

United States Department of Agriculture



Natural Resources Conservation Service
210 Walnut Street, Room 693
Des Moines, IA 50309-2180

April 2, 2008

GENERAL MANUAL (GM)
360-PER
AMENDMENT IA38 (Part 415)

SUBJECT: PER – LEAVE

Purpose. To provide all employees with guidance and their responsibility for various leave options and approval authorities.

These Iowa GM Amendments are to be used in conjunction with guidance provided in the National General Manual, Title 360 – Human Resources, Part 415 - Leave subsections.

For your convenience, we are providing, in pdf format, the National GM-360, Amendment 102 dated May 2003 (with Amendment IA38 inserted). The National GM-360 can also be found at the eDirective website <http://policy.nrcs.usda.gov> for further guidance. Forms AD-1046, Leave Transfer Program-Recipient Application and OPM Form 71, Request for Leave or Approved Absence are also attached.

Effective Date. Upon receipt.

Contact. If there are questions about this amendment, contact the Human Resources Staff, at 515/284-4587.

Filing Instructions.

| <u>Remove Pages</u> | <u>IA Amend Dated</u> |
|--|-----------------------|
| IA415-10(1), IA415-12(1), and IA415-23(1) – (2) | IA9, February 1982 |
| IA415-7(1) – (2) | IA21, November 1985 |

| <u>Insert</u> | <u>IA Amend Dated</u> | <u>Immediately After</u> |
|---------------------|-----------------------|--------------------------|
| IA415-A.i | IA38, April 2008 | Page 415-A-i |
| IA415-A.1(1) | IA38, April 2008 | Page 415-A.1 |
| IA415-A.3(1) | IA38, April 2008 | Page 415-A.3 |
| IA415-A.4(1) – (2) | IA38, April 2008 | Page 415-A.4 |
| IA415-A.6(1) | IA38, April 2008 | Page 415-A.6 |
| IA415-A.10(1) | IA38, April 2008 | Page 415-A.10 |
| IA415-A.12(1) | IA38, April 2008 | Page 415-A.12 |
| IA415-A.13(1) | IA38, April 2008 | Page 415-A.13 |
| IA415-A.22(1) – (2) | IA38, April 2008 | Page 415-A.22 |

Al Garner
Acting State Conservationist

Attachments

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An Equal Opportunity Provider and Employer

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SUBPART A – GENERAL

415.0 Purpose

The purpose of this policy is to create a work environment that enables the Natural Resources Conservation Service (NRCS) to meet its mission, while allowing employees sufficient flexibility to meet both work and family needs.

415.1 Responsibilities

A. Supervisors

- (1) Managers and supervisors authorized to approve leave have the responsibility of scheduling employees' absences in order to:
 - (i) Maintain the workforce necessary for mission accomplishment.
 - (ii) Permit employees to make adjustments in their plans in order to meet work requirements.
 - (iii) Ensure that all absences from scheduled tours of duty are charged to the appropriate leave category.
 - (iv) Ensure that employees know the procedures for requesting and using leave.
- (2) Approval of leave is a discretionary matter reserved to the supervisor. The taking of leave is not an absolute right afforded an employee, but is conditioned on the needs of the Federal service. It is essential that managers and supervisors who approve leave and Time and Attendance (T&A) Input Records have a thorough understanding of leave provisions.
- (3) First-line supervisors have the authority to approve or deny all types of leave, i.e., annual, sick, advanced annual, advanced sick, credit, and leave without pay (LWOP), based on the workload and work requirements to accomplish the Agency's mission. To the maximum extent possible, the leave schedule should allow an employee, upon request, at least one continuous period of 80 hours of annual leave per year.

B. Employees

- (1) Observe designated duty hours and be punctual in reporting for work and returning from lunch.
- (2) Obtain advanced authorization for absence from duty from their supervisor.
- (3) Correctly report all leave taken.

415.2 Policy

A. General Provisions

- (1) All leave will be charged in increments of 15 minutes. Any type of leave used in excess of three (3) consecutive workdays must be requested on Office of Personnel Management (OPM) 71, Request for Leave or Approved Absence form.

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IA415.1 RESPONSIBILITIES

A. Supervisors

- (3) First-line supervisors have various authorities to approve or deny all types of leave, i.e., annual, sick, advanced annual, advanced sick, credit and leave without pay (LWOP), based on the workload and work requirements to accomplish the Agency's mission. See individual leave categories for authorized limits.

Advanced planning and careful consideration will be given to scheduling leave to ensure the necessary workforce is available, particularly during peak workload periods, to accomplish the work and prevent loss of any leave due employees at the end of the leave year. To the maximum extent possible, the leave schedule should allow an employee, upon request, at least one continuous period of 80 hours of annual leave per year.

B. Employees

- (2) Obtain advanced authorization for absence from duty from their supervisor (or delegated authority). Form OPM-71, Request for Leave or Approved Absence, will be used for any leave requests that exceed three (3) consecutive workdays.

NOTE: The Form OPM-71, <http://www.opm.gov/forms/html/opm.asp>, replaces the Form SF-71, which is now obsolete.

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- (2) Employees must observe designated duty hours and be punctual in reporting for work and returning from lunch periods. Employees must obtain advanced authorization for absence from duty when possible. Where absence from duty results from illness or an emergency, employees, if capable, are required to notify their supervisor or other appropriate official with delegated authority to approve leave as soon as possible. When possible, the employee must notify their supervisor or other appropriate person prior to the core hours beginning. If the employee is incapacitated, another individual may notify the appropriate supervisor. When an employee fails to properly notify his or her supervisor, the absence may be charged as unauthorized absence (AWOL), which may also result in disciplinary action.

B. Annual Leave

- (1) Annual leave is provided to allow employees an annual vacation period of extended leave for rest and recreation and/or periods of time off for personal business or emergencies which must be handled during working hours.
- (2) The amount of annual leave an employee earns depends on his or her length of service and type of employment.
- (i) Full-time employees, with appointments of 90 days or more, accrue leave at the beginning of the full, biweekly pay periods of employment as follows:

| If years of service total is | THEN the employee will earn |
|------------------------------|---|
| 0 to 3 | 4 hours |
| 3 to 15 | 6 hours Note: 10 hours for last complete pay period in calendar year |
| 15 or more | 8 hours |

- (ii) Part-time employees, with appointments of 90 days or more, accrue leave at the end of the full, biweekly pay period of employment as follows:

| IF years of service total is | THEN for hours in pay status the employee will earn |
|------------------------------|---|
| 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 |

Note: If an original appointment is for less than 90 days and is then extended beyond 90 days, an employee may be entitled to retroactive accruals.

- (3) Annual leave accrues while the employee is in pay status or a combination of pay and nonpay status not subject to reduction. Changes in rates of accrual are effective the beginning of the pay period following the date on which the employee completes the required period of creditable service. There is no accrual of annual leave for a

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fractional biweekly pay period either at the beginning or end of an employee's period of service, except in certain instances of continuing employment.

- (4) Generally, the maximum amount of annual leave employees may carry forward from 1 leave year to the next is 240 hours.
- (5) A new leave year begins with the first full pay period in January.
- (6) Annual leave may be used in increments of 15 minutes.
- (7) Employees should obtain advanced authorization for annual leave. Annual leave in excess of (3) consecutive workdays must be requested on an OPM 71, Request for Leave or Approved Absence. Leave should be scheduled in advance to avoid forfeiture at the end of the leave year. When absences result from an emergency, employees must notify their supervisor, or other appropriate official with delegated authority to approve leave, as soon as possible, but no later than the start of core time.
- (8) The first-line supervisor has the authority to approve or disapprove annual leave requests based on the workload and work requirements to accomplish the Agency's mission. Advanced planning and careful consideration will be given to scheduling leave to ensure the necessary workforce is available, particularly during peak workload periods, to accomplish the work and prevent loss of any leave due employees at the end of the leave year.
- (9) Annual leave in excess of the maximum carryover is forfeited at the end of the leave year. All "use or lose" annual leave must be scheduled and approved in writing no later than 3 pay periods before the end of the leave year so that forfeited annual leave may be considered for restoration.
- (10) Terminal leave, or annual leave granted just before separation from Federal service without return to duty, should not be granted in most instances where additional annual leave will not accrue. Annual leave will be liquidated by a lump-sum payment to the employee.
- (11) Employees do not accrue annual leave for full pay periods for which they are paid disability compensation through the Department of Labor, Office of Workers' Compensation Program (OWCP).
- (12) Substitution of annual leave for earned sick leave and/or advanced sick leave previously granted and charged is NOT permitted unless the request is made within:
 - (i) The pay period in which the employee returns to duty, or
 - (ii) 30 days after the illness occurs, whichever occurs first, or
 - (iii) As part of the Voluntary Leave Transfer Program.
- (13) Substitution of annual leave for a period of nonpay status may ONLY be made if an administrative error placed an employee in a nonpay status rather than on annual leave.
- (14) Employees are entitled to a lump sum payment for all "accumulated annual leave" to their credit at the time of separation. Accumulated annual leave consists of the following:
 - (i) Regular carry-over balance from the previous leave year.
 - (ii) Annual leave accrued and unused during the current leave year.
 - (iii) Unused restored annual leave.

C. Restoration of Annual Leave

- (1) Forfeited leave may only be restored and credited to an employee's leave account for one of the following reasons:
 - (i) Administrative error.
 - (ii) Illness.
 - (iii) Exigency of public business.

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B. Annual Leave

- (7) Employees should obtain advanced authorization for annual leave.
 - (i) For three (3) consecutive workdays or less – oral request or informal note with as much advance time as possible.
 - (ii) For more than three (3) consecutive workdays:
 - (a) Use Form OPM-71, Request for Leave or Approved Absence.
 - (b) Send to supervisor not less than 30 days, if possible, before leave is to begin; supervisors may approve leave on shorter notice if circumstances warrant.
 - (c) When absences result from an emergency, employees must notify their supervisor (or delegated authority) as soon as possible but no later than 9:00 a.m.
- (8) First-line supervisors (or delegated authority) have the authority to approve annual leave up to three (3) weeks. Requests for annual leave in excess of three (3) weeks are to be submitted, by the first line supervisor, to the next higher supervisory level for approval or disapproval. The Form OPM-71, Request for Leave or Approved Absence, with approval/disapproval is to be returned to the employee.

NOTE: The Form OPM-71, <http://www.opm.gov/forms/html/opm.asp>, replaces the Form SF-71, which is now obsolete.

- (2) Restoration of annual leave cannot be requested until forfeiture after the end of the leave year, but no later than April 1. Requests from States should be forwarded through supervisory channels to the servicing Regional Administrative Office for processing and approval by the Regional Conservationist. Requests from State Conservationists and Regional Conservationists should be forwarded through supervisory channels to the Human Resources Management Division, NHQ, for approval and processing. Requests from centers and institutes and national headquarters should be forwarded through supervisory channels to the NHQ Human Resources Services Branch, for processing and forwarding to the Human Resources Management Division, NHQ, for approval. In order for forfeited annual leave to be restored, the scheduled leave must be canceled, or disapproved, in writing. This may be done by memorandum to the employee stating that scheduled leave is being canceled, or by designating “disapproved” on the OPM 71, Request for Leave or Approved Absence, if the leave is not approved when the employee submits the request.
- (3) The employee’s request for restoration of forfeited annual leave should include:
 - (i) Leave ceiling and balance at the end of the leave year.
 - (ii) Number of hours of scheduled annual leave forfeited.
 - (iii) Time and Attendance (T&A) Input Records showing dates of sickness (if applicable).
 - (iv) Written evidence (normally OPM 71, Request for Leave or Approve Absence) of the scheduled and approved annual leave that was canceled.
 - (v) A copy of determination of exigency of public business (if applicable). The exigency must be dated and include a beginning and ending date, a description of the emergency situation, and be signed by an individual above the first line supervisor with appropriate delegated authority. An example of a situation that may cause an exigency includes a hurricane, earthquake, flood, or tornado. The exigency may not be made by an official in the immediate organizational unit affected by the decision.
- (4) Restored leave is to be placed in a separate leave account and not added to the 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:
 - (i) The date of restoration due to administrative error;
 - (ii) The date fixed by the head of the agency or designee as the date of termination of the exigency of the public business; or
 - (iii) The date the employee is determined to be recovered from illness or injury.

D. Advancing Annual Leave

- (1) Employees may be advanced annual leave as follows:
 - (i) Permanent employees may be granted the leave they will accrue for the remainder of the leave year if they expect to remain in service throughout the leave year.
 - (ii) Temporary employees, or those on a limited appointment, may be granted the leave they will accrue through the end of their appointment or leave year, whichever is less.
- (2) Employees must obtain advanced written authorization for advanced annual leave on an OPM 71, Request for Leave or Approved Absence. The rationale for the request should be documented on either the OPM 71 or a separate letter or memorandum.
- (3) Annual leave may be advanced in increments of 15 minutes.
- (4) First-line supervisors have the authority to approve or disapprove requests for advanced annual leave.

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D. Advancing Annual Leave

- (1) Requests for advanced annual leave are to be submitted not less than 30 days prior to requested leave. Approval may be given on shorter notice if circumstances warrant.
- (2) Use Form OPM-71, Request for Leave or Approved Absence.
- (3) First-line supervisors (or delegated authority) may approve up to **five (5) days (40 hours)** advanced annual leave provided no advanced leave is shown for the employee at the time.
- (4) All Field Office requests in excess of **five (5) days (over 40 hours)** must be routed through the Area Office, and upon Area Office approval, forwarded to the Human Resources Office for routing to the State Conservationist for approval/disapproval. Area Office or State Office supervisors will forward their requests to the Human Resources Office for routing to the State Conservationist for approval/disapproval.
- (5) The State Conservationist must approve advanced annual leave **in excess of five (5) days (over 40 hours)** OR when the employee has an advanced leave balance.
- (6) Written authorization will be given for requests approved by the State Conservationist and will show the inclusive dates during which the leave may be taken.

E. Sick Leave

- (1) An employee who becomes ill is responsible for notifying his/her supervisor, or delegated authority, **no later than 9:00 a.m.** If the employee is incapacitated, another individual may notify the appropriate supervisor. After the first day, it is up to the employee to contact his/her supervisor for additional leave requirements.
- (2) Leave for prearranged medical, dental, optical, physical therapy, etc. appointments should be requested as far in advance as possible.

NOTE: The Form OPM-71, <http://www.opm.gov/forms/html/opm.asp>, replaces the Form SF-71, which is now obsolete.

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- (3) Illness for more than three (3) days:
 - (i) Complete Form OPM-71, Request for Leave or Approved Absence, as soon as possible if leave is for an extended period of time. If necessary, OPM-71 may be completed the day employee returns to duty.
 - (ii) When absences result from an illness or emergency, employees must notify their supervisor (or delegated authority) as soon as possible but **no later than 9:00 a.m.**
 - (iii) Any employee may be requested to submit signed medical documentation for absences in excess of three (3) consecutive work days. The medical documentation must state the nature of the condition, that the employee is incapacitated for duty and the duration of the incapacitation. Such documentation must be submitted to the supervisor within 15 days from the supervisor's request for documentation.
- (4) First-line supervisors (or delegated authority) may approve up to **10 days (up to 80 hours)** sick leave provided no advanced leave is shown for the employee at the time.
- (5) All Field Office requests in excess of **10 days (up to 80 hours)** must be routed through the Area Office, and upon Area Office approval, forwarded to the Human Resources Office for routing to the State Conservationist for approval/disapproval. Area Office or State Office supervisors will forward their requests to the Human Resources Office for routing to the State Conservationist for approval/disapproval.
- (6) Written authorization will be given for requests approved by the State Conservationist and will show the inclusive dates during which the leave may be taken.

NOTE: The Form OPM-71, <http://www.opm.gov/forms/html/opm.asp>, replaces the Form SF-71, which is now obsolete.

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- (5) Advanced annual leave may not be approved in the following circumstances:
 - (i) The employee has submitted an application for disability retirement.
 - (ii) The employee has submitted a resignation.
 - (iii) The employee has received a notice of separation or a notice of furlough or reduction in force (RIF).
- (6) An advanced annual leave balance may not be carried from one (1) leave year to the next. The advanced annual leave balance will automatically be converted to leave without pay (LWOP) by the National Finance Center (NFC). NFC will automatically deduct the monies owed as a result of the conversion to LWOP from the employee's Pay Period 1 earnings or the employee may pay by personal check. Upon leaving Federal service, the employee will be required to refund money on unearned or any unpaid portion of advanced annual leave.

E. Sick Leave

- (1) Sick leave is approved absence from scheduled duty granted when an employee is unable to work due to illness, injury, pregnancy and confinement, or is undergoing medical dental or optical examination or treatment.
- (2) The amount of sick leave an employee earns depends on his or her type of employment.
 - (i) A full-time employee, whose appointment is 90 days or more, accrues four hours of sick leave every full pay period. The accruals are credited to the employee's account at the beginning of the pay period.
 - (ii) A part-time employee, whose appointment is 90 days or more, accrues one (1) hour of sick leave for every 20 hours worked during a pay period. The accruals are credited to the employee's account at the end of the pay period.

Note: If the original appointment is for less than 90 days and is extended beyond 90 days, an employee may be entitled to retroactive leave accruals.

- (3) Sick leave accrues while the employee is in a pay status or a combination of pay and nonpay status not subject to reduction. There is no accrual of sick leave for a fractional biweekly pay period either at the beginning or end of an employee's period of service, except in certain instances of continuing employment.
- (4) An employee does not accrue sick leave for full pay periods for which he or she is paid disability compensation through the Department of Labor, Office of Workers' Compensation Program (OWCP).
- (5) An employee who becomes ill is responsible for notifying his or her supervisor or other appropriate official delegated with authority to approve leave as soon as practicable, but no later than the start of core time. If the employee is incapacitated, another individual may notify the appropriate supervisor. An OPM 71, must be completed for any sick leave usage in excess of three (3) consecutive workdays. The OPM 71 must be completed the day the employee returns to duty, or sooner, if the leave request is for an extended period of time. Leave for prearranged medical, dental, or optical examination or treatment should be requested in advance.
- (6) Any employee may be requested to submit medical documentation for absences in excess of three (3) consecutive workdays. The medical documentation must state the nature of the condition, that the employee is incapacitated for duty, and the duration of the incapacitation. Such documentation must be submitted to the supervisor within 15 days from the supervisor's request for documentation.
- (7) The first line supervisor has the authority to approve or disapprove sick leave requests. The supervisor has the authority and responsibility to determine that the documentation is sufficient to determine that the employee's illness does, in fact,

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incapacitate the employee for duty. The supervisor also has the responsibility for ascertaining that the reasons for which sick leave is granted are valid.

- (8) Sick leave may be granted in increments of 15 minutes.
- (9) If an employee becomes ill while on annual leave, the employee may request to substitute sick leave for the period of illness. The supervisor may request an employee to submit medical documentation for the period of illness.
- (10) Substitution of sick leave for annual leave must be made within one of the following:
 - (i) The pay period in which the employee returns to duty; or
 - (ii) 30 days after the illness occurs, whichever occurs first.

F. Advancing Sick Leave

- (1) Sick leave may be advanced in cases of disability or ailment that incapacitates an employee for duty. Sick leave may be advanced regardless of whether the employee has annual leave to his or her credit.
- (2) Employees may be advanced sick leave as follows:
 - (i) The maximum amount that permanent employees may be approved is 30 days or 240 hours.
 - (ii) Temporary employees, or those on a limited appointment, may be granted the leave they will accrue through the end of their appointment or leave year, whichever is less.
- (3) Advanced sick leave must be requested in writing and supported by medical documentation. The medical documentation must state the nature of the condition, that the employee is incapacitated for duty, and the duration of the incapacitation.
- (4) First-line supervisors have the authority to approve or disapprove requests for advanced sick leave.
- (5) The supervisor should advise the employee of the following repayment options:
 - (i) Earned sick leave accruals.
 - (ii) Conversion of advanced sick leave to leave without pay (LWOP) and repayment of monies either through payroll deduction or personal check.
 - (iii) Donations from the Voluntary Leave Transfer Program.

Note: Upon leaving the Federal service, the employee will be required to refund money on unearned or any unpaid portion of advanced sick leave.

- (6) Sick leave may not be advanced in the following conditions:
 - (i) The employee does not expect to return to duty.
 - (ii) An application for disability retirement has been made and notice of official approval by the Office of Personnel Management (OPM) has not been received.
 - (iii) The employee has submitted a resignation.
 - (iv) The employee has received a notice of separation or a notice of furlough.
 - (v) The employee is on leave restriction.

G. Sick Leave for Family Members

- (1) Limited use of sick leave is allowed by 5 CFR 630.401 to provide:
 - (i) Care for a family member who is incapacitated as a result of physical or mental illness injury, pregnancy or childbirth;
 - (ii) Care for a family member as a result of medical, dental, or optical examination or treatments; or
 - (iii) Make arrangements necessitated by the death of a family member or attend the funeral of a family member.
- (2) The following are considered family members:

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F. Advancing Sick Leave

- (1) Requests for advanced sick leave must be in writing and are to be submitted no less than 30 days prior to requested leave. Approval may be given on shorter notice if circumstances warrant.
- (2) Requests must be supported by signed medical documentation stating the nature of the condition, that the employee is incapacitated for duty and the duration of incapacitation.
- (3) Attach Form OPM-71, Request for Leave or Approved Absence, to the written request.
- (4) First-line supervisors (or delegated authority) may approve up to **five (5) days (40 hours)** advanced sick leave regardless of whether the employee has annual leave to his/her credit.
- (5) All Field Office requests in excess of **five (5) days (over 40 hours)** must be routed through the Area Office, and upon Area Office approval, forwarded to the Human Resources Office for routing to the State Conservationist for approval/disapproval. Area Office or State Office supervisors will forward their requests to the Human Resources Office for routing to the State Conservationist for approval/disapproval.
- (6) Written authorization will be given for requests approved by the State Conservationist and will show the inclusive dates during which the leave may be taken.
- (7) Sick leave may not be advanced if the employee does not expect to return to duty; an application for disability retirement has been made; the employee has submitted a resignation; the employee has received a separation or notice of furlough; or the employee is on leave restriction.

NOTE: The Form OPM-71, <http://www.opm.gov/forms/html/opm.asp>, replaces the Form SF-71, which is now obsolete.

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- (i) Employee's spouse and spouse's parents;
 - (ii) Employee's children, including adopted children, and children's spouses;
 - (iii) Employee's parents;
 - (iv) Employee's brothers, sisters, and their spouses;
 - (v) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- (3) A full-time, leave-earning employee may use up to 40 hours (5 workdays) of earned or advanced sick leave per year for the following:
 - (4) An additional 64 hours (8 workdays) of earned sick leave may be used each leave year, but only if these additional hours do not cause the employee's sick leave balance to fall below 80 hours. Employees shall not be authorized advanced sick leave for these additional 64 hours.
 - (5) The amount of sick leave that a part-time employee may use shall be equal to the average number of hours they are scheduled to work each week.
 - (6) A part-time employee, who maintains a sick leave balance that is equal to his or her scheduled tour of duty hours each pay period, may use additional sick leave hours equal to the average number of hours of sick leave he or she normally accrues during a leave year.

Example: A part-time employee who is scheduled to work 32 hours a week is entitled to use 32 hours per year. This employee may use additional sick leave hours as long as their sick leave balance does not fall below 64 hours. Maximum sick leave hours that are available for use by this employee is 83 hours per year (the amount of sick leave the employee will accrue).

- (7) Employees requesting the use of sick leave to care for a family member shall:
 - (i) Record the time as family friendly leave (FFL) on the Time & Attendance (T&A) Input Record.
 - (ii) Write "Family Member" on the OPM 71, in the remarks section for any use of leave in excess of three (3) consecutive workdays.
 - (iii) Request FFL in advance, when possible.
 - (iv) Provide medical documentation or death notification if advanced sick leave is requested.
- (8) Timekeepers shall:
 - (i) Review the number of hours by pay period and total accumulated hours of sick leave used for family members on the Time and Attendance (T&A) Input Record.
 - (ii) Notify the employee and supervisor when requested sick leave hours to care for family members will exceed the family friendly leave (FFL) limitations.
- (9) Supervisors:
 - (i) Shall ensure timekeepers are aware of their reporting responsibilities.
 - (ii) Shall request medical documentation or death notification, if advanced sick leave is requested.
 - (iii) May request medical documentation or death notification for absence in excess of three (3) workdays.

H. Sick Leave for Family Members with a Serious Health Condition

- (1) Employees may use up to a total of 12 administrative workweeks of sick leave each leave year to care for a family member with a serious health condition provided he or she maintains a balance of at least 80 hours of sick leave.
 - (i) Any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year must be subtracted from the 12 week entitlement.

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- (ii) If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days of sick leave in the same leave year for general family care.
- (2) The following are considered family members:
 - (i) Employee's spouse and spouse's parents;
 - (ii) Employee's children, including adopted children, and children's spouses;
 - (iii) Employee's parents;
 - (iv) Employee's brothers, sisters, and their spouses;
 - (v) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- (3) A serious health condition has the same meaning as defined in Family Medical Leave Act (FMLA). Includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, childbirth, etc.
- (4) Employees requesting the use of sick leave to care for a family member shall:
 - (i) Record the time as family friendly leave (FFL) on the Time & Attendance (T&A) Input Record.
 - (ii) Write "Family Member" on the OPM 71, in the remarks section for any use of leave in excess of three (3) consecutive workdays.
 - (iii) Request FFL in advance, when possible.
 - (iv) Provide medical documentation or death notification if advanced sick leave is requested.
- (5) Timekeepers shall:
 - (i) Review the number of hours by pay period and total accumulated hours of sick leave used for family members on the Time and Attendance (T&A) Input Record.
 - (ii) Notify the employee and supervisor when requested sick leave hours to care for family members will exceed the family friendly leave (FFL) limitations.
- (6) Supervisors:
 - (i) Shall ensure timekeepers are aware of their reporting responsibilities.
 - (ii) Shall request medical documentation or death notification, if advanced sick leave is requested.
 - (iii) May request medical documentation or death notification for absence in excess of three (3) workdays.

I. Sick Leave For Adoption

- (1) All leave-earning employees may use earned sick leave for purposes related to the adoption of a child.
- (2) Employees may request the use of earned sick leave for the following:
 - (i) Appointments with adoption agencies, social workers, or attorneys.
 - (ii) Court proceedings.
 - (iii) Required travel.
 - (iv) Absences during which adoptive parents are ordered or required by an adoption agency or court to care for the child.
 - (v) Any activity that is necessary to allow the adoption to proceed.
- (3) The initial written request to use sick leave for adoption-related purposes shall include any known details of the adoption that will require time-off from work. Employees shall:
 - (i) Continue to keep their supervisor updated until the process is completed.
 - (ii) Submit OPM 71, Request for Leave or Approved Absence, in advance when possible, for any leave used in excess of three (3) workdays.
 - (iii) Write "Adoption" in the Remarks section on the OPM 71.

Note: Supervisors may request evidence for adoption-related activities.

- (4) Advanced sick leave may be requested for adoption-related purposes, but only when the urgency of the situation requires the employee's absence. Employees shall provide evidence for the necessity of advanced sick leave for adoption-related activities.
- (5) Any documentation that is provided to the supervisor relating to the adoption shall be kept with the appropriate biweekly Time and Attendance (T&A) Input Record information.

J. Family and Medical Leave Act (FMLA)

- (1) The Family and Medical Leave Act, Title II, covers all leave-earning, Federal employees, (except intermittent and temporary employees with appointments not to exceed one (1) year), including permanent full-time, part-time, temporary employees (with appointments exceeding (1) year), and term employees earning leave as long as they have completed at least 12 months of Federal service. The service does not have to be recent or consecutive.
- (2) Service that is not creditable for meeting the 12 month requirement includes:
 - (i) Service in a position covered by Title I or Title V of the FMLA
 - (ii) Military service (other than military duty performed while in a civilian position).
 - (iii) Service as an employee of the government of the District of Columbia.
- (3) To be eligible for Title II entitlements, intermittent employees or employees serving on temporary appointments not to exceed one (1) year, must:
 - (i) Be employed for at least 12 months, and
 - (ii) Be in a pay status at least 1,250 hours during the 12-month period immediately preceding the request for family and medical leave.

Note: Intermittent employees shall not be called to duty during a period of approved family and medical leave.

- (4) FMLA provides eligible employees with a total of up to 12 administrative workweeks of leave without pay (LWOP) during a 12-month period for the following:
 - (i) The care of a family member, including:
 - Son or daughter who is biological, adopted, stepchild, or legal ward.
 - Spouse, an individual who is a husband or wife by legal union, including common law marriages between a man and a woman where legal.
 - Child who is given 24-hour foster care by, or with an agreement with, the State of residence.
 - Parent who is a biological parent or an individual who substituted as a parent to the employee when the employee was a child. This term does not include in-laws.
 - (ii) Recovery from a serious health condition which is an illness, injury, surgery, impairment, or physical or mental condition that involves:
 - Inpatient care in a hospital, hospice, or residence care facility
 - Continuing outpatient therapy or treatment by a licensed or certified health care provider
 - A health patient recovery period
 - Continuing medical evaluations or examinations.

Note: This term does not cover short-term conditions for which treatment and recovery are brief. These conditions are covered by normal annual and sick leave policies.

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(5) FMLA may be used for one (1) or more of the following purposes:

| Purpose # | Purpose |
|-----------|---|
| 1 | Birth of child or children and care of newborn(s). |
| 2 | Placement of a child with employee for adoption or foster care. |
| 3 | Care of spouse, son, daughter, or parent of employee with a serious health condition. |
| 4 | Serious health condition of employee that makes employee unable to perform duties of his or her position. |

- (i) For purposes 1 and 2 (see above), the entitlement to family and medical leave:
 - May begin on or before the actual date of birth or placement of the child.
 - Shall expire no later than 12 months after the date of birth or placement.
 - The following medical documentation is required:
 - Evidence of birth, adoption, or foster care.
- (ii) For purposes 3 and 4, family and medical leave may be taken continuously, intermittently, or as part of a reduced work schedule. Intermittent leave or a reduced work schedule must receive prior approval from the employee's supervisor. FMLA shall be:
 - Medically certified and necessary
 - Tracked by the employee's timekeeper
 - Accumulated on an hour-for-hour basis, until the medical emergency ends or the 12-workweek maximum is reached.
 - Medical certification from a licensed health care provider or medical treatment center shall include the following:
 - Date serious health condition started
 - Probable duration of the serious health condition
 - Appropriate medical facts, within the knowledge of the health care provider, regarding the serious health condition, including a general statement about the duration of the incapacitation or treatment may be required
 - A statement concerning a spouse, son, daughter, or parent of the employee who requires psychological comfort and/or physical care (i.e., assistance for basic medical hygienic, nutritional, safety, or transportation needs)
 - Dates of planned medical treatment and the duration of that treatment.

Note: NRCS, at its own expense, may require a second medical opinion.

- (6) An employee shall provide their immediate supervisor with 30 calendar days notice of the need for family and medical leave when the need for leave is foreseeable. When the need for leave is foreseeable and the employee fails to provide 30 days' notice with no reasonable excuse for the delay, the supervisor can delay the taking of leave until 30 days after the date the employee provided notice. When the need for leave is not foreseeable and the employee cannot provide 30 days' notice of the need

IA415.2 POLICY

J. Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) is an additional entitlement separate from sick leave regulations. Employees qualify for an unpaid or paid absence under FMLA if they have been employed at least 12 months. Temporary employees on an appointment of one (1) year or less do not qualify for FMLA.

- (5) FMLA provides employees with an entitlement to a total of 12 work weeks (480 hours) of unpaid leave (Leave Without Pay (LWOP)) during any 12-month period for the following purposes:
- (i) The birth of a child or children and care of newborn(s);
 - (ii) The placement of a child with the employee for adoption or foster care;
 - (iii) The care of spouse, son, daughter or parent of the employee who has a serious health condition; or
 - (iv) A serious health condition of the employee that makes the employee unable to perform the essential function of his or her position.

A serious health condition includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy and childbirth. The term "serious health condition" is not intended to cover short-term conditions for which treatment and recovery are very brief. General family care purposes such as the common cold, the flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., are not serious health conditions unless complications arise.

- (6) To request FMLA leave, employees must:
- (i) Provide notice of his or her intent to take FMLA leave **not less than 30 days** before leave is to begin or, in emergencies, as soon as is practicable.
 - (ii) Complete Form OPM-71, Request for Leave or Approved Absence, and check the appropriate box under "Family and Medical Leave."
 - (iii) Provide signed medical documentation that states approximate date of birth or placement or a serious health problem, approximate date is to begin and date will end; appropriate medical facts regarding the serious health condition including a general statement about the duration of incapacitation or treatment required.

All Field Office requests in excess of **five (5) days (over 40 hours)** must be routed through the Area Office, and upon Area Office approval, forwarded to the Human Resources Office for routing to the State Conservationist for approval/disapproval. Area Office or State Office supervisors will forward their requests to the Human Resources Office for routing to the State Conservationist for approval/disapproval.

- (7) Under certain conditions, an employee may use up to 12 administrative workweeks (up to 480 hours) of FMLA Leave Without Pay (LWOP) intermittently. An employee may elect to substitute annual leave and/or sick leave for any Leave Without Pay (LWOP) under the FMLA.

for leave, the employee shall provide notice within a reasonable period of time appropriate to the circumstances involved. If necessary, notice may be given by an employee's personal representative.

- (7) Leave without pay (LWOP) during any part of the family and medical leave period may, at the option of the employee, be substituted with:
 - (i) Accrued or advanced annual leave.
 - (ii) Accrued or advanced sick leave, when the use of sick leave complies with established sick leave laws and regulations.
 - (iii) Leave made available through the Voluntary Leave Transfer Program.
 - (iv) Accumulated compensatory time or credit hours.
- (8) Supervisors cannot require employees to use accrued leave.
- (9) Employees may not retroactively substitute accumulated compensatory time or credit hours for unpaid leave during a period of FMLA leave.
- (10) After returning to work from family and medical leave, the employee shall be restored to either of the following:
 - (i) The same position held before the family and medical leave started.
 - (ii) An equivalent position, with equivalent benefits, pay status, and other terms and conditions of employment in the same commuting area.
- (11) Employees requesting use of family and medical leave shall:

Submit an OPM 71, for any leave used under this section in excess of three (3) consecutive workdays.
- (12) Timekeepers shall:
 - (i) Ensure Family and Medical Leave Act (FMLA) and the number of FMLA hours used during the current pay period is recorded in the Remarks section on the employee's Time and Attendance (T&A) Input Record.
 - (ii) Maintain an employee file containing all FMLA-related documents.
 - (iii) Notify the employee and supervisor when the 12-workweek limit is near.
- (13) Supervisors shall:
 - (i) Grant qualified employees their entitlement to family and medical leave.
 - (ii) Ensure receipt of medical certification or evidence of birth or placement.

K. Leave for Parental Purposes

- (1) There will be no specified time granted for absence for maternity reasons. The length of time will be determined by the employee, her supervisor, and her physician.
- (2) Use of leave for maternity reasons is as follows:
 - (i) Sick leave is appropriate for the period of incapacitation for delivery and recuperation. Periods of recuperation will vary based on the physical condition of the mother and the physician's instructions. Sick leave may also be used to provide care for the child consistent with the policy governing family friendly leave.
 - (ii) Annual leave is appropriate for the period of adjustment after delivery and recuperation. Annual leave may also be used to make arrangements for the care of the child.
 - (iii) Leave without pay (LWOP) may be substituted for sick or annual leave. The employee may use all or part of her available sick and/or annual leave. In addition, consistent with law and regulation, sick leave, annual leave, and leave without pay may be used in any combination during any pay period. LWOP may also be requested consistent with the Family and Medical Leave Act.
 - (iv) Advanced sick leave may 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.

- (3) An employee must request leave for maternity reasons in writing. Any use of leave in excess of three (3) workdays must be requested on an OPM 71. The request should include the type(s) of leave to be used, the dates of the requested timeframe, and the anticipated return-to-duty date.
- (4) The supervisor may 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.
- (5) 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.
- (6) A male employee, who has provided his supervisor with 30 days advanced notice (if circumstances permit), may be absent on part-time or full-time annual or sick leave (consistent with policy governing family friendly leave) or LWOP for a reasonable period of time for the purpose of assisting or caring for his minor children, or the mother of his newborn child while she is incapacitated for maternity reasons. LWOP may also be requested consistent with the Family and Medical Leave Act.
- (7) Supervisors should be cognizant of the needs of employees as they relate to leave for adoption, foster care, elder care, and childcare. Approval of annual leave, sick leave, or LWOP will normally be appropriate in these situations. (See also Sick Leave for Adoption, Sick Leave for Family Members, Family and Medical Leave Act, and Voluntary Leave Transfer Program.)

L. Leave Without Pay (LWOP)

- (1) LWOP is a temporary non-pay status and absence from duty granted to an employee upon request.
- (2) Authorizing LWOP is a matter of administrative discretion. An employee cannot demand that they be granted such leave as a matter of right except in cases of:
 - (i) Disabled veterans in need of medical treatment.
 - (ii) Members of the National Guard and reservists ordered to active duty for training activities when authorization of military leave is not appropriate.
 - (iii) Employees who suffered a job-connected injury (or disease) and are pursuing a compensation claim with the Department of Labor, Office of Workers' Compensation Program (OWCP).
 - (iv) Illness as defined in The Family and Medical Leave Act (with required medical documentation).
- (3) In most cases, LWOP is the result of a lack of sufficient annual or sick leave in the employee's accounts to cover all or a portion of the requested period of absence.
- (4) Each request for LWOP should be examined closely to ensure that the value to the Agency or the serious needs of the employee are sufficient to offset the costs and administrative inconveniences associated with retaining the employee in such status.
- (5) A basic axiom in the granting of LWOP requires that there be reasonable expectation that the employee will return at the expiration of the approved leave, with the exception of an employee applying for disability retirement or when an employee is seeking other Federal employment after relocating. In addition, at least one of the following benefits to the Agency should accrue:
 - (i) Increased job ability
 - (ii) Protection of an employee's health
 - (iii) Retention of a desirable employee
 - (iv) Furtherance of a program of interest to the Federal government.

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Subpart A – General

IA415.2 POLICY

L. Leave Without Pay (LWOP)

- (1) Authorizing LWOP is a matter of administrative discretion. An employee cannot demand that they be granted such leave as a matter of right except in cases of:
 - (i) Disabled veterans in need of medical treatment.
 - (ii) Members of the National Guard and reservists ordered to active duty for training activities when authorization of military leave is not appropriate.
 - (iii) Employees who suffered a job-connected injury (or disease) and are pursuing compensation claim with the Office of Worker's Compensation Program (OWCP).
 - (iv) Illness as defined in The Family and Medical Leave Act (with required medical documentation).
- (2) Each LWOP request should be examined closely to ensure that the value to the Agency or the serious needs of the employee is sufficient to offset the costs and administrative inconveniences associated with retaining the employee in such status.
- (3) The granting of LWOP requires that there be reasonable expectation that the employee will return at the expiration of the approved leave with the exception of an employee applying for disability retirement or when an employee is seeking other Federal employment after relocating.
- (4) An employee requesting LWOP will not be required to exhaust all annual leave before such leave may be granted. LWOP may be granted for periods of 1 year or less.
- (5) First-line supervisors (or delegated authority) may approve LWOP up to 40 hours (five (5) consecutive days) or cumulative in a leave year.
- (6) All Field Office requests in excess of 5 days (over 40 hours) must be routed through the Area Office, and upon Area Office approval, forwarded to the Human Resources Office for routing to the State Conservationist for approval/disapproval. Area Office or State Office supervisors will forward their requests to the Human Resources Office for routing to the State Conservationist for approval/disapproval.
- (7) The State Conservationist must approve LWOP in excess of 40 hours (more than five (5) consecutive days) and when the cumulative total is in excess of 40 hours.
- (8) Written authorization will be given for requests approved by the State Conservationist and will show the inclusive dates during which the leave may be taken.
- (9) Requests for LWOP must be in writing and are to be submitted not less than 30 days prior to requested leave. Attach Form OPM-71, Request for Leave or Approved Absence, to the written request.
- (10) **Supervisors:** When LWOP for 30 calendar days or more is approved, Form SF-52, Request for Personnel Action, must be sent to the Human Resources Office documenting the approval and for processing a personnel action.

IA415-A.12(1)

(360-GM, Amend. IA38, April 2008)

- (6) An employee requesting extended LWOP will not be required to exhaust all annual leave to their credit before such leave may be granted. LWOP may be granted for periods of one (1) year or less. Employees should be aware and consider impacts of extended LWOP (personal benefits, retirement, etc.)
- (7) LWOP is an approved leave status, such as sick or annual, and does not have a disciplinary connotation.
- (8) First line supervisors have the authority to approve LWOP. When LWOP for 30 calendar days or more is approved, an SF-52, Request for Personnel Action, must be sent to the servicing human resources office documenting the approval.
- (9) LWOP may be approved in the following instances:
 - (i) Maternity reasons.
 - (ii) Disabled veteran receiving medical treatment.
 - (iii) Members of the National Guard and reservists ordered to active duty training or law enforcement activities.
 - (iv) On-the-job injuries or work-connected disabilities.
 - (v) Pending approval of a disability retirement.
 - (vi) Relocation purposes of a career/career-conditional employee to prevent a break in service while seeking other Federal employment (not to exceed 90 days).
 - (vii) Extended illness or a serious medical condition of employee or family member, especially if invoked under The Family and Medical Leave Act.
 - (viii) Treatment under the Employee Assistance Program.
 - (ix) Death in the immediate family.
 - (x) Male employee assisting his wife while she is incapacitated for maternity reasons and/or for the purpose of assisting or caring for his minor children.
 - (xi) Education beneficial to the mission of the Agency subject to work requirements of the employer.
 - (xii) Participation in school activities, routine family medical appointments, and elderly relatives' health needs, up to 24 hours.
- (10) The following are examples of potentially improper approvals of LWOP requests:
 - (i) Vacations or to extend vacation periods not covered by annual leave.
 - (ii) Absence from duty in lieu of or in absence of accrued annual leave for non-emergency reasons.
 - (iii) Personal business reasons in lieu of or in absence of accrued annual leave.

M. Absence Without Leave (AWOL)

- (1) AWOL is a non-pay, non-duty status. Unlike LWOP, it is an UNAUTHORIZED absence.
- (2) AWOL should be charged when an employee is gone from the work site without being on approved leave. AWOL is not a disciplinary action but can form the basis for disciplinary action.
- (3) First-line supervisors have the authority to charge AWOL.
- (4) AWOL should be charged in the following situations:
 - (i) Employee on a sick leave restriction fails to bring in medical documentation to support his or her absence from the work site due to an illness or appointment.
 - (ii) Employee signs in or signs out at a different time that he or she actually arrived at or departed from work.
 - (iii) Employee fails to request leave in the appropriate manner.
 - (iv) Employee's leave request has been denied but he or she fails to report for work.
 - (v) Employee leaves work for a period of time on personal business without requesting leave.

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M. Absence Without Leave (AWOL)

- (1) First-line supervisors (or delegated authority) must notify the Assistant State Conservationist (FO) or State Administrative Officer prior to charging AWOL.

- (vi) Employee habitually reports for work after the start of core time (after being counseled), even if the employee has annual leave available.

N. Excused Absence

- (1) Excused absence, sometimes referred to as administrative leave, is an absence from duty, administratively authorized, without loss of pay and without charge to leave.
- (2) Granting excused absences should be authorized in limited circumstances for the benefit of the Agency's mission or a government-wide or Agency-recognized and sanctioned purpose. Some types of excused absences may include, but are not limited to:
 - (i) Time off for voting: In locations where the polls are not open at least three (3) hours before or after an employee's regular work hours, a limited amount of excused absence may be granted to permit the employee to report to work up to three (3) hours after the polls open or leave work up to three (3) hours before the polls close, whichever requires the lesser amount of time off. In addition, if an employee's voting location is beyond normal commuting distance from his/her duty station and absentee ballot voting is not permitted, the employee may be granted sufficient time off (not to exceed one (1) day) in order to make the trip to the voting location to cast a ballot. If more than one (1) day is needed, the employee may request annual leave or leave without pay for the additional period of absence. An employee's "regular work hours" are to be determined by reference to the time of day the employee normally arrives at and departs from work.
 - (ii) Military funerals: Employees who are veterans may be excused for as much as four (4) hours in a day to participate as pallbearers, members of firing squads, or honor guards in funeral ceremonies for members of the Armed Forces whose remains are returned from abroad for final interment in the United States. An employee is considered a veteran for receipt of an excused absence if he or she:
 - Is a veteran of any war
 - Participated in a campaign or expedition for which a campaign badge has been authorized
 - Is a member of an honor guard or ceremonial group of a veteran's organization.
 - (iii) Funeral leave (Relative Killed in the Line of Duty): Employees may be excused for as much as three (3) workdays to make arrangements or to attend the funeral or memorial service for an immediate relative who dies as a result of wounds, disease, or injury incurred while serving in a combat zone as a member of the Armed Forces. The 3 days need not be consecutive and may include travel time.
 - (iv) Blood donation: An employee making a donation of blood, for which there will not be compensation, may be excused from work without charge to annual or sick leave for a period not to exceed four (4) hours (not including the time needed for the donation) for the purpose of subsequent rest and recuperation. Supervisors may require medical evidence of blood donation as deemed necessary. Employees who receive compensation for blood donation during duty hours are required to take leave for the period of absence.
 - (v) Bone-Marrow and organ donation: Employees may be granted up to seven (7) workdays in a calendar year to serve as bone-marrow donor. An employee also may use up to thirty (30) workdays in a calendar year to serve as an organ donor. Annual and sick leave may be granted in conjunction with the excused absence. Employees must notify their immediate supervisor, as soon as possible, after the donor procedure has been scheduled. Employees must provide medical

- documentation that is certified by an attending physician, donor hospital, or medical center and includes:
- Date of scheduled donor procedure
 - Period required for post-operative recuperation
 - Post-operative certification that the procedure has been performed.
- (vi) Qualification examinations: Employees shall be given official leave to take job qualification examinations or to obtain professional licenses if the examination:
- Is required for the position the employee currently occupies
 - Is for a position to which the Agency or Department has recommended the employee be transferred, promoted, or reassigned
 - Is required for a professional license or certification (CPA certification, engineer's license, etc.), which is considered advantageous to the Agency.
- (vii) Preventative Health Services: Employees with less than 80 hours of accrued sick leave may and should be granted up to 4 hours of excused absence each year to take advantage of screening and prevention programs for themselves. The 4 hours of excused absence may be used a portion at a time over more than 1 day during a leave year. The days on which excused absence is used do not have to be consecutive. Employees must still receive supervisory approval.
- (viii) Before/After official travel: An employee may be excused up to two (2) hours without charge to leave before or after travel status if the time of departure from or arrival at the employee's assigned duty station makes reporting to the office impractical. This excused absence may be used in conjunction with (2) hours of leave.
- (ix) Volunteer activities: An employee may be granted excused absences for short periods of time to participate in volunteer activities that are:
- Directly related to the Agency's mission
 - Officially sponsored or sanctioned by the Agency, e.g., Toys for Tots, Gifts for Senior Citizens, Partnership in Education (Federal) Executive Board projects
 - Enhancing to the professional development and/or skills of the employee in his or her current position.
- (x) Hazardous weather conditions: Criteria for granting administrative dismissals because of hazardous weather varies for different parts of the country depending on local conditions during times of hazardous weather. Hazardous weather conditions and emergencies which disrupt travel are conditions which are unusually severe and disruptive to normal travel or transportation of employees between their homes and their duty stations (hurricanes, cyclones, floods, blizzards, severe snow or icing on roads).
- (3) Office closure decisions will be administered by joint decision of the local Food and Agriculture Council (FAC). Office closure decisions at other offices will be made by the heads of the office. Where more than one office-type is located in the same area, the heads of the office will make a joint decision. Office closures for the Washington, D.C. metropolitan area will be administered in accordance with the Office of Personnel Management's (OPM's) direction.
- (4) Office closure – If hazardous conditions exist before regular working hours and it has been decided that the office is closed, employees should be notified as soon as possible. When an office is declared closed before regular opening hours of work, employees cannot be charged annual leave for any part of the day, even if conditions improve. This applies to employees already on scheduled leave.

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- (5) Early dismissal – When an early dismissal decision is made, employees may be approved leave, as requested, between the notice of dismissal and the actual dismissal. They are not to be charged leave from the time of actual dismissal to the end of the workday.
- (6) Employees on leave who are not scheduled to return to work that day shall be charged leave to the end of the workday.
- (7) If an employee's area of residence is affected, the employee may be excused without charge to leave, with approval from a designated official, if all of the following apply:
 - (i) Weather conditions in the area of an employee's residence are publicly declared extremely hazardous by an appropriate State or local authority and driving has been limited
 - (ii) The employee is unable to report to duty and was not on scheduled leave.

Note: The above applies only to employees headquartered outside the Washington, D.C. metropolitan area.

- (8) Under unusually severe weather conditions, where it is considered reasonably unavoidable, tardiness not in excess of two (2) hours may be charged to excused absence, with approval from a designated official. If an employee does not report for duty during hazardous weather, annual leave is to be charged unless the employee's supervisor or head of the office concerned, determines after personal review of the situation, that the employee made every reasonable effort to get to work but was unable to do so because of weather conditions. In such cases, excused absence may be approved up to one (1) day.
- (9) Employees are considered on active duty when excused from duty because of emergency conditions such as floods, storms, or other natural disasters, plant shutdowns, strikes, or disorders of such magnitude that life or property is threatened.
- (10) Employees must make themselves available to return to work when ordered after the emergency. Employees who are not available to return to duty, shall be charged appropriate leave.
- (11) Voluntary emergency services: Time off without loss of pay or charge to other leave may be given to employees who serve as volunteer firemen or perform other rescue or protective work during emergency situations. Conditions for granting leave for these emergencies are:
 - (i) Must be directly related to the Agency's mission,
 - (ii) Employee must be a member of a voluntary rescue or protection organization, or be officially requested to participate in an emergency situation,
 - (iii) Employee must actually participate in an emergency situation,
 - (iv) Work in the office must not be adversely impacted on a regular basis.
- (12) The amount of leave granted shall not exceed the duration of the emergency.
- (13) The employee must provide the supervisor documentation reflecting his or her membership on any voluntary rescue or protective organization, prior to being allowed to use this leave.
- (14) The first-line supervisor has the authority to limit or prohibit the use of leave if the employee's absence is adversely impacting the operation of the office. The supervisor should carefully review and approve or disapprove each request.
- (15) An employee must request excused absences in advance and in writing, when possible.
- (16) Participation in non-Federal organizations: An employee may be excused from work to participate in non-Federal organizations in cases when the employee's leadership role in an organization reflects well on the Department as a resource of

professional expertise and talent. Administrative leave in excess of one (1) hour must be approved by the Deputy Chief for Management or the employee's Regional Conservationist. The Regional Conservationist may not re-delegate this authority. The Regional Conservationist should consult with the Deputy Chief for Management prior to approving more than 24 hours of administrative leave per leave year for any employee except in instances in which the employee is in a scientific discipline for which a leadership role in such professional organizations is a prerequisite to one's professional advancement.

- (17) Change of Official Duty Station: A non-temporary employee who is making a change of official duty station in the interest of the Federal Government which involves relocation of the family residence may be granted up to 80 hours of excused absence for pre-moving and post-moving arrangements, such as stopping and starting utility services, transferring schools for children, locating living quarters at the new duty location including travel time covered in GSA Federal Travel Regulations. The on-the-road travel time involved in the final one-way move is not chargeable against the 80 hours limitation nor is time for packing since packing is covered in the commuted rate allowance.

O. Court Leave/Witness Service

- (1) Court leave: The authorized absence of an employee from work, without charge to leave or loss of pay, for jury duty or for attending judicial proceedings in a nonofficial capacity as a witness on behalf of either party, as long as one of the parties is a Federal, State, or local government.
- (2) Judicial proceeding: Any action, suit, or other proceeding of a judicial nature, not including administrative proceedings, i.e., EEOC, MSPB, or arbitration hearings.
- (3) All full-time and part-time, leave-earning employees are eligible if their services are required during their regularly scheduled tours of duty. For example, if a part-time employee is not scheduled to work on Mondays and he or she is summoned for jury duty that day, the employee is not entitled to court leave for that day.
- (4) An employee may be granted court leave from the report date stated in the summons, through the date discharged from the court.
- (5) An employee is expected to report for duty when he or she is excused from jury duty for a day or substantial portion of a day.
- (6) If an employee is on annual leave when called for jury service, court leave should be substituted.
- (7) An employee on leave without pay, although otherwise eligible, may not be granted court leave when called to jury duty.
- (8) Witness service:
 - (i) Official capacity: An employee called as a court witness to testify in an official capacity, no matter on whose behalf, is in an official duty status rather than on court leave. The employee must be paid government travel expenses as appropriate.
 - (ii) Nonofficial capacity: An employee summoned as a witness to testify in a nonofficial capacity on behalf of either party, as long as one of the parties is Federal, State, or local government, is entitled to court leave during the time absent as a witness.
 - (iii) If the witness service is on a nonofficial capacity on behalf of a private party and the government is not one of the parties, the employee's absence must be charged to annual leave.

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- (iv) When court leave is granted, employees are allowed to keep fees paid for reimbursement of expenses but are not allowed to keep fees paid for jury/witness services.
- (v) As a U.S. citizen, it is an employee's responsibility to serve on jury duty when requested. Court leave should be requested in advance on an OPM 71, Request for Leave or Approved Absence. A copy of the notice of jury duty or court summons must be submitted with the leave request, or as soon as possible upon return to duty. The supervisor must ensure that the documentation is adequate to support the use of court leave.

P. Credit Hours

- (1) Credit hours are those hours worked in excess of the basic work requirement, at an eligible employee's election, without needing supervisory approval or notification, to complete pending workload items.
- (2) Employees may only earn up to a maximum of 2 credit hours in a workday. Members of the Senior Executive Service may not accumulate credit hours
- (3) Full-time employees may not carry more than 24 credit hours from one pay period to another. Credit hours in excess of 24 hours at the end of a pay period are lost.
- (4) Part-time employees may accumulate credit hours on a pro rata basis upon completion of their regularly scheduled hours of duty for the day. Employees may not carry more than $\frac{1}{4}$ of the hours equal to his or her biweekly work requirement from one pay period to another. For example, a part-time employee scheduled to work 64 hours per pay period could carry a maximum of 16 hours ($\frac{1}{4} \times 64 = 16$).
- (5) Credit hours may be earned (including at a temporary duty station):
 - (i) In increments of 15 minutes.
 - (ii) On scheduled workdays between the hours of 6:00 am to 6:00 pm.
 - (iii) Before 6:00 am and after 6:00 pm to voluntarily attend night meetings, work on projects, etc., with supervisory approval.
- (6) The first-line supervisor has the authority to approve or deny an employee's request to take credit hours based on the same criteria as annual leave, i.e., workload and work requirements. Approval or denial of leave (and the basis if denied) must be communicated to the employee in a timely manner. An employee requesting to use credit hours in excess of three (3) consecutive workdays must obtain advanced authorization on an OPM 71, Request for Leave or Approved Absence.

Q. Compensatory Time Off

- (1) Must be used before employee may be granted annual leave provided it will not result in the employee forfeiting accrued annual leave.
- (2) Once an employee has taken compensatory time, he or she may not request overtime pay for the work.
- (3) Compensatory time off must be used by the end of the leave year following the leave year in which it was earned.

R. Military Leave

- (1) Military leave is absence with full pay for certain types of active duty, active duty training, and inactive duty training.
- (2) 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.

- (3) Full-time career employees, part-time career employees who work at least 16 hours but no more than 32 hours per week, temporary indefinite, Temporary Appointment Pending Establishment of Register (TAPER), and employees who have unlimited excepted appointments under Schedule A or C authority, are eligible for military leave with pay.
- (4) An employee receives 120 hours (15 calendar days) of military leave during each fiscal year and may carry over a maximum of 120 hours (15 calendar days) of military leave from prior years. The full 120 hours is credited to the employee the 1st pay period of each fiscal year. The minimum charge to military leave is 1 hour.
- (5) 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.
 - (i) Military leave may be used during one (1) or more periods of military duty during the fiscal year. The employee may also take the full 120 hours (15 days) of military leave immediately at the beginning of a fiscal year, even if up to a maximum of 240 hours (30 days) had been taken during the prior year and even if the military duty is continuous. An employee does not need to return from military duty to a civilian position before additional military leave, earned during a new fiscal year, may be used.
 - (ii) Military leave should be credited to a full-time employee on the basis on an eight (8)-hour workday. The minimum charge to leave is one (1) hour. An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay.
 - (iii) Employees who request military leave for inactive duty training (which generally is two (2), four (4), or six (6) hours in length) will now be charged only the amount of military leave necessary to cover the period of training and necessary travel. Members of the Reserves and/or National Guard will no longer be charged military leave for weekends and holidays that occur within the period of military service.
 - (iv) Military leave must be supported by a copy of the employee's military orders directing him or her to report for active duty or training.
 - (v) Reservists are entitled to up to an additional 176 hours (22 workdays) of leave each calendar year to assist civil authorities in emergencies. The Reservist must be activated by order of the President or State Governor to provide military aid to enforce the law, or in the protection or saving of life and property, or the prevention of injury. The provision is intended for military Reservists who are called to active duty to assist law enforcement officials with riots or other forms of interference with State and Federal law, and to help when natural disasters occur such as floods, tornadoes, etc.
 - (vi) Federal employees using emergency military leave must refund, through their servicing human resources office, any monies received for emergency military leave, with the exception of monies paid for travel, transportation, and per diem allowances. No refund is necessary if the employee uses annual leave.
 - (vii) If the employee does not have sufficient military leave to cover the absence, the employee may use other leave, as appropriate. First-line supervisors may approve military or other leave upon an employee's submission of proper documentation.
 - (viii) Unlimited military leave may 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.

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- (ix) Only Reserve and National Guard Technicians are entitled to 44 workdays of military leave for duties overseas under certain conditions.

S. Home Leave

- (1) Employees who are recruited from the United States (U.S.), or its territories or possessions for assignments to duty locations outside of the U. S. and to an area outside the area of recruitment, are eligible to earn home leave. Employees recruited for assignments to the Caribbean and Pacific Basin Areas are entitled to earn home leave. Earning rates vary based on location. Travel expenses may be paid to an employee using home leave in conjunction with the renewal of a travel agreement. However, if a renewal agreement is not signed, an employee may use home leave and pay his or her own travel expenses.
- (2) For each 12 months of service abroad, an employee earns home leave as follows:
 - (i) Fifteen (15) days of home leave is earned by:
 - 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.
 - An employee who is serving with a U.S. mission to a public international organization.
 - 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.
 - (ii) Ten (10) days of home leave is earned by:
 - An employee (not included in the above descriptions) who is serving at a post for which payment of a foreign or territorial (but not tropical) differential of at least 10 percent but less than 20 percent.
 - (iii) Five (5) days of home leave is earned by:
 - An employee not included in the above descriptions.
- (3) An employee whose civilian service abroad is interrupted by a tour of duty in the Armed Forces of the United States, for the duration of the tour, is entitled to earn zero (0) days of home leave.
- (4) Home leave shall be credited to an employee's leave account, as earned, in multiples of one (1) day.
- (5) For each month of service abroad, an employee earns home leave as computed in the following:

| Months of service abroad | Earning rate (days for each 12 months) | | |
|--------------------------|--|---|---|
| 1 | 1 | 0 | 0 |
| 2 | 2 | 1 | 0 |
| 3 | 3 | 2 | 1 |
| 4 | 5 | 3 | 1 |
| 5 | 6 | 4 | 2 |
| 6 | 7 | 5 | 2 |
| 7 | 8 | 5 | 2 |

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| | | | |
|----|----|----|---|
| 8 | 10 | 6 | 3 |
| 9 | 11 | 7 | 3 |
| 10 | 12 | 8 | 4 |
| 11 | 13 | 9 | 4 |
| 12 | 15 | 10 | 5 |

- (6) When an employee moves between different home leave-earning rates during a month of service abroad, or when a change in the differential during a month of service abroad results in a different home leave-earning rate, the Agency shall credit the employee with the amount of home leave for the month at the rate to which he was entitled before the change in his home leave-earning rate.
- (7) An employee is eligible for home leave only when there is a written agreement to serve on a two (2)-year rotational assignment. If at the end of the 2-year assignment, with supervisory approval, the employee agrees in writing to serve another 2-year assignment, home leave shall be granted within the limitation of available funds. The basic service period is terminated by a break in service of one (1) or more workdays, or an assignment (other than a detail) to a position in which an employee no longer meets the necessary criteria.
- (8) Home leave may be granted in combination with other types of leaves of absence. Home leave will be granted only:
 - (i) For use in the United States, the Commonwealth of Puerto Rico, or a territory or possession of the United States, and
 - (ii) During an employee's period of service abroad, or within six (6) months after return from service abroad when it is contemplated that he will return to service abroad immediately or on completion of an assignment in the United States.
- (9) Home leave not granted as described above may be granted only when the employee has completed another 2-year rotational assignment where the Agency determines, for justifiable reasons recorded in writing, that an earlier grant is warranted in an individual case.
- (10) In order to ensure the fullest utilization of funds, home leave will be combined with transfer orders whenever possible. When the transfer is ordered of an employee who has completed the basic service period, he or she shall normally be ordered to proceed to the new post of assignment with home leave enroute.
- (11) The minimum charge for home leave is one (1) day and additional charges are in multiples thereof. Advance of home leave is not permitted.
- (12) An employee is indebted for home leave used when he or she fails to return to service abroad after the period of home leave, or after the completion of an assignment in the United States. A refund for this indebtedness is not required when:
 - (i) The employee has completed not less than six (6) months' service in an assignment in the United States following the period of home leave.
 - (ii) The employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health or circumstances over which the employee has no control.
 - (iii) It is in the public interest not to return the employee to the overseas assignment.

- (13) An employee is entitled to have his home leave account transferred or re-credited to his account when he moves between agencies or is re-employed without a break in service of more than 90 days.

T. Adjustment of Work Schedules for Religious Observances

- (1) Employees may work compensatory overtime for the purpose of taking time off without charge to leave when personal religious beliefs require that they abstain from work during certain periods of the workday or workweek. There are no restrictions on the “kind” of religious holiday or observance that an employee may observe.
- (2) There is no relationship between overtime worked for this purpose and regular overtime worked under Code of Federal Regulations, Title 5 and the Fair Labor Standards Act.
- (3) Full-time and part-time employees are eligible to elect to work compensatory overtime or to take compensatory time off to meet their religious obligations.
- (4) Compensatory overtime for this purpose may be earned the pay period before the employee expects to take off, or if the compensatory time is advanced, it should be repaid within the next two (2) pay periods after its use, or no later than the end of the leave year.
- (5) An employee must state, in writing, the date and time being requested to take off for religious observance, along with a proposal on when compensatory time will be earned.
- (6) First-line supervisors may approve employee requests to work or take compensatory time off for religious observances. Supervisors are encouraged to accommodate such requests.

U. Voluntary Leave Transfer Program

- (1) The Voluntary Leave Transfer Program (VLTP) allows Federal employees to voluntarily donate earned annual leave to another Federal employee with a medical emergency, who has exhausted his or her own leave. All individuals involved in the VLTP are responsible for protecting the confidentiality/privacy of the participants of the program. Employees are eligible to participate in the VLTP on a full-time basis as well as while working part of the time.
- (2) A medical emergency is a medical condition:
 - (i) Of an employee or an employee’s family member
 - (ii) That is likely to require the employee’s absence from duty for a prolonged period of time and result in a substantial loss of income to the employee because of the lack of paid leave.
- (3) Family members include:
 - (i) Employee’s spouse and spouse’s parents
 - (ii) Employee’s children, including adopted children, and the children’s spouses
 - (iii) Employee’s parents
 - (iv) Employee’s brothers and sisters, and their spouses
 - (v) Any individual related by blood or affinity whose close association with the employee is equivalent to a family member.
- (4) To be eligible as a recipient in the VLTP, it must be determined that the:
 - (i) Employee is in a leave-earning category.
 - (ii) Medical emergency is of a personal nature or that of a family member.
 - (iii) Absence would result in unpaid leave (or expected unpaid leave) as follows:
 - 24 hours for a full-time employee

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U. Voluntary Leave Transfer Program

- (1) The Voluntary Leave Transfer Program (VLTP) allows Federal employees to voluntarily donate earned annual leave to another Federal employee with a medical emergency who has exhausted all their earned annual and sick leave. Employees are eligible to participate in the VLTP on a full-time basis as well as while working part-time.
- (2) *Medical Condition* - is a medical condition of an employee or a family member that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave. Such absence can be consecutive or intermittent hours during the leave year. Absence from duty because of pregnancy and/or child birth is an example of an acceptable reason for use of VLTP. Qualifying Medical Conditions do not necessarily constitute a Medical Emergency.
- (3) *Family member* - includes the following relatives of employees:
 - (i) Parents
 - (ii) Spouse and his/her parents
 - (iii) Children (including adopted children) and their spouses
 - (iv) Brothers and sisters and their spouses
 - (v) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship
- (4) A full-time employee can apply for VLTP when it's apparent that he/she will be absent from duty without paid leave for at least 24 hours. A part-time employee must face Leave-Without-Pay (LWOP) in an amount that is 30 percent of the average number of hours in the employee's biweekly scheduled tour of duty. Employee must exhaust all earned annual and sick leave.
- (5) Medical Condition Documentation must:
 - (i) Be on a doctor's, hospital's or clinic's letterhead.
 - (ii) Be signed and dated by a practicing physician, psychiatrist, psychologist, physician's assist or practitioner.
 - (iii) Include the beginning date of the medical emergency and the approximate date the emergency should end.
 - (iv) Include a diagnosis or prognosis of the employee's or family member's condition.
- (6) Employees, or their designee, should submit a completed Form AD-1046, Leave Transfer Program–Recipient Application, along with medical documentation and the number of hours requested, to the employee's immediate supervisor for concurrence. The Form AD-1046 is available on the Iowa NRCS Employee's intranet website under Human Resources, Leave, Leave Transfer Program.
- (7) The supervisor must provide a written statement that other leave options, specifically, the Family and Medical Leave Act (FMLA) and Family Friendly Leave (Sick Leave), advanced annual or advanced sick leave, LWOP, have been discussed with the employee.

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PART 415 – LEAVE

Subpart A – General

IA415.2 POLICY

- (8) Requests should be forwarded to the immediate supervisor at least four (4) weeks, if possible, before the medical condition begins or due date of child. The supervisor should verify, review, sign and send the AD-1046, medical documentation and supervisor's statement regarding discussion of other leave options.
- (9) All Field Office requests must be routed through the Area Office, and upon Area Office approval, forwarded to the Human Resources Office for routing to the State Conservationist for approval/disapproval. Area Office or State Office supervisors will forward their requests to the Human Resources Office for routing to the State Conservation for approval/disapproval.
- (10) Employees must notify their supervisor and Human Resources Office when they will be returning to work so they can be taken off the VLTP.

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- 30 percent of the scheduled biweekly work hours of a part-time employee. For part-time employees, work hours or workdays do not have to be consecutive to qualify.
- Employee has exhausted all earned annual and sick.

Note: Earned leave does not include advanced leave.

- (5) Documentation justifying the medical emergency must:
 - (i) Be on a doctor's, hospital's, or clinic's letterhead.
 - (ii) Be signed and dated by a practicing physician, psychiatrist, psychologist, physician's assistant, or practitioner.
 - (iii) Include the beginning date of the medical emergency and the approximate date the emergency should end.
 - (iv) Include a diagnosis or prognosis of the employee's or family member's condition.
- (6) Federal employees seeking to become a leave recipient, or the applicant's designee, should contact the leave transfer coordinator in their servicing human resources office to apply.
- (7) Employees, or their designees, should submit a completed AD-1046, Leave Transfer Program – Recipient Application, along with medical documentation, to the employee's immediate supervisor for concurrence. Approved leave recipients shall:
 - (i) Use donated leave for those leave hours specifically related to the current, approved medical emergency.
 - (ii) Advise timekeeper on how leave hours not covered by leave donations such as advanced annual leave, advanced sick leave, and leave without pay are to be recorded.
 - (iii) Provide a second medical opinion, if requested by the Agency. (The Agency shall reimburse the recipient, or pay the practitioner directly, if a second medical opinion is requested to obtain additional documentation.)
 - (iv) Comply with the regulations and policy of the VLTP. (Failure to comply may result in termination of program eligibility.)
 - (v) Contact their leave transfer coordinator upon returning to work or termination of the medical emergency.
 - (vi) Advise their leave transfer coordinator if they are approved for Department of Labor, Office of Workers' Compensation Program (OWCP) or disability retirement during a period covered by the leave transfer program.
 - (vii) Provide follow-up medical documentation as requested.
- (8) Employees who complete Item 18 of AD-1046, Leave Transfer Program – Recipient Application, will be assisted by the leave transfer coordinator in finding leave donors.
- (9) Recipients will continue to accrue up to a maximum of 40 hours each of sick and annual leave while receiving and using donated or paid leave. These hours will be placed in a separate account and can not be used until the medical emergency terminates or the employee has exhausted all donated leave. When an employee uses leave from this separate account, they can not accrue leave to replace the leave they used.
 - (i) Example: An employee has 30 hours of sick leave in their separate account and they use 5 hours which leaves a balance of 25 hours. They are only eligible to accrue 10 more hours of leave, not 15 hours because they had already earned 30 hours.
 - (ii) Part-time employees hours are pro-rated based on the weekly scheduled tour of duty.

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- (iii) Recipients, whose medical emergency only required intermittent use of donated leave, shall have their donated leave tracked separately from their regular earned leave.
- (10) The applicant's immediate supervisor shall:
- (i) Verify, review, sign, and fax or send the AD-1046, Leave Transfer Program Recipient Application, and the associated medical documents, to the leave transfer coordinator in the employee's servicing human resources office for approval within five (5) working days of receipt.
 - (ii) Monitor the use of donated leave by an approved leave recipient.
 - (iii) Forward questionable employee requests to the leave transfer coordinator with an explanation of the concerns.
- (11) The applicant's immediate supervisor may:
- (i) Verify the employee's medical emergency, write a brief statement of condition, and complete and sign an AD-1046, Leave Transfer Program – Recipient Application, in a case where the employee qualifies as a leave recipient but is unable to apply.
 - (ii) Request a second medical opinion, or require medical certification more frequently than described in Recipient's Responsibilities, in conjunction with the leave transfer coordinator, if the validity of the medical emergency is in question.
- (12) The recipient's timekeeper shall:
- (i) Code all donated leave into the recipient's account as "annual" leave.
 - (ii) Exhaust the recipient's accrued leave before using donated leave when the medical emergency causes the recipient to be continuously absent from work.
 - (iii) Track a recipient's regular leave separately from donated leave when the medical emergency requires only intermittent use of donated leave.
 - (iv) Note: Tracking of the donated leave may be done on the Time and Attendance (T&A) Input Records, in the Remarks section.
 - (v) Attach all leave transfer documents to the employee's T&A for the pay period.
 - (vi) Make appropriate leave adjustments to the recipient's automated T&A records.
 - (vii) Enter either of the following on the T&A in the Remarks section:
 - The number of leave hours donated by the leave donor
 - The number of leave hours received by the leave recipient.
 - (viii) Contact the recipient's leave transfer coordinator for instructions regarding accrual limitations if the recipient remains absent from work continuously for more than 10 pay periods for leave category 4 employees; 7 pay periods for leave category 6 employees; and 5 pay periods for leave category 8 employees.
- (13) Donor's timekeeper shall:
- Make appropriate leave adjustments to the donor's automated Time and Attendance (T&A) Input Records.
- (14) Employees wanting to donate annual leave to an employee within the Agency shall:
- (i) Obtain and complete AD-1043, Leave Transfer Program – Donor Application, specifying the number of accrued annual leave hours to be transferred to the recipient.
 - (ii) Donate annual leave in increments of one hour.
 - (iii) Sign and date AD-1043.
 - (iv) Fax, mail, or deliver AD-1043 to the leave transfer coordinator in the donor's servicing human resources office.
- (15) Employees wanting to donate to a Federal recipient outside of their Agency who is a family member shall:
- (i) Follow the procedures for donating leave.

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- (ii) Provide the name and telephone number of the outside recipient's leave transfer coordinator on the AD-1043, Leave Transfer Program – Donor Application, items 17 and 18.
 - (iii) Forward the AD-1043 to the leave transfer coordinator in the donor's human resources office for approval and processing. Do not send AD-1043 to the recipient's human resources office.
- (16) A donor may donate earned annual leave, but is limited to:
- (i) One-half of the annual leave that will be earned in the donation leave year.
Example: A leave category 8 employee will earn 208 hours during a leave year and may donate up to 104 of those earned hours.
 - (ii) The number of work hours remaining in the leave year.
 - (iii) Example: At the end of the leave year with one (1) pay period remaining to be worked, a full-time employee may donate a maximum of 80 hours.
 - (iv) Exception: A donor may submit a written request to his or her leave transfer coordinator to waive these limitations, if the intended recipient is still in need of leave for the medical emergency.
 - (v) Donors may not donate leave to their immediate supervisor.
- (17) Leave transfer coordinator shall process AD-1046, Leave Transfer Program – Recipient Application, as follows:
- (i) Date stamp AD-1046 upon receipt.
 - (ii) Verify that each AD-1046 has been completed properly and was signed and dated by the applicant or applicant's designee and applicant's supervisor.
 - (iii) Ensure medical documentation is attached to the AD-1046 or that the applicant's immediate supervisor has provided appropriate verification of the medical emergency.
 - (iv) Ensure dates on the medical documentation correspond with the dates of employee's absence or expected absence.
 - (v) Verify employee's eligibility.
 - (vi) Approve/Deny AD-1046 within 10 working days of receipt.
 - (vii) Ensure the National Finance Center (NFC) database is updated for recipient status by facsimile, e-mail, or mail, and notify applicant or applicant's designee and applicant's supervisor of approval into the Voluntary Leave Transfer Program.
 - (viii) Distribute notice soliciting leave donations, if requested.
 - (ix) Accept a reasonable amount of donated leave over the hours requested or needed by the recipient, based on the amount of leave requested on AD-1046, item 16.
At this point, donations to the recipient may be temporarily closed.
- (18) Leave transfer coordinator shall process AD-1043, Leave Transfer Program – Donor Application, as follows:
- (i) Ensure AD-1043 was signed and dated by the leave donor.
 - (ii) Verify current annual leave balances in the National Finance Center (NFC) database.
 - (iii) Complete AD-1043, Part II.
 - (iv) Approve/Deny AD-1043 within 10 working days of receipt.
 - (v) Ensure the NFC database is updated for donor and recipient leave adjustments.
 - (vi) Ensure donor's timekeeper is advised of the amount donated.
 - (vii) Ensure recipient's timekeeper is advised of total hours received each pay period.
 - (viii) Return excess donated leave to donors on a pro-rated basis. Excess donated leave may not be redistributed to other recipients.

- (19) When the AD-1046, Leave Transfer Program – Recipient Application, or AD-1043, Leave Transfer Program – Donor Application, is disapproved, the leave transfer coordinator shall:
- (i) Check “No” in Part II.
 - (ii) State the reason for disapproving.
 - (iii) Return the application to the donor or recipient.
- (20) Leave transfer coordinators shall:
- (i) Periodically review recipient cases to ensure continued eligibility.
 - (ii) Ensure that recipients seeking disability retirement are counseled on the impact of remaining in the Voluntary Leave Transfer Program.
 - (iii) Ensure that recipients, who have been in the Voluntary Leave Transfer Program for more than 12 months, are counseled about their leave and retirement choices.
- (21) When leave recipients return to work, they must contact and advise their leave transfer coordinator of:
- (i) Their desire to terminate their participation in the Voluntary Leave Transfer Program.
 - (ii) The status of their medical emergency.
- (22) Recipients who return to work, but have not received enough donated leave to cover the leave hours used for their medical emergency, may request and shall be granted up to 90 calendar days to solicit and receive additional donated leave hours. A recipient may remain in the Voluntary Leave Transfer Program until all aspects of the medical emergency, such as therapy and doctor visits, have been completed.
- (23) A recipient’s leave transfer eligibility terminates and no further leave donations may be accepted when one of the following occurs:
- (i) End of the pay period in which the leave transfer coordinator received written notice or determines that the recipient is no longer impacted by the emergency.
 - (ii) 90 calendar days from the date the leave transfer coordinator grants an eligibility extension to the recipient to solicit and receive additional donated leave hours.
 - (iii) Employee resigns, retires, or is separated from the Federal service.
 - (iv) Recipient’s application for disability retirement is approved.
 - (v) Recipient begins to receive unemployment benefits or Department of Labor, Office of Workers’ Compensation Program (OWCP) benefits for the medical emergency.
 - (vi) Death of the recipient.
 - (vii) Death of the family member with the medical emergency.

Note: The leave transfer coordinator will ensure that the National Finance Center (NFC) database is updated for recipient status.

- (24) When a leave recipient is no longer eligible for the Voluntary Leave Transfer Program and has excess (unused) donated leave hours, the leave transfer coordinator shall:
- (i) Request a leave audit from the recipient’s timekeeper.
 - (ii) Ensure that all leave hours, such as advanced annual leave, advanced sick leave, or leave without pay (LWOP) used in conjunction with the recipient’s current medical emergency, have been covered with donated leave.
 - (iii) Prorate and restore to leave donors any unused donated leave, except when the number of eligible donors exceeds the number of restorable hours.
 - (iv) Take the following steps to restore unused leave:
 - Prepare a leave restoration list
 - Update the National Finance Center (NFC) database for restored annual leave

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- Advise the donor and the donor’s timekeeper of restored annual leave. The timekeeper will update the donor’s automated Time and Attendance (T&A) Input Record.

(25) Restorations shall be made in the current leave year, except when the restoration will place the employee in a use or lose annual leave situation at the end of the leave year. In this case, annual leave shall be restored in Pay Period 2 of the following leave year.

Note: Donated leave should not be restored to an employee who has separated from Federal service. There is no entitlement to restored leave after the donor’s death or separation.

(i) The following is an example of a leave restoration calculation.

| Donor’s Name | Social Security NO. | Location of Donor | Hours Donated | Percent of Total | Hours to Restore |
|--------------|---------------------|-------------------|---------------|------------------|------------------|
| Jones | 222-22-2222 | State OR | 8 | 13.3 | 4 |
| Smith | 333-33-3333 | DC, FMD | 9 | 15.0 | 5 |
| Williams | 444-44-4444 | State OK | 16 | 26.7 | 8 |
| Garcia | 555-55-5555 | Caribbean | 18 | 30.0 | 9 |
| Morgan | 666-66-6666 | State CA | 5 | 8.3 | 2 |
| Reed | 777-77-7777 | DC, HRD | 4 | 6.7 | 2 |
| Totals | | | 60 | 100.0% | 30 |

(ii) The leave transfer coordinator shall use the following steps to calculate restored annual leave.

| Step | Action |
|------|--|
| 1 | Obtain the recipient’s leave transfer folder. |
| 2 | List all donor’s names, SSN’s and hours donated. |
| 3 | Total the “Hours Donated” column. |
| 4 | For each donor: - divide the number of hours donated by the “Total Hours Donated” - enter the answer in the “Percent of Total” column. |

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| | |
|---|---|
| 5 | In the total line of the “Hours to Restore” column, enter the total of unused donated hours. |
| 6 | Multiply the total of unused donated hours in step 5, times the donor’s prorated percentages in step 4. |
| 7 | Enter the answer to step 6 in the “Hours to Restore” column for each donor. Note: Round the restored hours up or down as appropriate. |
| 8 | Add the “Hours to Restore” column. Note: This total must be equal to the total number of hours restored. |
| 9 | Notify the donor and the donor’s timekeeper. |

- (26) A leave recipient who transfers to another Federal position without a break-in-service:
- (i) May take donated annual leave.
 - (ii) Retains his or her recipient status.
- (27) A leave recipient may maintain and carry into the new leave year an annual leave balance that is greater than his or her annual leave ceiling. The 240-hour rule does not apply to an employee in “recipient” status.
- (28) Files maintained for the VLTP constitute a system of records under the Privacy Act. These files are to be kept separate from other personnel files.
- (29) All documentation and correspondence associated with a recipient’s case shall be kept for six (6) years and then destroyed.
- (30) Employees in the VLTP who are working part of a bi-weekly pay period will earn annual leave and sick leave.
- (i) Employees will earn “regular” annual leave and “regular” sick leave based upon the number of hours they have actually worked in a bi-weekly pay period as well as earning annual and sick leave in their “separate” account.
 - (ii) Employees must use all of their “regular” leave prior to using donated leave.
 - (iii) Employees may use “regular” annual leave or “regular” sick leave for reasons not pertaining to medical conditions for which they are in the VLTP.
 - (iv) Annual leave and sick leave in an employee’s separate account can not be used unless the employee has withdrawn from the program, or does not have any donated or regular leave available.
 - (v) Employees are eligible to earn the maximum amount of annual leave and sick leave per pay period that they would regularly earn if they were not in the VLTP. An employee who earns 8 hours of annual leave per pay period can only earn a maximum of 8 hours of annual leave between their “regular” account and their “separate” account. Their “separate” account is still subject to the maximum 40 hours limitation.
 - (vi) Example: An employee is working 20 hours per pay period; therefore, 20% of his or her 8 hours of annual leave will be credited to his or her “regular” account and 80% would be credited to his or her “separate” account. In this case, the employee would receive 1.60 or 2 hours of annual leave in their “regular” account and 6.40 or 6 hours in their “separate” account. The two accounts add

up to the employee's 8 hours of leave. The same process is used to calculate sick leave for each account.

- (vii) When an employee reaches the maximum amount of 40 hours of annual leave and 40 hours of sick leave in their "separate" account, they will no longer earn "separate" leave, they will only earn leave in their "regular" account based upon the number of hours they actually worked in the pay period.
- (viii) Employees who are working part of the time while participating in the VLTP are eligible to earn credit hours. Employees may use their credit hours for reasons not pertaining to their medical condition for which they are in the VLTP; however, the hours must be used prior to the employee using donated leave.