump sum payment will be made. (**NOTE:** If the gaining agency does not recognize or accept transferred credit hours, the losing agency will pay in a lump sum the amount of credit hours at the employee's regular pay rate.)

B. FSIS will accept a leave audit of the employee's leave balances from the losing agency until the SF-1150, Record of Leave Data, is transferred by the losing personnel office to HRO, FSIS. Timekeepers and servicing personnel offices must communicate leave balances with each other so that the employee's leave balances will reflect the same information in the NFC and T&A databases.

PART THREE—SICK LEAVE

Section One—Eligibility and Accrual

I. REFERENCES

5 CFR 630, Subparts D and E
5 U.S.C. 63, Leave

II. ELIGIBILITY

Full-time, part-time, permanent, or other employees with scheduled tours of duty accrue sick leave beginning with the first full biweekly pay period of employment.

III. ACCRUAL

A. 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.

B. Normally when moving from part-time to full-time employment status, employees lose all carryover or fractional parts of 1 hour of leave. There is no credit of leave for fractional parts of the biweekly pay periods either at the beginning or end of an employee's period of service.

C. During the leave year, whenever a full-time employee's absence in a nonpay status totals 80 hours (or a multiple thereof) in a pay period, the sick leave accruals will be reduced by 4 hours.

D. Employees can accrue sick leave without limitation. Sick leave is charged in quarter hour increments.

Section Two—Administration of Sick Leave

IV. REQUESTING SICK LEAVE

A. When an employee anticipates the need for sick leave (**examples:** scheduled medical or dental appointments), the employee should submit the request for leave as far in advance as possible.

B. When an employee cannot anticipate the need for sick leave, they must notify their immediate supervisor as early as possible on the first day of absence from the office.

C. Normally, employees will not be required to furnish a medical certificate to substantiate a request for sick leave if their absence is for 3 consecutive days or less. However, a supervisor can request medical documentation for any duration providing management has a legitimate reason (**example**: a concern about possible leave abuse).

V. SUPPORTING EVIDENCE FOR THE USE OF SICK LEAVE

A. **Administratively Acceptable Documentation.** When a medical certificate is necessary, it must include a written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, treatment, period of disability or incapacitation, and legibly show the doctor's name and address.

B. **Submission Timeframes.** An employee must provide administratively acceptable evidence of medical certification for a request for sick leave no later than 15 calendar days after the date the Agency requests such documentation. If it is not practicable to provide the requested documentation within 15 days despite the employee's diligent good faith efforts, the employee must provide such certification no later than 30 calendar days from the Agency's initial request. (**NOTE**: An employee who does not provide the required evidence or medical certification within the specified time period is not entitled to sick leave for the period of absence in question. In this case, the employee will be charged with another form of available leave.)

C. **Self-Certifications and Written Statements.**

1. In cases where the nature of the illness is such that the employee would not be expected to see a medical practitioner (**example**: the common cold), the employee's self-certification concerning the illness will ordinarily be acceptable. However, for any instance of sick leave, the supervisor may ask for documentation if they have a reasonable belief that the employee is abusing sick leave.

2. Sick leave also provides for paid absence should an employee's own 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 on the job.)

3. An employee requesting sick leave to care for a family member might be required to provide an additional written statement from a healthcare provider concerning the family member's need for psychological comfort and/or physical care. The statement must certify that the:

a. Family member requires psychological comfort and/or physical care.

b. Family member would benefit from the employee's care or presence.

c. Employee is needed to care for the family member for a specified period of time.

D. Serious Health Conditions.

The Agency may require medical certification of a serious health condition. The term "serious health condition" is not intended to cover short-term conditions for which treatment and recovery are very brief. Illnesses such as common colds, the flu, earaches, upset stomach, headaches (other than migraines), and routine dental or orthodontia problems are not serious health conditions unless complications arise.

VI. TIME SPENT IN A WORKPLACE HEALTH UNIT

A. An employee who is injured for a short duration (not OWCP) or becomes ill while on duty and reports to the workplace health unit may remain there for up to 1 hour without charge to leave or loss of pay. The hour of uncharged leave is viewed as an excused absence. After 1 hour, the absence must be charged to sick leave, or if the employee prefers and the supervisor approves, to some other type of available leave. **(NOTE:** Field inspectors and other plant employees may visit the plant nurse in emergency situations.)

B. If an employee is required by doctor's orders to rest for a specified period of time each day, the time spent resting should be charged to sick leave.

Section Three—Sick Leave for Personal Medical Needs and Family Care

VII. USING SICK LEAVE FOR FAMILY CARE AND BEREAVEMENT

Full-time employees are permitted to use sick leave for personal medical needs and to provide care for family members who are incapacitated or require attention in conjunction with any of the following:

- A. Physical or mental illness.
- B. Injury.
- C. Pregnancy and childbirth.
- D. Medical, dental, or optical examination or treatment.
- E. Make arrangements necessitated by the death of or attend the funeral of a family member.

VIII. **FAMILY CARE AND BEREAVEMENT LIMITATIONS**

A. Family care is divided into two categories:

1. Sick Leave for Family Care and Bereavement (for minor medical conditions and bereavement). An employee can use up to 104 hours of sick leave each leave year under this category.

2. Sick Leave to Care for a Family Member with a Serious Health Condition. In accordance with the FMLA, an employee can use up to 480 hours of sick leave each leave year for this category. (**NOTE:** There is no limit to the amount of accrued sick leave an employee can use for personal medical needs.)

B. Any amount of sick leave used for family care and bereavement will reduce the amount of sick leave the employee can use to care for a family member with a serious health condition. An employee is only entitled to a total of 480 hours of sick leave each leave year for all family care purposes.

IX. **REQUESTING SICK LEAVE FOR FAMILY CARE AND BEREAVEMENT**

A. Employees requesting the use of sick leave for family care and bereavement must:

1. Record the time as family sick leave (TC-62-62) on the T&A.
2. Appropriately note family sick leave using the correct TCs on the WebTA leave request or the SF-71.
3. Request family sick leave in advance, when possible.
4. Provide a medical certificate or death notification, if requested.
5. Monitor their usage of family sick leave to ensure the limitation for family care and bereavement is not exceeded.

B. Timekeepers must:

1. Review the number of sick leave hours by pay period and the total accumulated hours of sick leave that an employee uses to care for family members on the T&A.
2. Notify the employee and supervisor when sick leave hours to care for family members have reached the limitation for family care and bereavement for the current leave year.

- C. Supervisors must:
1. Ensure timekeepers are aware of their reporting responsibilities.
 2. Disapprove additional family sick leave requests in the current leave year if the employee has exhausted the yearly maximum.
 3. Request medical documentation or death notification if determined necessary.

Section Four—Sick Leave for Adoption

X. USING SICK LEAVE FOR ADOPTION

An employee can use accrued sick leave for purposes related to the adoption of a child. Reasons include:

- A. Appointments with adoption agencies, social workers, and 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.
- E. Any other activities necessary to allow the adoption to proceed.

XI. REQUESTING SICK LEAVE FOR ADOPTION

An employee's initial written request to use sick leave for adoption-related purposes should include any known details of the adoption that will require time off from work. In addition, employees must:

- A. Continue to keep their supervisor updated until the process is completed.
- B. Submit the leave request through webTA or on an SF-71, in advance when possible, for any leave used.
- C. Appropriately note the information in webTA or on the SF-71.

XII. VOLUNTARY ABSENCES

Sick leave cannot be used by adoptive parents who voluntarily choose to be absent from work to bond with an adopted child. Parents can use annual leave or LWOP for these purposes. Approving officials can request administratively acceptable evidence for absences related to adoption.

Section Five—Advanced Sick Leave

XIII. FULL-TIME EMPLOYEES

At the Agency's discretion, an employee can be advanced leave for a personal medical condition, family care and bereavement purposes, and to care for a family member with a serious health condition. A full-time employee can be advanced up to 104 hours of sick leave each leave year for family care or bereavement purposes. The Agency can advance up to 240 hours of sick leave for a personal medical condition, to provide care for a family member with a serious health condition, or for adoption purposes. (**NOTE:** Employees are not required to exhaust their accrued annual leave prior to requesting advanced sick leave.)

XIV. PART-TIME EMPLOYEES

For a part-time employee, the maximum amount of sick leave the Agency can advance must be prorated according to the number of hours in the employee's regularly scheduled administrative workweek. An employee serving under a limited appointment can be granted advanced sick leave not to exceed the amount of sick leave they will earn in the remaining period of employment.

XV. GRANTING ADVANCED SICK LEAVE

A. Advancement of leave is not an employee entitlement and approving officials should discuss other options, where available with the employee (**examples:** flexible work schedules and the LTP). Before granting advanced leave, the approving official should consider such things as expectation of return to duty, benefits to the Agency in retaining the employee, and the ability of the Agency to recover the value of advanced leave if the employee separates.

B. Advanced sick leave cannot be authorized when it is known or reasonably expected that an employee will not return to duty (**examples:** the employee has applied for disability retirement, a removal action is pending, or the employee has submitted a resignation).

XVI. REFUNDING ADVANCED SICK LEAVE

A. When an employee who is indebted for unearned (advanced) sick leave separates from Federal service, they are required to refund the dollar amount paid for unearned leave for which they are indebted, or the Agency will deduct that amount from any pay due to the employee upon separation. (**NOTE:** This repayment requirement does not apply when an employee dies, retires for disability, resigns, or is separated because of a disability which prevents them from returning to duty or continuing in the service, and which is the basis of the separation as determined by the Agency on medical evidence acceptable to it.)

B. An employee who enters active military service with a right of restoration is deemed not separated for the purpose of this requirement.

**XVII. LIQUIDATION OF ADVANCED SICK LEAVE BY
SUBSTITUTION OF ANNUAL LEAVE**

A. An employee can substitute annual leave for advanced sick leave if:

1. The employee requests the substitution far enough in advance to use the substituted hours as annual leave before the end of the leave year.

2. The employee's supervisor could have approved charging the advanced sick leave to annual leave at the time the advanced sick leave was granted.

B. An employee should request that the timekeeper and HRO adjust annual and sick leave balances on the T&A report for the pay period in which the substitution is approved. (**EXAMPLE:** An employee has a minus balance of 40 hours of advanced sick leave and an annual leave balance of 80 hours. The adjustment on the T&A would change the minus 40 hours of sick leave to 0 hours, and the 80 hours of annual leave to 40 hours.)

C. Corrected T&A reports are not required for the pay periods in which advanced sick leave was used if it is substituted at a later date.

**Section Six—Disposition and Acceptance of Sick Leave Upon Separation or
Transfer**

XVIII. SEPARATION

A. Effective October 28, 2009, individuals separating with title to an immediate annuity or who die leaving a survivor eligible for a survivor annuity will be entitled to credit for 50 percent of their unused sick leave. Effective for separations and deaths occurring on or after January 1, 2014, 100 percent of the unused sick leave will be available.

B. An employee who has had a break in service is entitled to a recredit of sick leave (without regard to the date of his or her separation), if he or she returns to Federal employment on or after December 2, 1994, unless the sick leave was forfeited upon reemployment in the Federal Government before December 2, 1994.

XIX. **TRANSFER**

A. When an employee transfers to a position under the same or a different Federal leave system, the leave is certified to the receiving agency for credit and charge.

B. FSIS will accept a leave audit of the employee's leave balances from the losing agency until the SF-1150 is transferred by the losing personnel office to HRO, FSIS. Timekeepers and servicing personnel offices must communicate leave balances with each other so that the employee's leave balances will reflect the same information in the NFC and T&A databases.

PART FOUR—VOLUNTARY LEAVE TRANSFER PROGRAM (LTP)

Section One—Policy, Participation, and Requirements

I. REFERENCES

5 CFR 630, Subparts J and K
5 U.S.C. 63, Leave

II. POLICY

The LTP permits Federal employees to donate annual leave for use by other Federal employees who need it because of medical emergencies. Under the LTP, Federal employees can voluntarily donate unused, accrued, or restored annual leave to other Federal employees who meet the requirements in Section Two, paragraph V.

A. Employees donating annual leave must specify:

1. The amount of annual leave to be donated.
2. The recipient to receive the donated annual leave.

B. FSIS employees can donate annual leave to or receive annual leave donations from:

1. Other USDA employees. **EXCEPTION:** Employees cannot donate annual leave to their immediate supervisor.
2. Federal employees outside of USDA according to the requirements in paragraph VIII.

III. EMPLOYEE'S RIGHT TO PARTICIPATE

A. An employee cannot 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. A supervisor cannot prevent an employee from applying to receive transferred annual leave. If a supervisor does not concur with the employee's application for LTP, the application must be submitted to PCPB with supervisory comments for consideration. Only the Chief, PCPB, has the authority to disapprove LTP applications.

C. A supervisor cannot prevent an employee from using the transferred annual leave if the recipient is in an approved leave status. If the employee's leave status changes to AWOL, the supervisor can prevent the use of the transferred annual leave, after consulting with HRO.

D. An employee who is not approved for the LTP can appeal the decision through the Administrative Grievance System (see FSIS Directive 4771.1) or the bargaining unit's negotiated grievance procedure, as appropriate.

IV. PRIVACY REQUIREMENTS AND PUBLICITY

A. The leave recipient's and leave donor's rights to privacy must be respected. HRP and HRO obtain the recipient's and donor's consent before revealing their names or their specific circumstances to individuals other than those needing the information to process the leave transfers.

B. Leave recipients can only receive annual leave donations from employees who specifically designate them to receive their donations. Therefore, it is necessary to publicize the leave recipient's need for leave donations to some extent. This publicity can be accomplished, subject to the leave recipient's approval, as follows:

1. The leave recipient's supervisor or coworkers can informally notify employees in the leave recipient's work area that the employee is an approved leave recipient.

2. The leave recipient can prepare a notice to be posted in the work area, subject to management approval, explaining their situation.

3. The leave recipient can consent to having their name or case number published on a list of approved leave recipients which PCPB issues periodically through the Outlook Public Folders.

Section Two—Leave Recipients and Donors

V. RECIPIENTS

A request to become a leave recipient is not a request to be absent on leave. The LTP serves as a vehicle through which an employee, who is in an approved leave status, can receive leave donations from other employees. The applicant must obtain approval for the time off from work for the medical emergency, according to standard procedures for an absence of the type and duration involved. To be eligible for assistance via the LTP, a current Federal employee must be experiencing a personal or family medical emergency that results in serious financial hardship for the employee because paid leave is not available.

A. **Qualifying Medical Emergencies.** An employee must be affected by a medical emergency at the time of application for the LTP. For a personal medical emergency, an employee must exhaust all annual and sick leave before becoming eligible as a recipient. However, an employee can be placed in the LTP in anticipation of their annual and sick leave balances being exhausted. For a family medical emergency (emergency affecting a family member), an employee must exhaust all annual leave and the amount of sick leave available under “Sick Leave to Care for a Family Member With a Serious Health Condition” before becoming eligible as a recipient. Qualifying medical emergencies include but are not limited to:

1. **Illnesses and accidental injuries** requiring a prolonged absence from work.
2. **Surgeries** requiring prolonged absence from work.
3. **Absences following childbirth** only for the period during which the employee is certified by their doctor to be incapacitated for duty because the employee must recuperate from childbirth, or because of resulting complications. Only the medical-related part of the maternity leave qualifies as a medical emergency. Donated annual leave cannot be used by the employee for extended time off taken to care for the child, unless the child is ill.
4. **Absences for mental and emotional illnesses** when supported by adequate medical documentation. Refer to the LTP Recipient Application Instructions and Form AD-1046, Leave Transfer Program – Recipient Application, for more information.

B. **Financial Hardships Criteria.** A full-time employee’s medical emergency must require the employee’s absence from duty for at least 24 work hours without pay because all available annual and sick leave has been utilized, forcing the employee to take LWOP or advanced leave. A part-time employee’s medical emergency must require the employee’s absence from duty for at least 30 percent of the average number of hours in the employee’s biweekly scheduled tour of duty.

C. **LTP Application.** To apply for acceptance in to the LTP as a leave recipient, an employee must submit a completed Form AD-1046, medical documentation, and a leave audit (from the start of the year) to HRP as instructed on the LTP Recipient Application Instructions. If the employee is incapacitated and therefore unable to apply in person, a personal representative can submit the required documentation on behalf of the employee.

VI. **DONORS**

To apply for acceptance in to the LTP as a leave donor, an employee must submit a completed Form AD-1043, Leave Transfer Program - Donor Application, to HRO as instructed on the LTP Donor Application Instructions, specifying the number of hours to be credited to the receiving employee's leave account.

A. Employees can voluntarily donate no more than one-half of the annual leave that will be earned during the leave year.

B. Employees can only donate currently available annual or restored leave. Other types of leave (**examples:** sick, comp time, credit hours, etc.) cannot be donated.

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

Leave Hour Category	Maximum Donation (Hours)
4	52
6	80
8	104

D. Employees with projected annual leave that otherwise would be subject to forfeiture at the end of the leave year, can donate the amount of annual leave that is the lesser of:

1. One-half the amount of annual leave that the leave donor would be entitled to accrue during the leave year that the donation is made.

2. The number of hours remaining in the leave year (as of the date of the leave transfer) that the leave donor is scheduled to work and receive pay. (**EXAMPLE:** If the leave donor wants 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 be on leave for 8 hours, the employee could donate only 64 hours (80 hours minus 16 hours equals 64 hours). Part-time employee donations are limited on a prorated basis.

VII. **WAIVER OF HOUR LIMITATIONS**

A. The limitations on the number of hours that can be transferred from the donor's leave account to another employee's leave account in a given situation can be waived if:

1. The donated leave does not exceed the number of hours needed by the intended recipient.

2. It appears unlikely that the needed leave will be available from other donors.

B. Employees seeking a waiver must notify HRO of such and indicate the reason when submitting their application.

VIII. USE AND RECREDIT OF TRANSFERRED LEAVE

A. Leave recipients can use transferred annual leave only for approved absences related to the medical emergency for which the employee applied on for the LTP. The recipients can use the leave to cover current absence, retroactively substitute it for LWOP, or use it to liquidate indebtedness for advanced annual or sick leave associated with the medical emergency.

B. Donated leave cannot be transferred to anyone other than the named recipient. Should the recipient leave the Federal service or should their medical emergency end, any unused donated leave remaining in the employee's account will:

1. Not be included in a lump sum leave payment.
2. Be re-credited to the donor or donors' account(s) on a prorated

basis.

IX. LEAVE TRANSFER FROM AND TO OTHER FEDERAL DEPARTMENTS

A. FSIS employees can donate leave to and receive leave from Federal employees outside of the Agency, provided the leave recipients in each case have been screened and approved by the recipients' own personnel office. Leave donations for FSIS leave recipients will be accepted from Federal employees outside of USDA if any of the following is true:

1. The amount of leave expected from USDA donors will not fully meet the leave recipient's needs for donated leave.
2. The donor is a member of the leave recipient's family.
3. Acceptance of the donation would further the purpose of the voluntary LTP.

B. FSIS employees wishing to donate to or receive donations from employees of other Federal agencies should contact HRP or HRO for advice. HRP and HRO coordinate with the personnel offices of other Federal agencies to determine if the proposed interagency leave transfers can be accomplished.

X. LEAVE ACCRUAL LIMITATION

A. An employee's annual and sick leave continues to accrue while the employee is in a transferred leave status. Leave accrual is limited to 40 hours of annual leave and 40 hours of sick leave for use after the emergency terminates, and for part-time employees, the average number of hours in the employee's weekly scheduled tour of duty. This leave is placed into a set-aside account separate from the transferred annual leave account.

B. If the employee's medical emergency has not yet terminated, but the employee has exhausted all transferred leave, the employee can use leave from their set-aside account of accruals with the approval of the approving official and HRO, for LTP-related absences.

XI. **TERMINATION FROM THE LTP**

A. HRO monitors the progress of leave recipients to determine when termination from the LTP is warranted. However, immediate supervisors must notify HRO as soon as possible when it is known that the recipient's medical emergency has ended or will end. Aside from the exceptions in subparagraph XI. B., eligibility to receive and use annual leave donations under the LTP terminates:

1. When the recipient's Federal service is terminated.
2. At the end of the biweekly pay period that the leave recipient (or representative) notifies the supervisor and HRO that the medical emergency has ended.
3. At the end of the biweekly pay period that HRO determines, after written notice and an opportunity for the recipient to respond, that the recipient is no longer affected by a medical emergency.
4. At the end of the biweekly pay period that HRO is notified by OPM that the employee's application for disability retirement has been approved.

B. **EXCEPTIONS:** Leave recipients can continue to receive or use transferred annual leave after the medical emergency terminates under the following conditions:

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

C. Employees who choose to remain in the LTP according to the exceptions will be terminated from the LTP when the earliest of the following occurs:

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

D. When a leave recipient's medical emergency ends, the transferred annual leave received that cannot be used by the leave recipient according to the exceptions will be subtracted from the leave recipient's transferred annual leave account and restored on a prorated basis to the leave accounts of the eligible donors.

XII. **RELATIONSHIP TO OTHER EMPLOYEE BENEFIT PROGRAMS**

A. **Disability Retirement.** An employee who has applied for or who plans to apply for disability retirement because of a medical emergency is eligible for the LTP if all other LTP requirements are met. HRO must inform the employee that:

1. Upon approval of the disability retirement application, the employee will be terminated from the LTP.

2. The beginning date of the annuity could be affected depending on how transferred annual leave is applied to the employee's period of absence.

B. **Worker's Compensation.** An employee who is absent from work due to a work-related injury or illness is eligible for the LTP 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 OWCP's decision, the employee has or will have 24 hours of LWOP (or the equivalent, if part-time) relating to the illness or injury.

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

C. **Optional Retirement.** An employee who is eligible for optional retirement can apply for the LTP if all other requirements are met and the employee does not wish to retire at the time that application is made (**example:** the employee expects to return to work). If the employee decides to retire after becoming a leave recipient, the employee will be terminated from the LTP upon the effective date of the approved retirement application. The employee's annuity will not be affected by the manner in which the transferred leave was applied to the period of absence.

XIII. **LTP FOR FEDERAL EMPLOYEES WHO ARE WOUNDED VETERANS**

A qualified recipient can participate in the LTP without first having to exhaust their own available paid leave. The recipient is eligible to receive donated annual leave for up to 5 years from the start of the employee's treatment, as long as the employee continues to undergo such medical treatments. For an employee who is already undergoing medical treatment on the date of the enacting legislation, the 5-year period begins on January 28, 2008.

XIV. **EMERGENCY LTP**

The emergency LTP allows Federal employees to donate annual leave to assist other Federal employees, in their agency or other Federal agencies, who are adversely affected by a major disaster or emergency and who need additional time off from work without having to use their own paid leave.

A. An emergency leave donor cannot contribute less than 1 hour or more than 104 hours of annual leave in a leave year to an emergency LTP. The donation maximum is prorated for part-time employees.

B. An emergency leave recipient can receive a maximum of 240 hours of donated annual leave, at any one time, from an emergency LTP, for each disaster or emergency.

C. An employing agency can allow an employee to receive additional disbursements of donated annual leave based on the employee's continuing need after considering:

1. The amount of donated annual leave available to all approved emergency leave recipients.
2. The needs of individual emergency leave recipients.

PART FIVE—LEAVE WITHOUT PAY (LWOP)

I. REFERENCES

5 CFR 630, Absence and Leave

II. REQUESTING AND ADMINISTERING LWOP

A. Employees must request LWOP and have it approved in advance, except in the case of emergencies. Approving officials can grant up to 30 days of LWOP for any justifiable reason. Extended LWOP can be granted only if such leave will benefit FSIS and advance the welfare of the employees. Only disabled veterans needing medical treatment and members of a National Guard or Armed Forces reserve unit requesting leave for military training can claim LWOP as a matter of right.

B. Elements to be considered are:

1. The benefit to FSIS and the welfare of the employee.
2. The expectation that the employee will return to duty (except in the case of an employee applying for disability retirement).

C. Employees can schedule and be granted up to 24 hours of LWOP each leave year for the following activities:

1. **School and early childhood educational activities** to allow employees to participate in school activities directly related to the educational advancement of a child. This includes parent-teacher conferences or meetings with childcare providers, interviewing for a new school or childcare facility, or participating in volunteer activities supporting 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 routine medical or dental appointments (**examples:** annual checkups or vaccinations). Although these activities are not currently covered by the "FMLA," the provisions of "Sick Leave for Family Care and Bereavement" permit employees to use up to 13 (104 hours) days of sick leave each leave year for such purposes. Approving officials must ensure that employees are able to use up to 24 hours of LWOP for these purposes in cases where no additional 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 (**examples:** making arrangements for housing, meals, phones, banking services, and other similar activities). LWOP in excess of 30 continuous days is regarded as extended LWOP and is subject to the following provisions:

a. An SF-52, Request for Personnel Action, must be completed in order to request, authorize, and process extended LWOP. (**NOTE:** The SF-52 must include a not-to-exceed date).

b. Grants of extended LWOP are limited to 1 calendar year at a time.

c. Approving officials must be reasonably sure that any employees taking extended LWOP will return to duty once the LWOP has expired. (**EXCEPTIONS:** Disabled veterans and employees applying for disability compensation or retirement).

III. **EFFECT OF LWOP ON CERTAIN FEDERAL BENEFITS**

Employees must be aware that LWOP affects their entitlement to or eligibility for certain Federal benefits. See Attachment 5-1, Effect of Extended Leave Without Pay (LWOP) (or Other Nonpay Status) on Federal Benefits and Programs.

EFFECT OF EXTENDED LEAVE WITHOUT PAY (LWOP) (OR OTHER NONPAY STATUS) ON FEDERAL BENEFITS AND PROGRAMS	
Type of Benefit/Program	The amount of LWOP (or other nonpay status) that is considered creditable service for purposes of determining an employee's entitlement to or eligibility for the following Federal benefits and programs:
Career Tenure	The first 30 calendar days of each nonpay period are creditable service.
Completion of Probation	A total of 22 workdays in a nonpay status is creditable service.
Time-In-Grade Requirements (Requirements For Promotion)	Any nonpay status is creditable service.
Retirement Benefits	A total of 6 months in a nonpay status in any calendar year is creditable service. Coverage continues at no cost to the employee while in a nonpay status. When employees are in a nonpay status for only a portion of a pay period, their contributions are adjusted in proportion to their basic pay.
Health Benefits	Enrollment continues for no more than 365 days in a nonpay status. The nonpay status can be continuous or broken by periods of less than 4 consecutive months in a pay status. The Government contribution continues while employees are in a nonpay status. The Government also is responsible for advancing, from salary, the employee share as well. The employee can choose between paying the Agency directly on a current basis and having the premiums accumulate and withheld from their pay upon returning to duty.
Life Insurance	Coverage continues for 12 consecutive months in a nonpay status without cost to the employee or to the Agency. The nonpay status can be continuous, or it can be broken by a return to duty for periods of less than 4 consecutive months.
Within-Grade Increases	A total of 2 workweeks in a nonpay status during a waiting period are creditable service for advancement to steps 2, 3, and 4 of the General Schedule; 4 workweeks for advancement to steps 5, 6, and 7; and 6 workweeks for advancement to steps 8, 9, and 10.

Accrual of Annual and Sick Leave	<p>When a full-time employee accumulates 80 hours of LWOP during a pay period, the employee does not earn annual leave or sick leave during that pay period.</p> <p>The employee earns leave in the next succeeding pay periods until again accumulating 80 hours of LWOP during a pay period. When a part-time employee is in a nonpay status, the employee will accrue less annual leave and sick leave, since part-time employees earn leave on a pro-rata basis--i.e., based on hours in a pay status.</p> <p>For purposes of computing accrual rates for annual leave (i.e., 4, 6, 8 hours each pay period), 6 months of nonpay status in a calendar year is creditable service.</p>
Reduction-In-Force (Determining Years of Service)	<p>A total of 6 months of nonpay status in a calendar year is creditable service.</p>
Severance Pay	<p>Nonpay status time is fully creditable for the 12-month continuous employment period to qualify for severance pay. However, for purposes of computing an employee's actual severance payment, any time in a nonpay status that is not creditable for leave accrual must be excluded from the employee's creditable service.</p>
Thrift Savings Plan (TSP)	<p>Employees should refer to the TSP Fact Sheet - Effect of Nonpay Status on TSP Participation available at www.tsp.gov.</p>
Military Duty or Workers' Compensation	<p>Nonpay status for employees who are performing military duty or being paid workers' compensation counts as a continuation of Federal employment for all purposes upon the employee's return to duty.</p>

PART SIX—FAMILY AND MEDICAL LEAVE ACT (FMLA)

I. REFERENCES

5 CFR 630, Subpart L
29 CFR 825, The Family Medical Leave Act
5 U.S.C. 63, Leave
FSIS Directive 4610.7, Alternative Workplace Arrangements
FSIS Directive 4610.1, Tours of Duty
FSIS Directive 4771.1, Administrative Grievance System

II. KEY PROVISIONS

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 one or more of the reasons listed in 1-5 of this subparagraph. The temporary or intermittent employee must have worked at least 1,250 hours during the year preceding the FMLA leave start date. **(NOTE:** A part-time employee's entitlement to FMLA leave is prorated based on the employee's scheduled workweek (the number of hours scheduled per week) :

1. Birth of a child and care of such child (within 1 year of birth).
2. Placement of a child with the employee for adoption or foster care (within 1 year of placement).
3. Care for a family member with a serious health condition.
4. A personal serious health condition that prevents the employee from performing essential duties.
5. Qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or reserves in support of a contingency operation.

B. The 12-month period begins on the date that an employee first takes FMLA leave and continues for 12 months. An employee is not entitled to 12 additional workweeks of leave until the previous 12-month period ends and an event or situation occurs that entitles the employee to another period of family or medical leave. (This can include a continuation of a previous situation or circumstance.)

C. The entitlement to FMLA leave based on subparagraphs II. A. 1. and 2., expires at the end of the 12-month period beginning on the date of birth or placement. Leave for a birth or placement must be concluded within this 12-month period. Leave taken based on subparagraphs II. A. 1. and 2 can begin prior to or on the actual date of birth or placement for adoption or foster care. In such cases, the 12-month period then begins on that date.

D. Any holidays authorized under 5 U.S.C. 6103 or by executive order and non-workdays established by Federal statute, executive order, or administrative order that occur during the period in which the employee is on FMLA leave cannot be counted toward the 12-week entitlement to FMLA leave. If the number of hours in an employee's regularly scheduled administrative workweek is changed during the 12-month period of FMLA leave, the employee's entitlement to any remaining FMLA leave will be recalculated based on the number of hours in the employee's current regularly scheduled administrative workweek.

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

A. A Federal employee is entitled up to a combined total of 26 weeks of FMLA leave and military family leave during a 12-month period to care for a family member in the Armed Forces when the family member has a serious injury or illness and the following are met:

1. The Federal employee is the spouse, son, daughter, parent, or next of kin of the FMLA covered service member of the Armed Forces.

2. The serious illness or injury must have been 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 family leave in a single 12-month period does not limit the use of regular FMLA leave during any other 12-month period.

C. Military family leave is unpaid leave (LWOP) but can be substituted with paid leave.

IV. PROTECTION OF EMPLOYMENT AND BENEFITS

Employees taking leave under the FMLA are entitled, upon return to the work, to be returned to the same position held by the employee when the leave commenced, or an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment. While on LWOP under FMLA, employees can maintain health benefits coverage by paying their share of the health benefits premium while on leave or upon return to work.

V. USING FMLA LEAVE

A. Invocation.

1. Employees must invoke entitlement to FMLA leave, subject to notification and certification requirements, by submitting an SF-71 or an appropriately noted leave request through WebTA.

2. Employees cannot retroactively invoke their entitlement to FMLA leave. However, if an employee and their personal representative are physically or mentally incapable of invoking the employee's entitlement to FMLA leave during the entire period in which the employee is absent from work for an FMLA qualifying purpose, the employee can retroactively invoke their entitlement to FMLA leave within 2 workdays after returning to work. In such cases:

a. The incapacity of the employee must be documented by a written medical certification from a healthcare provider.

b. The employee must provide documentation acceptable to the Agency, explaining the inability of the employee's personal representative to contact the Agency and invoke the employee's entitlement to FMLA leave during the entire period that the employee was absent from work for an FMLA qualifying purpose.

B. Advance Notice and Certification.

1. Employees must provide notice of intent to take FMLA leave at least 30 days before taking it, or as soon as practicable. FSIS can require medical certification(s) for leave taken based on subparagraphs II. A. 3, 4 and III.

2. An employee who does not provide the required evidence or medical certification for FMLA leave within the specified time period, is not entitled to sick leave for the period of absence in question.

3. An employee must provide documentation for FMLA leave using the applicable Department of Labor's Certification Form (WH-380-E, WH-380-F, WH-384, or WH-385), or (alternatively) other written format where the written medical certification includes:

a. The date the serious health condition commenced.

b. The probable duration of the serious health condition or specify that the serious health condition is a chronic or continuing condition with an unknown duration, whether the patient is presently incapacitated, and the likely duration and frequency of the incapacitating episodes.

c. The appropriate medical facts, within the healthcare 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 healthcare provider.

d. The following for FMLA leave taken to care for a family member:

(1) A statement from the healthcare provider that the spouse, son, daughter, 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.

(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, son, daughter, or parent.

e. The following for FMLA leave taken for personal medical reasons:

(1) A statement that the employee is unable to perform one or more essential functions of their position, or requires medical treatment for a serious health condition, based on written information provided by the Agency on the essential functions of the employee's position.

(2) A discussion with the employee about the essential functions of their position, if the information in subparagraph V. B. 3. e. 1. is not provided.

f. The following for intermittent FMLA leave or FMLA leave on a reduced leave schedule for planned medical treatment:

(1) The dates (actual or estimated) on which such treatment is expected to be given.

(2) The duration of such treatment.

(3) The period of recovery, if any, or specify that the serious health condition is a chronic or continuing condition with an unknown duration, whether the patient is presently incapacitated, and the likely duration and frequency of the incapacitating episodes.

C. Intermittent Leave or Reduced Leave Schedule.

1. Employees must obtain agreement from their approving official to take FMLA leave intermittently or on a reduced leave schedule based on subparagraphs II. A. 1. and 2. (On a reduced leave schedule, the usual numbers of hours of work per workday or workweek are reduced.)

2. Employees can take leave intermittently or on a reduced leave schedule based on subparagraphs II. A. 3, 4 and III. when medically necessary.

3. FSIS can require employees to temporarily transfer to alternative positions with equivalent pay and benefits to better accommodate intermittent FMLA leave based on subparagraphs II. A. 3, 4 and III.

D. Substitution of Paid Leave.

1. Employees can elect to substitute paid leave for any unpaid leave under the FMLA, according to this directive.

2. Before approving a request to substitute paid leave for unpaid leave under the FMLA, approving officials must determine whether the employee's circumstances warrant entitlement to use paid leave. (**EXAMPLE:** Employees who request leave for child bonding reasons are not entitled to use sick leave for that purpose. The employee would use either annual leave or LWOP.)

3. Employees cannot retroactively substitute paid leave for LWOP previously under FMLA.

VI. APPROVING LEAVE

A. An approving official cannot put an employee on FMLA leave or subtract leave from an employee's entitlement to FMLA leave unless the approving official has obtained confirmation, from the employee, of the employee's intent to invoke entitlement to FMLA leave. An employee's notice of intent to take leave under FMLA can suffice as the employee's confirmation.

B. Before approving a request for an FMLA-type absence, the approving official must ask the employee if they are requesting leave under the FMLA. This is particularly important when the absence is clearly for a family or medical reason (**examples:** absence due to childbirth, adoption or foster care, care for a family member with a serious health condition, or a serious health condition of the employee).

C. An employee requesting FMLA leave must appropriately note the leave request through WebTA or the SF-71. If the absence is for an FMLA-type reason but FMLA leave is not requested, the approving official must carefully consider whether the leave can be approved. Keep in mind that a full-time employee is entitled up to 12 weeks of FMLA leave in any 12-month period regardless of the amount of non-FMLA leave already approved.

D. The approving official must discuss the FMLA leave request with the employee and decide whether to approve the request for non-FMLA leave. HRP can provide advice on approving FMLA leave. Before approving a request for an extended absence, the supervisor must discuss the leave request with their manager.

VII. **RECORDING LEAVE**

A. Until the NFC creates an FMLA leave code, employees and timekeepers must keep track of the amount of FMLA leave used and whether the leave was for family or personal reasons. Timekeepers can be asked to report the amount and kind of FMLA leave used each year.

B. Because employees are permitted, under the FMLA, to substitute paid leave, as appropriate, for LWOP, FMLA leave can be annual, sick, advanced, or donated leave under the LTP. Thus, timekeepers must seek guidance from the approving official when recording absences involving FMLA-type leave.

VIII. **EMPLOYEE APPEAL RIGHTS WHEN DENIED**

A. An employee cannot directly or indirectly intimidate, threaten, or coerce any other employee to try to interfere with their right to use FMLA leave.

B. A supervisor cannot prevent an employee from requesting FMLA leave. If a supervisor disagrees with the employee's request, the request and documentation along with the supervisor's comments must be submitted, through appropriate channels, to HRP for consideration.

C. An employee who is not approved for FMLA leave can appeal the decision through the Administrative Grievance System (see FSIS Directive 4771.1) or the bargaining unit's negotiated grievance procedure, as appropriate.

PART SEVEN—LEAVE FOR CHILDBIRTH

I. REFERENCES

5 CFR 630, Absence and Leave
5 U.S.C. 63, Leave

II. INTRODUCTION

There is no specified time granted for absence for maternity reasons. The length of time is determined by the employee, the employee's supervisor, and the employee's physician.

III. LEAVE

The following are provisions on use of leave for maternity reasons:

A. Sick leave is appropriate for the period of incapacitation, delivery and recuperation. Periods of recuperation vary based on the mother's physical condition and the physician's instructions. Sick leave can also be used, in accordance with this directive, to provide care for the child.

B. Annual leave is appropriate for the period of incapacitation, delivery, adjustment after delivery and recuperation. Annual leave can also be used to make arrangements for the care of the child.

C. LWOP can be substituted for sick or annual leave. In addition, in accordance with this directive, sick leave, annual leave, and LWOP can be used in any combination during any pay period. LWOP can also be requested in accordance with the FMLA.

D. Advanced sick leave can be granted for the period of incapacitation for delivery and recuperation, for no more than 30 calendar days, if the employee has indicated a commitment to return to duty. The request must be supported by medical documentation.

E. An employee must request leave for maternity reasons in writing. Any use of leave must be requested by completing a request for leave in WebTA or using the SF-71. The request must include the:

1. Type(s) of leave to be used.
2. Dates of the requested timeframe.
3. Anticipated return-to-duty date.

F. The supervisor can request a medical certificate from the employee if there is a question as to the employee's physical fitness to continue work before delivery or to return to work after delivery.

G. The supervisor will make a reasonable effort to accommodate a pregnant employee's request for modification of duties or a temporary assignment when the request is supported by acceptable medical documentation.

H. In accordance with this directive, an employee who has provided the supervisor with 30 days advanced notice (if circumstances permit), can request the following for a reasonable period of time, as agreed upon by the Agency and attending physician, for the purpose of assisting or caring for their minor children, or the mother of their newborn child, while the mother of the newborn child is incapacitated for maternity reasons:

1. Annual leave.
2. Sick leave.
3. LWOP. (**NOTE:** LWOP can also be requested in accordance with the FMLA.)

I. Sick leave cannot be used by parents who voluntarily choose to be absent from work to bond with a healthy child. Parents who wish to be absent from work for bonding purposes must request annual leave or LWOP.

PART EIGHT—HOME LEAVE

I. REFERENCES

5 CFR 630, Subpart F
5 U.S.C. 63, Leave

II. INTRODUCTION

Home leave is leave granted with pay in addition to any other types of leave. It is earned by service abroad (time served as a Federal employee on or after September 6, 1960, at a duty station outside 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.

III. ELIGIBILITY

Employees stationed outside the 50 states and the District of Columbia are eligible to earn home leave if one or more of the following conditions are met (see 5 U.S.C. 6304(b) for more information). Employees must be:

- A. Directly recruited or transferred by the Federal Government from the United States, including transfers to Puerto Rico.
- B. Directly recruited or transferred by the Federal Government from Puerto Rico or U.S. possessions for employment outside the area of recruitment or the area from which they were transferred.
- C. Persons who are normally residents of the area concerned and are discharged from service in the U.S. Armed Forces to accept employment with the Federal Government.

IV. CRITERIA FOR CREDITABLE SERVICE FOR HOME LEAVE

- A. Creditable service for home leave 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 months of service abroad.
 - 3. Authorized leave with pay.
 - 4. Any period of time that the employee serves on a detail.

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 purposes.

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

1. Enters on duty (if recruited abroad).
2. Arrives at overseas post following recruitment in the United States for service abroad.
3. Performs duties in an area outside the United States and outside the area of recruitment or area from which transferred, when performance of duty is required en route to an overseas post of regular assignment.

C. Creditable service for home leave accrual ends on the date an employee:

1. Is separated from duty while abroad.
2. Departs from the post of regular assignment for a transfer to, or reassignment in the United States.
3. Is given 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.

V. HOME LEAVE EARNING RATES

A. **Earning Rates.** An employee earns home leave, for each 12 months of service abroad, at the following rate:

1. Fifteen days of home leave is earned when:
 - a. An employee who accepts an appointment to, or occupies, a position for which the Agency has prescribed the requirement that the incumbent accept assignments anywhere in the world as the needs of the Agency dictate.
 - b. An employee who is serving with a U.S. mission to a public international organization.
 - c. An employee who is serving at a post for which payment of a foreign or nonforeign (but not a tropical) differential of 20 percent or more is authorized by law or regulation.

2. Ten days of home leave is earned when an employee is not included in subparagraph IV. A. 1., and 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. Five days of home leave is earned when an employee is not included in subparagraph IV A. 1. and 2.

4. Zero days of home leave is earned when an employee included in subparagraph V A. 1. and 2. whose civilian service abroad is interrupted by a tour of duty in the U.S. Armed Forces, for the duration of such tour.

5. The Agency must credit home leave to an employee's leave account, as earned, in multiples of 1 day.

B. Changing Leave Earning Rates. An employee who moves between different leave-earning rates during a month of service abroad, or has a change in differential during a month, will be credited for the month at the accrual rate to which they would have been entitled to before the change.

C. Accumulating Home Leave. Home leave can accumulate without limitation. An employee cannot receive a lump sum payment for unused accumulated home leave, nor may it be used as terminal leave. An employee will earn home leave for each month of creditable service abroad (see Attachment 8-1).

VI. USE OF HOME LEAVE

A. Advancing Home Leave. Under no circumstance can home leave be used before it is earned.

B. Applying to Use Home Leave. An employee must request to use home leave by submitting an application for leave to the appropriate approving official.

C. Granting and Charging Home Leave. The minimum charge for home leave is 1 day. Home leave can be granted for use only in the United States, its territories, 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 for only 18 months.

2. An employee is expected to return to an assignment abroad.

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 earlier grant of home leave is justified by an authorized official.

D. **Home Leave Determinations.** In order to take home leave, an employee must be working abroad (outside of the 50 states) and eligible to earn 45 days of annual leave. The employee must also maintain a permanent residence within the 50 states or Puerto Rico during their period of work abroad.

VII. HOME LEAVE REFUND

A. **Refund for Home Leave.** An employee is indebted for home leave used and must make a refund to the Government when they fail to return to service abroad after a period of leave or after completion of an assignment in the United States. It is the responsibility of the supervisor to notify HRP when a refund is warranted.

B. **Waiver of Refund.** A refund for home leave can 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.
2. The appropriate official determines that the employee's failure to return to duty is due to compelling personal reasons (**examples:** physical or mental health), circumstances over which the employee has no control, or it is in the public interest not to return the employee abroad.

VIII. TRANSFER AND RECREDIT OF HOME LEAVE

Accumulated home leave will be transferred or recredited when an employee does either of the following:

- A. Moves between agencies.
- B. Is reemployed in the Federal service without a break in service of more than 90 days.

IX. 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 traveling from their duty post 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, and their place of residence is elsewhere.

HOME LEAVE SCENARIOS—HOME LEAVE DETERMINATIONS

To be eligible for home leave, employees must qualify for the maximum annual leave accumulation of 45 days under the provisions of 5 U.S.C. 6304(b). Once this data is verified, a determination must be made on residency status. In making the determination, please note that nothing precludes an employee from establishing a residence in another location.

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 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 etc.	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 etc.	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: Chart used to make home leave 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 must include consideration of these factors as well as any other supportive documentation:

- A. Circumstances surrounding the hiring of the employee.
- B. The employee's work history.
- C. The chronological record of individual or family associations with the claimed place of residence.
- D. Official Personnel Folder forms (**examples:** TSP form, FEGLI form, FEHB form, and Designation of Beneficiary).
- E. SF-171 or OF-612, Application for Employment, showing place of residence.
- F. Place of birth.
- G. Place of education.
- H. Voter registration.
- I. State to which income and/or personal property taxes are paid.
- J. Place where children, if any, were born, raised, and educated.
- K. Family ties.
- L. Any other written documentation establishing declared place of residence.

The above list is not all-inclusive. It is used to illustrate the areas supervisors may consider when evaluating a request. Ultimately, supervisors must ensure that their determination is consistent and not arbitrary, capricious, or contrary to law. Management is responsible for determining the actual residence after obtaining guidance from HRP, using the above chart and reviewing any documentation that employees provide. Home leave determinations are made on a case-by-case basis based on all available information. Employees are responsible for providing information establishing place of residence to support the requested home leave. Falsification of this information may lead to removal from Federal service.

PART NINE—MILITARY LEAVE

I. REFERENCES

5 U.S.C. 63, Leave

II. INTRODUCTION

Military leave provides members of a National Guard or Armed Forces reserve unit time off without charge to annual leave or loss of pay.

III. TYPES OF MILITARY LEAVE

A. **Regular Military Leave.** Employees can be granted 15 days per fiscal year for active duty, active duty training, and inactive duty training. An employee can carry over a maximum of 15 days into the next fiscal year. Inactive Duty Training is authorized training performed by members of a reserve component not on active duty and performed in connection with the prescribed activities of the reserve component. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training (see 5 U.S.C. 6323(a) for more information).

B. **Emergency Military Leave.** Employees can be granted 22 workdays per 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 perform military duties in support of civil 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 (see 5 U.S.C. 6323(b) for more information).

C. **National Guard of the District of Columbia.** Unlimited military leave can be granted to members of the National Guard of the District of Columbia for certain types of duty ordered or authorized under title 39 of the District of Columbia Code (see 5 U.S.C. 6323(c) for more information).

D. **Reserve and National Guard Technicians.** The Reserve and National Guard Technicians are entitled to 44 workdays of military leave for duties overseas under certain conditions (see 5 U.S.C. 6323(d) for more information).

IV. ELIGIBILITY AND ENTITLEMENT

Employees who are entitled to military leave and who are ordered to report for military training or duty must be released from their civilian positions. Application for military leave must be supported by a copy of the order directing employees to report for active duty or training. Full-time Federal civilian employees whose appointment is not limited to less than 1 year are entitled to military leave.

A. **Part-Time Employees.** Military leave is granted on a prorated basis to part-time employees. The amount of military leave is determined by dividing 40 into the employee's weekly tour of duty, multiplying by 15 days, and rounding down to the lower number of whole days.

B. **Parades and Encampments (DC National Guard 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 Code.

V. **DAYS OF MILITARY LEAVE**

A. Military leave should be credited to a full-time employee on the basis of an 8-hour workday. The minimum charge to leave is 1 hour. An employee can be charged military leave only for hours that the employee would otherwise have worked and received pay.

B. Employees who request military leave for inactive duty training (which generally is 2, 4, or 6 hours in length) will be charged only the amount of military leave necessary to cover the period of training and necessary travel. Members of the reserves or and National Guard will no longer be charged military leave for weekends and holidays that occur within the period of military service.

C. A full-time employee working a 40-hour workweek will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year, or the equivalent of three 40-hour workweeks. Military leave under 5 U.S.C 6323(a) will be prorated for part-time employees and for employees on uncommon tours of duty based proportionally on the number of hours in the employee's regularly scheduled biweekly pay period.

PART TEN—ADMINISTRATIVE LEAVE

I. REFERENCES

5 CFR 630, Subpart H
5 U.S.C. 63, Leave
FSIS Directive 4610.1, Tours of Duty
FSIS Directive 4610.7, Alternative Workplace Arrangements
FSIS Directive 4630.3, Witnesses in Judicial Proceedings
FSIS Directive 4810.1, On-the-Job Injury and Illness Compensation and Prevention Program
Organ Donor Leave Act (Public Law 106-56)

II. GENERAL

Administrative leave is an authorized absence that a supervisor may grant to an employee that will not result in a loss of pay or charge to the employee's leave. (See 5 U.S.C., Chapter 63, Leave.) (**NOTE:** Administrative leave is also referred to as an excused absence. Administrative leave is granted to employees for reasons determined to be in the Government's interest.)

III. MILITARY FUNERAL LEAVE

A. A supervisor may grant administrative leave to an employee whose family member has died as a result of a wound, disease, or injury while serving as a member of the armed forces in a combat zone.

B. A supervisor may grant an employee 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 granted administrative leave does not need to be consecutive. The employee must provide documentation to the supervisor that justifies nonconsecutive days.

C. An employee whose family members are not in the military must refer to Part Three, Section Three for information on requesting sick leave for bereavement purposes.

IV. COURT LEAVE

A. Court leave is the authorized absence from duty without a loss of pay or charge to the employee's personal leave. A supervisor can grant an employee administrative leave for:

1. Jury duty in a Federal, state, or municipal court.

2. Attending a judicial proceeding as a witness, or on behalf of any party, if the U.S., the District of Columbia, or a state or local government is a party.

B. An employee who is summoned or assigned by their Agency to testify in an official capacity or ordered to produce official records in a judicial proceeding is considered to be in an official duty status. The employee is entitled to their regular compensation and is not entitled to administrative leave to attend court.

1. **Employee Eligibility for Leave with Pay.** An employee is eligible for leave with pay if they are in a pay status with a fixed tour of duty (See Directive 4610.1, Tours of Duty.)

2. **Duration.** Administrative leave to attend court may only be granted for those days and hours the employee would otherwise be in a pay status. An employee must return to work if excused by the court unless the supervisor determines the employee's return would be impractical (**examples:** an employee's duty schedule or the distance of the court from the employee's residence or duty station).

a. **Jury Duty.** If excused early from jury duty, the employee must contact the supervisor for a determination of whether or not they should return to work based on their work status. The employee's failure to contact their supervisor will result in being charged with AWOL, annual leave, or LWOP for the excess time of absence from their duty station.

b. **Jury or Witness Duty Documentation.** An employee must submit the court order, subpoena, summons, or official request to their supervisor when they return to their duty station. The court documentation must provide evidence of attendance showing the dates and hours for time and attendance coding. (See Directive 4630.3, Witness in Judicial Proceedings for additional information.)

V. **TARDINESS OR BRIEF ABSENCE**

Supervisors may excuse an employee who is absent less than 1 hour for a justifiable cause. (**EXAMPLES:** Weather or hazardous conditions.) When the absence is not justifiable to the supervisor, it must be charged to another form of available leave or AWOL. (**NOTE:** Supervisors need to be aware that by placing an employee in any leave status other than AWOL, they have approved the employee's absence. Disciplinary action contemplated for absences charged to annual leave, sick leave, or LWOP will be more difficult to support since supervisory approval has been granted. For further questions on non-justifiable absence, contact HRP or LERD.)

VI. **HAZARDOUS WEATHER OR OTHER EMERGENCIES THAT DISRUPT TRAVEL**

A. Hazardous weather conditions and emergencies that disrupt travel are conditions that are unusually severe and disruptive to an employee's normal travel or transportation (**example:** between their homes and their duty stations). Hazardous weather conditions and emergencies include, but not limited to:

1. Hurricanes.
2. Cyclones.
3. Floods.
4. Blizzards, severe snow, or icing on roads.
5. Large-scale civil disturbances, such as riots or strikes.

B. An employee will be excused from duty during hazardous weather or other emergencies which disrupt travel, unless the employee is engaged in work that cannot be suspended or interrupted, and is designated as essential. AWA employees working at alternative workplaces should follow the procedures outlined in FSIS Directive 4610.7, Alternative Workplace Arrangements.

1. **Offices within the Washington, DC Metropolitan Area.** When hazardous weather or other emergencies occur, OPM will determine the Federal Government's operating status in Washington, DC. OPM will notify the media as to whether Federal agencies are operating under:

- a. An open status.
- b. A closed status.
- c. An unscheduled leave status.
- d. A delayed arrival status.
- e. An early dismissal status.

2. **OPM's Dismissal or Closure.** The Washington, DC Area Dismissal or Closure Procedures are available on OPM's Web site at <http://www.opm.gov/oca/compmemo/dissmissal.pdf>. Updates on USDA's current operating status are available on USDA's Web site at <http://www.usda.gov/oo/beprepared/>.

3. **Delayed Arrival.** A supervisor may grant an employee administrative leave when the employee's arrival at work is delayed due to hazardous weather or other emergency. A supervisor may excuse up to 1 hour of tardiness. A supervisor should consider all factors when approving excused leave. **EXCEPTION:** A supervisor may excuse tardiness not in excess of 2 hours when the tardiness is not avoidable.

4. **Delayed Opening.** Delayed openings that are announced by OPM (**example:** offices will be closed from the beginning of the normal workday until a specified opening time later in the day) will be treated as office closures (**examples:** the hours or minutes that the facility is closed will be regarded as non-work time for employees).

5. **Early Dismissal.** Early dismissals that are announced by OPM will be handled as follows:

a. An employee who is on duty at the time the official early dismissal is made will be granted administrative leave. The administrative leave covers the remainder of the workday and applies to the employee who originally planned to take leave later in the day.

b. An employee who leaves work before receiving official approval of an impending dismissal will be charged leave (**examples:** annual, sick, LWOP, etc.). An employee who leaves after receiving word of an impending dismissal but before the time set for dismissal, will be charged leave from the time of actual departure until the time that the official dismissal goes into effect.

c. An employee who is on leave when the official dismissal was announced will be charged leave (**examples:** annual, sick, etc.) for the entire absence. An employee who is on leave and scheduled to return to work during the period of dismissal will be charged leave (**examples:** annual, sick, LWOP, etc.) until the time the employee was scheduled to return to duty. The time that the employee was scheduled to return to work until the employee's normal departure time will be excused.

d. An employee that is scheduled to report for work before the dismissal and fails to do so will be charged leave as appropriate (**examples:** annual, sick, LWOP etc.) for the entire day. An employee that is scheduled to report for work after the dismissal goes into effect will be granted administrative leave.

e. A non-emergency employee will be granted an excused absence for the number of hours remaining in their workday beyond their designated early dismissal time. A non-emergency employee will be dismissed relative to their normal departure time from work. (**EXAMPLE:** When a 3-hour early dismissal is announced, employees who leave their offices at 5 p.m. would be authorized to leave at 2 p.m.) When OPM invokes an announcement, an employee who has been designated as an "emergency" employee is expected to report to work on time unless otherwise instructed.

6. **Closure of Federal Agencies.** When OPM announces a closure, a non-emergency employee will not be charged leave for that day. The non-emergency employee, including an employee on pre-approved leave, will be granted administrative leave for the number of hours they were scheduled to work. An unaffected employee is an employee whose off day is under a flexible work schedule and happens to coincide with the emergency closing. (See FSIS Directive 4610.5, Alternative Work Schedules.) **NOTE:** OPM's announcement for non-emergency employees does not apply to employees that are on:

- a. LWOP pending disability retirement.
- b. Workers' compensation.
- c. Military leave.
- d. Suspension.
- e. A nonpay status on the workday before and after the closure.

7. **Unscheduled Leave Policy.** When OPM announces an unscheduled leave policy, a non-emergency employee may request unscheduled annual leave, LWOP, earned comp time off, or credit hours under an AWS without the prior approval of their supervisor. A non-emergency employee must inform their supervisor of their intent to use unscheduled leave.

8. **Delayed Arrival Policy for Non-Emergency Employees.** When OPM announces a delayed arrival, a non-emergency employee will be granted administrative leave for the designated number of hours past their normal arrival time. A non-emergency employee is expected to report for work no later than the designated number of hours past their normal arrival time. An employee must plan their commute to allot for no more than the amount of hours that OPM authorized. The following are circumstances that apply:

- a. When OPM announces a 2-hour delayed arrival, an employee who normally arrives at 8 a.m. must arrive for work no later than 10 a.m. An employee who arrives later than the designated number of hours will be charged annual leave for the excess time.

- b. When OPM announces a 2-hour delayed arrival, and an employee arrives for work 3 hours later than their normal arrival time, the employee will be charged annual leave for 1 hour.

9. **Emergency Procedures for Offices Located Outside the Washington, DC Metropolitan Area.** FSIS program offices must designate a supervisory employee and alternate to determine when FSIS employees may be excused from duty due to emergency conditions. The supervisory employee designated must excuse an employee from duty on one of the following actions:

- a. Declaration by a Federal Executive Board that an emergency exists in those geographic locations of Federal agencies that have agreed to be governed by coordinated Federal Executive Board decisions on excusing employees.

b. Official public announcement by local, state, or Federal authorities that driving and travel should be avoided because of an emergency condition.

c. Advice received from the HRP, if the decision cannot be made under subparagraph a. or b.

10. **State or Local Authorities.** A supervisor can grant an employee administrative leave when state or local authorities officially declare weather conditions to be extremely hazardous. This applies to employees:

a. Who are not on scheduled annual or sick leave.

b. Whose residence area is affected by hazardous weather conditions, even though the worksite may not be affected.

11. **Excused Tardiness.** A supervisor can grant an employee excused tardiness for a maximum of 2 hours when severe weather or traffic conditions exist and are unavoidable. **EXCEPTION:** This constitutes an exception to the 1-hour limitation for the amount of tardiness which can be excused without charge to leave as authorized under Part Ten, paragraph IV.

VII. HOLIDAYS

Under Title 5 U.S.C. Section 6103, the following are legal holidays:

HOLIDAYS	
HOLIDAY	DAY
New Year's Day	January 1
Birthday of Martin Luther King Jr.	3 rd Monday in January
Washington's Birthday	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Columbus Day	2 nd Monday in October
Veterans Day	November 11
Thanksgiving Day	4 th Thursday in November
Christmas Day	December 25

A. **Holiday Observance.** The day that an employee observes a holiday depends on the employee's tour of duty and the status of the day on which the holiday falls.

1. Observation of Holidays for a Standard or Maxiflex Tour.

a. **Holidays Falling on a Scheduled Workday.** When a holiday falls on an employee's regularly scheduled workday, that day is the employee's holiday. The employee will be granted 8 hours of administrative leave for the holiday.

b. **Saturday Holidays.** When a holiday falls on Saturday (or any scheduled non-workday except Sunday), the last scheduled workday preceding the holiday is observed as a holiday. The employee will be granted 8 hours of administrative leave for the holiday.

c. **Sunday Holidays.** When a holiday falls on Sunday, the Monday immediately following is designated as the employee's holiday. The employee will be granted 8 hours of administrative leave for that Monday.

2. **Observation of Holidays for a Compressed Tour.**

a. **Holidays Falling on Workdays.** When a holiday falls on a scheduled workday, that day is the employee's holiday. The employee will be granted administrative leave for the holiday for the hours scheduled for that day.

b. **Holidays Falling on Non-workdays.** When a holiday falls on a scheduled non-workday, the employee's holiday is observed on the workday prior to that day. The employee is granted holiday leave for the number of hours scheduled for that day. (**EXAMPLE:** When a holiday falls on Wednesday and that day is the employee's compressed day off, Tuesday is observed as the holiday because the holiday moves.)

c. **Holidays Falling on Consecutive Non-workdays.** When an employee has 3 consecutive non-workdays off and a holiday falls on one of those non-workdays, the following apply:

(1) When the holiday falls on the employee's first or second non-workday, the employee will be excused from working on the preceding workday and will be granted holiday leave for the number of hours scheduled for that day. (**EXAMPLE:** A Friday holiday falls on the employee's compressed day off, Friday remains as the compressed day off and the holiday moves to the preceding Thursday.)

(2) When the holiday falls on the third non-workday, the employee will be excused from working on the next scheduled workday and will be granted holiday leave for the number of hours for that day. (**EXAMPLE:** A Monday holiday falls on the employee's compressed day off, Monday remains as the compressed day off and the holiday moves to the following Tuesday.)

3. **Observation of Holidays for a First 40-Hour Tour.**

a. **Saturday Holidays.** When a holiday falls on a Saturday, the preceding Friday is the employee's holiday. The employee will be granted 8 hours of administrative leave for the holiday on Friday.

b. **Sunday Holidays.** When a holiday falls on Sunday, the Monday immediately following is designated as the employee's holiday. The employee will be granted 8 hours of administrative leave for the holiday on Monday.

4. **Holidays Falling on Other Days.** When a holiday falls on any other day of the week, that day will be the employee's holiday. The employee will be granted 8 hours of administrative leave for the holiday on that day.

5. **Observation of Holidays for a Part-Time Schedule.** A part-time employee will be granted administrative leave for the number of hours the employee was scheduled to work when a holiday falls on a scheduled workday. Administrative leave is granted only for the number of hours that the employee was regularly scheduled to work. Part-time employees are not entitled to in lieu of holidays. **EXCEPTION:** Part-time employees can be excused from work and granted administrative leave if the work location is closed due to an in lieu of holiday for full-time employees.

6. **Intermittent employees.** Intermittent employees may be entitled to administrative leave for Federal holidays if the holiday falls within a prescheduled tour of duty.

7. **Employees with Shifts Spanning 2 Calendar Days.** An employee whose shift spans 2 calendar days is excused from work for the entire shift that begins on the holiday. (**EXAMPLE:** New Year's Day falls on Saturday and an employee's tour of duty is Sunday through Thursday, 11 p.m. to 7 a.m. The employee observes New Year's Day on the shift that begins at 11 p.m. on Thursday, December 30. The shift that begins at 11 p.m. on Sunday, January 2 is a regular workday for the employee.)

8. **Special Holidays Declared by Executive Order.** On occasion, the President may declare a Federal holiday to recognize a special event or unique circumstance (**examples:** death of a former president, victory in a war, etc.). Supervisors and employees should approach these holidays as they would any holiday. Holiday leave will be granted if the employee had previously scheduled leave (**examples:** annual leave, sick leave, etc.). An employee on AWS whose off day coincides with the special holiday will be given the preceding workday off as the in lieu of holiday. (**NOTE:** If the announcement of the special holiday is made too abruptly, employees will take the workday following the holiday as the in lieu of holiday, or they can reschedule their off day.)

9. **Local, State, Territorial, and Foreign National Holidays.** When local holidays (including state and national holidays in foreign countries) make it unreasonable for a field office to remain open, supervisors will authorize administrative leave for all Federal employees. If the office is able to continue operating, a supervisor should be as liberal as the mission requirements permit in approving annual leave or LWOP for those employees requesting time off to observe the holiday.

10. **Effect of LWOP on Holiday Leave.** When an employee is in a pay status either immediately before or after the holiday, holiday leave is entitled. When an employee is in a nonpay status (**examples:** LWOP or AWOL) immediately before and after the holiday, holiday leave is not entitled.

B. **Inspection Personnel.** The inspector-in-charge or the supervisor:

1. Notifies establishment officials of specific calendar days that inspection personnel will observe holidays.
2. Posts the scheduled holidays on the bulletin board in the Government office.

VIII. **EXCUSED ABSENCE IN CONJUNCTION WITH OFFICIAL TRAVEL**

A supervisor can grant an employee up to 2 hours of administrative leave before or after a period of travel. The supervisor will determine if the time of departure from or arrival at an employee's duty station warrants official leave. (**EXAMPLE:** An employee whose office closes at 4:45 p.m. arrives at the airport at 4 p.m. Estimated travel time to their office is 30 minutes. The employee would not arrive at their office in sufficient time to justify the trip. A supervisor can grant the employee 1 hour of official leave and the employee would not report for duty until the following workday.)

IX. **VOTING**

A. **Leave to Vote.** A supervisor can grant an employee a maximum of 3 hours of administrative leave to make it easier to vote in local, state, and national elections. An employee can use the approved leave to report for work 3 hours after the polls open or leave from work 3 hours before the polls close, whichever requires the least amount of leave. (**NOTE:** Voting leave must be requested in advance.) An employee's regular work hours are determined by the time of day they normally arrive at and depart from work. Employees should not request a temporary change in work schedule merely to qualify for voting leave.

B. **Extended Commuting Distance.** A supervisor can grant an employee administrative leave (not to exceed one day) to travel to the voting place. (**EXCEPTION:** This provision can be made when it is beyond the employee's normal commuting distance and vote by absentee ballot is not permitted.) The employee can request annual leave or LWOP if more than one day is needed for traveling purposes.

C. **Leave to Register.** A supervisor can grant administrative leave to register to vote only when registration cannot be accomplished on a nonworkday or by mail. If an employee travels to reach a distant voting place to register on a nonworkday that exceeds 1 day, round-trip travel time, the employee may be excused for a maximum of 1 additional day.

X. **EXAMINATIONS**

A. **Physical Examinations.** An employee required by the Agency to undergo a physical examination other than that required for appointment, will be granted administrative leave for the period of time needed to complete the examination.

B. Physical Examinations for Military Duty. An employee required to take a physical examination for induction or enlistment in the armed forces will be granted administrative leave for the period of time necessary to complete the examination. An employee who is a member of the reserves and is recalled to active duty is placed on a pay status with the military service and will not be granted administrative leave. **(NOTE:** When a member of the reserves must report for a physical examination for a reserve promotion, they must take annual leave unless the military service has placed them on active duty for the time involved.)

C. Professional Examinations. An employee will be granted administrative leave to take job qualification examinations or to obtain professional licenses, if the examination:

1. Is required for the position the employee currently occupies.
2. Is for a position the Agency or Department has recommended the employee be transferred, promoted, or reassigned to.
3. Is required for a professional license or certification (**examples:** CPA certification, engineer's license, etc.) that is considered advantageous to the Agency.

XI. **BLOOD, BONE MARROW, AND ORGAN DONATION**

A. Blood Donation. A supervisor can grant an employee making a free donation of blood a maximum of 4 hours of administrative leave (not including the time needed for the donation) for rest and recuperation. A supervisor can request medical documentation of blood donation upon the employee's return. Employees who receive compensation for blood donation during duty hours are not entitled to administrative leave and must take other leave for the period of absence.

B. Bone Marrow and Organ Donation. A supervisor can grant an employee a maximum of 7 days of administrative leave each calendar year to serve as a bone-marrow donor. An employee can use up to 30 days of leave each calendar year to serve as an organ donor. Leave for bone marrow and organ donation is a separate leave type that is in addition to annual and sick leave.

XII. **PREVENTIVE HEALTH SERVICES**

An employee that has fewer than 80 hours of accrued sick leave can use up to 4 hours of administrative leave each year for preventive health services. Health care screenings include, but are not limited to:

- A. Prostate.
- B. Cervical.
- C. Colorectal.

- D. Breast cancer.
- E. Sickle cell anemia.
- F. Blood lead level.
- G. Blood cholesterol level.
- H. Immunity disorders (**example**: HIV).
- I. Blood sugar level testing for diabetes.

XIII. LEAVE FOR JOB-RELATED TRAUMATIC INJURY

Leave must be granted for initial examination or treatment of and recuperation from job-related traumatic injuries, as follows:

A. **On the Day the Injury Occurs.** An employee may be given time off with pay as needed for initial examination, treatment, and recuperation required for a job-related traumatic injury.

1. For all employees except intermittent employees, code the excused absence on the T&A using transaction code (TC) 66, with letter abbreviation "I."
2. For intermittent employees, code the excused absence on the T&A using TC 01.

B. **Absences After the Day the Injury Occurs.** An employee who sustains a traumatic injury may be entitled to continuation of regular pay (TC 67) for a period not to exceed 45 calendar days. (See FSIS Directive 4810.1, On-the-Job Injury and Illness Compensation and Prevention Program, for further information.)

XIV. OFFICIALLY SPONSORED FUNCTIONS AND PROGRAMS

A supervisor can grant an employee administrative leave to participate in programs and functions sponsored by the Department or a Department agency, if participation is in the interest of the Federal Government. Under certain circumstances, an employee may be excused when the function is sponsored by another Federal Government agency (**example**: OPM). These situations should be determined on a case-by-case basis.

PART ELEVEN—OTHER LEAVE

I. REFERENCES

5 CFR 630, Absence and Leave
5 U.S.C 63, Leave
Fair Labor Standards Act of 1938

II. ABSENCE FOR RELIGIOUS OBSERVANCES

A supervisor should be as liberal and accommodating as mission requirements permit in adjusting an employee's schedule to allow for religious observances. An employee can request any type of paid leave (except for sick leave) to cover the absence. Employees can work in excess of their normal work schedule and use the religious comp time earned for their religious observance. The excess time can be worked either before or after the time off.

A. **Scheduling Time.** A supervisor must schedule and approve religious compensatory time off for an employee. The supervisor and employee should discuss and schedule, in advance, the amount of religious comp time the employee will need to earn and use during a 6 month to 1-year period. An employee must submit in advance their written request for an adjusted work schedule and specifically state that the request is for religious purposes. A supervisor can request the employee to provide documentation for the need to abstain from work. Supervisors should not make any judgment about the employee's religious beliefs or affiliation with a religious organization. A supervisor can disapprove an employee's request if modifications of an employee's work schedule would interfere with the Agency's mission.

B. **Accruing Time.** An employee can only accrue the amount of religious comp time actually needed for religious absences. Excess balances cannot be earned or carried forward.

C. **Making Up Time.** A supervisor should not grant an employee's request for time off without scheduling the hours the employee will work to make up the time. Scheduling the employee's make-up time provides a clear record of the employee's adjusted work schedule. If an employee is absent when scheduled to make up work for a religious absence, the employee must:

1. Take paid leave.
2. Request LWOP.
3. Use accrued credit hours.
4. Be charged AWOL, if the employee does not use one of the following in subparagraph II. C. 1-3.

D. **Using Time.** A supervisor can grant an employee an unlimited amount of administrative leave for personal religious beliefs only if their absence does not interfere with the operations of the office or create a burden on other employees. The employee can work to make up leave for the religious comp time before or after it is granted.

E. **Overtime Provisions.** Title 5 U.S.C., and the FLSA of 1938, 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. **Time Limitation.** Advanced religious comp time should be repaid by the end of the leave year.

1. A supervisor must inform HRO when the employee fails to pay back advanced religious comp time.

2. An employee will be billed at the end of the year if they fail to pay back-owed advanced religious comp time.

G. **Liquidating Time.** If an employee separates or transfers before using the time set aside for religious observances, any hours not used must be paid at the employee's rate of basic pay in effect when the extra hours of work were performed. Employees who are indebted for advanced religious comp time will be billed by the NFC. **EXCEPTION:** Senior level members cannot be paid for religious comp time earned when separating, but if those employees transfer to other agencies, the hours can transfer.

III. **AWOL**

AWOL is a nonpay status resulting from a supervisory determination that no type of approved leave will be granted for a particular absence. AWOL is charged in 15-minute increments. Leave charged to AWOL can later be changed to approved leave (**examples:** annual, sick, credit or comp leave, LWOP, or other excused absence) should the employee provide an acceptable excuse for the absence.



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