

4630.2AM2 Leave 12/22/82

4630.2

AMENDMENT 02 12/20/85

AMENDMENT 01 09/27/83

OPI: PD - Classification and Organization Branch

PART 1 OF 8

LEAVE

PART ONE--BASIC PROVISIONS

I. PURPOSE

This Directive:

A. Sets forth responsibilities for administering the leave program in Food Safety and Inspection Service (FSIS).

B. Contains guidelines for determining eligibility for leave benefits.

C. Explains why involuntary leave may be imposed on an employee.

II. (RESERVED)

III. (RESERVED)

IV. REFERENCES

FSIS Directive 4296.3, Salary Deductions and Adjustments

FSIS Directive 4550.4, Premium Pay Under Title 5 United States Code

FSIS Directive 4551.1, Provisions of the Fair Labor Standards Act

FSIS Directive 4610.3, Service During Work Stoppages in Connection with
Strikes, Floods, or Other Emergency Conditions

FSIS Directive 4630.3, Witnesses in Judicial Proceedings

FSIS Directive 4711.1, Labor Management Relations

FSIS Directive 4735.3, Employee Responsibilities and Conduct

FSIS Directive 4810.1, Injury Compensation

FSIS Directive 4831.2, Retirement

V. FORMS AND ABBREVIATIONS

The following will be used in their shortened form in this Directive:

APHIS Animal and Plant Health Inspection Service

AWOL Absence Without Leave

AWOP Absence Without Pay

LWOP Leave Without Pay

NFC National Finance Center

OPM Office of Personnel Management

PD Personnel Division, FSIS

POB Personnel Operations Branch

SES Senior Executive Service

T&A Time and Attendance (Report)

TAPER

Temporary Appointment Pending Establishment of a
Register

WSPO

Washington Servicing Personnel Office

Form AD-321

Time and Attendance Report

Form AD-334	Earnings Statement
Form AD-337	Transmittal - Personnel and Payroll Forms
Form AD-350A	Change Action Notice
Form AD-581	Lump Sum or Compensatory Time Payments
Form AD-582	Authorization for Restored Annual Leave Under Public Law 93-181
Form AD-717	Audit for Leave Year
Standard Form 8	Notice to Federal Employees About Unemployment Compensation
Standard Form 52	Request For Personnel Action
Standard Form 71	Application For Leave

VI. AUTHORITY

The basic leave laws are contained in 5 U.S.C., Chapter 63. This Directive is based on the leave laws, OPM and Department regulations, and Comptroller General Decisions. Deputy administrators, staff directors, division directors, regional directors, and their designees, are authorized to approve leave under the conditions specified in this Directive. In the event of any conflicts between this directive and a negotiated agreement, the agreement is the governing document for unit employees.

VII. RESPONSIBILITIES

A. Personnel Division. Provide general direction of the leave program in FSIS covering:

1. Leave policy.
2. Leave instructions.
3. Assistance and answering of questions pertaining to leave matters.
4. Approval or disapproval of certain periods of absences, such as:
 - a. LWOP in excess of 30 days.
 - b. Military or other furlough.
 - c. Involuntary leave.
 - d. Suspensions.
5. Evaluation of FSIS leave activities.

B. Supervisors

1. Administer the FSIS leave instructions for employees they supervise.
2. Acquaint new employees with the types and purposes of leave benefits and the rules for requesting, using, and signing for leave.
3. Counsel employees, as needed, on the use of leave to protect their leave rights and to guard against leave abuses.
4. Schedule vacation leave or leave for other extended absences so as to maintain the necessary work force, minimize absences during peak workload periods, and prevent loss of leave.
5. Approve or disapprove requests for leave, except in the cases below. It is strongly recommended that the approval or disapproval of leave requests be in writing.
 - a. LWOP in excess of 30 days.
 - b. Military or other furlough.
 - c. Involuntary leave.
6. Review and sign T&A Reports to certify that they are complete and correct.
7. Refer problems or questions on leave through normal channels to WSPO or POB.

C. Employees.

1. Know and observe the rules pertaining to requesting and using leave.
2. It is strongly recommended that requests for nonemergency annual and sick leave be made in writing and as far in advance as practicable. This will permit supervisors to adjust their work schedules to cover periods of approved absences.
3. Notify supervisors as soon as possible at the beginning of business on the first day of any emergency absence, giving the reason for absence and requesting the proper kind of leave.
4. Failure to obtain prior approval of the supervisor may result in an employee being placed on AWOL for the period of absence.
5. Certify T&A for leave used.

VIII. ELIGIBILITY FOR LEAVE BENEFITS

The general conditions under which employees are eligible for various types of leave are set forth in Attachment 1-1, Eligibility for Leave. This

Attachment contains references to the various parts of this Directive which explain the basic regulations and explain the type of leave. Consult the specific parts for broader and more detailed coverage on each kind of leave.

IX. DEFINITIONS

The terms and phrases used in the leave laws and regulations have specific meanings. A glossary of leave and leave-related terms is contained in Attachment 1-2.

ATTACHMENT 1-1

(Refer to FSIS Directive 4630.2 for Attachment 1-1, Guidelines for Determining Eligibility for Leave.)

ATTACHMENT 1-2

Definitions

This Glossary contains the definitions of a number of leave and leave-related terms used in this Directive. It is intended that the meaning of each of these terms be consistent throughout the Directive.

Absence Without Leave (AWOL) - Unauthorized absence from duty, without pay, for which an employee is not granted any type of leave, including leave without pay.

Absence Without Pay (AWOP) - Absence and nonpay status directed by FSIS when an employee is suspended from duty.

Accrued (or Earned) Leave - Unused leave credited to an employee during the current leave year.

Accumulated Leave - Unused leave which remains to the credit of an employee at the end of a leave year.

Administrative Workweek - Seven consecutive calendar days of the week, Sunday through Saturday.

Advanced Leave - Leave requested and granted before it is earned--to be repaid from future leave earnings or by cash refund.

Basic Workweek - Forty-hour workweek established by regulation for full-time employees. Work must be performed within 6 of the 7 calendar days in the administrative workweek.

Break in Service or "Off the Rolls" - A period of interrupted Federal employment beginning with a separation action and continuing for one or more workdays before reemployment in Federal service.

Calendar Year - The period from January 1 through December 31.

Compensatory Time - A method of overtime compensation in lieu of cash

payment, under which overtime hours worked are credited to an employee for future use as compensatory leave.

Contagious Disease - A disease ruled subject to quarantine, requiring isolation or restriction of movement by the patient for a specified period, as prescribed by health authorities having jurisdiction.

Continuous Employment or "On the Rolls" - A period of Federal service beginning with an appointment and ending with a separation action.

Cooperative Employees (Agents) - Those employees appointed in connection with cooperative work with non-Federal public agencies such as States and Territories, and with private organizations or individuals.

Fiscal Year - The period from October 1 through September 30.

Full-Time - A regularly scheduled tour of duty which requires an employee to be on duty 40 hours or more in each workweek.

Full Biweekly Pay Periods - To earn leave, an employee must be employed during a full biweekly pay period. He/she is considered to have been employed for a full period, if he/she is on the rolls on all days falling within the pay period, exclusive of holidays and nonworkdays.

Furlough - Involuntary absence from duty, without pay, resulting from action required and initiated by agency appointing authority.

Home Leave - A separate amount of leave, granted with pay and in addition to other types of leave authorized by 5 U.S.C. 6305(a), earned by service abroad for use in the United States, Puerto Rico, or territories of the United States.

Indefinite First Eight-Hour Tour of Duty - A tour composed of 5 consecutive 8-hour days, usually Monday through Friday, where the starting and ending hours of work in each day are tied to hours of operation set by industry.

Intermittent - An unscheduled, irregular tour of duty when an employee works as needed and receives pay only when he/she works.

Leave Without Pay (LWOP) - Temporary nonpay status and absence from duty granted at employee's request. Permissive nature of leave without pay distinguishes it from nonpay status resulting from furlough or disciplinary action required by agency appointing authority.

Leave Year - The period from the beginning of the first full biweekly pay period which falls completely in the new calendar year through the day before the beginning of the first complete pay period in the following calendar year.

Lump-Sum Payment - Payment to employees for leave to their credit upon separation from a leave-earning position.

Maternity (Absence for Purposes of) - Approved absence for reasons related to pregnancy or confinement. Chargeable to sick leave, annual leave, or leave without pay.

Medical Certificate for Sick Leave - A statement, signed by a registered physician or other practitioner including chiropractor, certifying to the length and nature of an employee's incapacitation, examination, or treatment.

Military Furlough - Absence from duty, without pay, granted an employee on active duty with the Armed Forces.

Military Leave - Approved absence without loss of pay or charge to other leave for employees who meet the requirements for approval of military leave.

Month of Service - A period which runs from a given date in one month through the preceding date in the next month; e.g., June 30 through July 29.

Part-Time - A regularly scheduled tour of duty which requires an employee to (### be on duty for 16 to 32 hours in each work week. ### 12/22/82)

Permanent - An employment status without limitation as to length of service, or with an indefinite limitation.

Personal Certificate for Sick Leave - An employee's signed statement (either on Form AD-321-4, Time and Attendance Report, or on SF-71, Application for Leave) that his/her absence was due to illness which incapacitated him/her for duty, or that it was taken for other authorized purposes.

Service Abroad - Time served as a Federal employee on or after September 6, 1960, at a duty station (1) outside the United States, and (2) outside the employee's residence area, if such area is the Commonwealth of Puerto Rico or one of the U.S. territories.

Standard Tour of Duty - A tour of 5 consecutive 8-hour days, Monday through Friday, where the starting and ending hours of work in each day are the same.

Suspension - Temporary nonpay status and absence from duty required by agency appointing authority for disciplinary reasons or other reasons pending inquiry. Includes placing an employee in nonpay status without his/her consent pending adjudication of a disability retirement application filed by the agency.

Temporary - An employment status limited to a definite period of 1 year or less.

Temporary Appointment Pending Establishment of a Register (TAPER) - An appointment to a position which is of a continuing nature; i.e., one that will last longer than 1 year. The temporary appointment will end when an appointment can be effected from a register of eligibles.

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

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PART 2 OF 8

PART TWO--ANNUAL LEAVE

SECTION ONE--GENERAL

I. VOLUNTARY ANNUAL LEAVE

(### Because annual leave forfeited as a result of illness or exigency of public business must have been requested and approved in writing, it is strongly recommended that annual leave requests, approvals, or denials be made in writing except in emergency situations.

A. Taking annual leave is an absolute right of the employee. A request from the employee will be granted if the work program of the unit will permit the employee's absence. Because annual vacations are important to maintain health and efficiency, employees are encouraged to take planned annual leave. Supervisors should be liberal in granting annual leave to attend conventions or other organizational events or to observe established religious holidays.

B. Fixing the time when annual leave may be taken is the right of the supervisor unless related to a disabled veteran seeking a medical examination or treatment (see Part Three, paragraph XI.) or an employee on military leave (see Part Six, subparagraph II.B.). Supervisors should prepare a written schedule of planned absences of annual leave far enough in advance to: ### 12/22/82)

1. Maintain the necessary work force.
2. Minimize absences during peak workload conditions.
3. Permit employees to adjust their plans to meet work requirements.
4. Prevent loss of any leave due employees.

II. INVOLUNTARY LEAVE

The provisions of subparagraphs A. through D. may be imposed only with prior approval of the Servicing Personnel Office (WSP0 and POB). Subparagraph E. must receive prior approval from the Director of Personnel of the Department. Involuntary leave may be required when:

A. An employee is determined to be physically or mentally unfit for retention and disability retirement is being recommended. The employee may

be placed on involuntary annual or sick leave, or leave without pay (LWOP), pending completion of action on the case.

B. An employee is not ready, willing, and able to perform the duties of the position because of illness or mental or emotional disturbance. The employee may be placed on enforced annual or sick leave, or LWOP, while a decision is reached as to further action. However, if it is later determined that the employee is not eligible for disability retirement and that it is necessary to take removal action as provided in FSQS Directive 4735.3, Employee Conduct, then the requirements of that Directive with regard to duty and pay status must be followed.

(### C. An employee is to be suspended or separated for cause and retention in an active duty status constitutes an emergency or is otherwise highly undesirable. Under these circumstances, the employee may be placed on enforced leave pending decision on charges of misconduct or pending complete investigation. ### 12/22/82)

D. The financial situation of FSIS at the time of a reduction in force requires that the obligation for annual leave of those employees involved in the separation or furlough be paid from funds from the current fiscal year. Employees involved may be placed on involuntary annual leave.

E. Unusual conditions such as strikes, floods, and storms disrupt normal working hours or quarters; and an order is issued to close down a unit and release employees from emergency "stand-by" or "on-call" service and the order requires employees to take annual leave. (See FSQS Directive 4610.3).

SECTION TWO--ACCRUAL OF ANNUAL LEAVE

III. FULL PAY PERIOD ACCRUALS

A. General Rule. An employee accrues annual leave for each full pay period of employment unless he/she:

1. Is in a nonpay status for the entire leave year.
2. Enters a nonleave-earning status while drawing disability payments from the Office of Workers' Compensation Programs.

B. Completion of Full Pay Period. Both full-time and part-time employees complete a full pay period of employment when they are in a pay status, or any combination of pay and nonpay status, for all the work hours and workdays of the pay period which fall within their basic workweek. Full-time and part-time employees who are not on the rolls for all the work hours and workdays of the pay period at the beginning or ending of employment do not accrue annual leave. A full pay period is completed when the employee:

1. Enters on duty on the first workday after the beginning of a pay period.
2. Enters on duty on the second workday after the beginning of

a pay period when a holiday falls on the first workday.

3. Separates at the close of business on the last workday of a pay period, or at the close of business on a holiday falling on the last workday.

C. Annual Leave Categories and Accrual Rate. Annual leave is earned at varying rates based on the amount of service an employee has which is potentially creditable under the Civil Service Retirement Act. (Creditable service also includes paid Federal service for which social security deductions have been made and which would otherwise be creditable towards Civil Service Retirement.)

1. Full-Time Employees. Leave is accrued as shown in Table 2-1.

TABLE 2-1 - ANNUAL LEAVE-EARNING CATEGORIES
AND ACCRUALS FOR FULL-TIME EMPLOYEES

CONDITIONS	RESULTS
IF A FULL-TIME EMPLOYEE HAS CREDITABLE SERVICE OF . . .	THEN EACH FULL PAY PERIOD THE ACCRUAL IS . . .1_/
Less than 3 years (Category 4)	4 hours
3 years but less than 15 years (Category 6)	6 hours2_/
15 years or more (Category 8)	8 hours

(### 2. Part-Time Employees. All hours of work in excess of the basic work requirement for a part-time employee, including overtime, are counted in determining the biweekly accrual of annual leave, up to a maximum of 80 hours in a pay status per pay period. Leave earned during the pay period is credited at the end of the pay period. The accrued rates are shown in Table 2-2. ### 12/22/82)

1_/ See paragraph V. for leave accrual reductions if an employee's total hours in nonpay status in the leave year through the current pay period equals 80 hours, or a multiple thereof.

2_/ In last complete pay period of each calendar year, Category 6 employees receive 10 hours annual leave instead of 6. If during this pay period they enter the 8-hour category, they receive 8 hours instead of 10.

TABLE 2-2 - ANNUAL LEAVE-EARNING CATEGORIES AND ACCRUALS
FOR PART-TIME EMPLOYEES

CONDITIONS

RESULTS

IF A PART-TIME EMPLOYEE HAS CREDITABLE SERVICE OF . . .	THEN 1 HOUR OF LEAVE ACCRUES FOR EACH . . .
Less than 3 years (Category 4)	20 hours in pay status3_/_
3 years but less than 15 years (Category 6)	13 hours in pay status3_/_
15 years or more (Category 8)	10 hours in pay status3_/_

3. Intermittent employees have no regularly scheduled tour of duty and, therefore, do not earn annual leave.

D. Changes in Leave-Earning Categories. An employee moves into a higher leave-earning category at the beginning of the next pay period after he/she completes the required years of service. The National Finance Center (NFC) sends an advance notice on Form AD-334, Earnings Statement, to employees and their timekeepers to notify them of the effective date of leave-earning category changes.

EXAMPLE: On the first Tuesday of Pay Period 2, John Doe completes 3 years of service. He changes from the 4-hour to the 6-hour annual leave earning category and starts earning 6 hours annual leave each pay period at the beginning of Pay Period 3.

IV. FRACTIONAL PAY PERIOD

A. General Rule. An employee earns annual leave on a pro-rata basis during continuous employment when his/her leave-earning status is interrupted for a fraction of a pay period. For example, this rule applies when, during a full pay period of employment, an employee:

1. Transfers between positions with different pay periods.
2. Changes to or from full-time, part-time, or intermittent

status.

3_/_ Only part-time employees (as opposed to intermittent employees) are entitled to earn annual leave. Pay status hours which do not equal the number necessary for a minimum leave credit of 1 hour are carried over from (### one pay period to the next to accumulate toward future leave credits * * *. ### 12/22/82)

3. Is carried on LWOP for part of the pay period while drawing disability compensation from the Office of Workers' Compensation Programs.

4. Is restored after service in the military or with a public international organization.

5. Is restored after a period of unwarranted suspension.

B. Pro-Rata Accrual Rates.

1. Full-Time employees. Table 2-3, below, shows the pro-rata accrual rates of annual leave for full-time employees during fractional pay periods.

TABLE 2-3 - PRO-RATA ANNUAL LEAVE ACCRUAL RATES FOR
FRACTIONAL PAY PERIODS

CONDITIONS		RESULTS		
IF THE NUMBER OF WORKDAYS IN THE PAY PERIOD IS . . .		THEN THE HOURLY ANNUAL LEAVE ACCRUAL, BY LEAVE-EARNING CATEGORY, IS . . .		
		4-Hour	6-Hour	8-Hour
1	1	1	1	2
1	1	1	2	3
1	2	2	2	4
2	2	2	3	5
2	2	3	4	6
2	2	4	5	7
3	3	4	6	8
3	3	5	6	9
3	3	5	7	

2. Part-Time Employees. Part-time employees accrue annual leave for fractional pay periods the same as for full pay periods. (See Table 2-2). However, if they change to full-time status, they lose any hours of work left to their credit which do not total enough to earn 1 hour of annual leave.

C. Nonentitlement to Pro-Rata Leave Credit. There can be no crediting of annual leave on a pro-rata basis for fractional pay periods in the following situations:

1. Employee is eligible to earn leave but leave credits are being reduced because total absence in a nonpay status within the leave year equals 80 hours. (See paragraph V.)

2. New employee reports for duty at other than the beginning of the pay period and has no previous Federal service immediately preceding the date of reporting to FSIS. (See subparagraph III.B.)

3. Employee leaves FSIS other than the close of a pay period and is not going to be reemployed elsewhere in the Government without a

break of 1 workday.

NOTE: An employee who resigns, retires, or is separated at the close of business on the last workday of the pay period or a holiday falling on the last workday of the pay period has completed the full pay period and accrues full leave for the period.

V. ACCRUAL REDUCTIONS BECAUSE OF NONPAY STATUS

A. General Rule. Annual leave accruals for a full-time employee must be reduced whenever, during a leave year, the total hours in leave-earning, nonpay status (e.g., LWOP, AWOL, AWOP) equal 80 hours or any multiple of 80 (160, 240, etc.).

B. Amount of Reduction. An employee's leave accruals are reduced by the number of hours of annual leave that normally are earned in a pay period. If the reduction is made for an employee who is in leave-earning category 6 during the last complete pay period in the calendar year, the leave accrual reduction will still be for 6 hours, even though the employee earns 10 hours annual leave for that one pay period.

C. Counting Hours in Nonpay Status. The hours in nonpay status are recorded on the T&A Report, and the total used to date is carried forward each pay period through the leave year.

1. Breaks in Service. If an employee has one or more breaks in service during the leave year, all the employee's leave-earning hours in nonpay status during each period of employment are added together.

2. Nonpay Status When Leave Is Not Being Earned. Nonpay status during periods when an employee is not earning leave are not counted. For example, when an employee is on LWOP as a result of job injury for which disability compensation is being paid, the employee is not in a leave-earning status. The hours the employee is on such LWOP would, therefore, require no reduction of leave credits. Also, periods of advance annual leave are not counted as nonpay status when an employee makes a cash refund for hours of leave advanced.

(### 3. Balances at End of Leave Year. All hours of nonpay status are dropped when preparing the first T&A Report for the new leave year.

VI. EFFECT OF LENGTH OF APPOINTMENT ON ACCRUAL

A. Appointments for 90 Calendar Days or More. Annual leave begins to accrue with the first full pay period of employment after entrance on duty.

B. Appointments Limited to Less Than 90 Calendar Days. The employee does not earn leave.

C. Extensions or Conversions of Appointments Limited to Less Than 90 Calendar Days. If an appointment which was initially limited to less than 90 calendar days is extended or converted without a break in service to one

which covers 90 calendar days or more:

1. Annual leave accrues beginning with the date of the extension or conversion.

2. Retroactive credit is given for the time served under the initial appointment(s) of less than 90 calendar days on the date that the employee completes 90 continuous calendar days on the rolls, counting from the date of the initial appointment.

D. Conversion of Temporary Appointments Limited To Less Than 90 Calendar Days to Unlimited Appointments (e.g. Career Conditional Appointment).

1. Annual leave accrues beginning with the date of the conversion.

2. Retroactive leave credit is given from the beginning date of the initial appointment, and the leave is available for use immediately upon conversion to the unlimited appointment. ### 12/22/82)

VII. CREDITING OF ANNUAL LEAVE

Full-time employees are credited with annual leave at the beginning of the biweekly pay period in which the leave will accrue. Part-time employees are credited with annual leave at the end of the biweekly pay period in which the leave has accrued.

VIII. ACCUMULATION OF ANNUAL LEAVE

Accumulated annual leave is that leave which remains to an employee's credit at the end of a leave year. Limits are imposed, by law, on the total hours of annual leave that an employee may carry over from one leave year to the next.

A. Employees Headquartered in the United States and Alien Employees Headquartered Outside the United States. Accumulation of annual leave for such employees may not exceed 30 days (240 hours) at the beginning of the leave year except that employees having an accumulation in excess of 30 days at the end of the last complete biweekly pay period in the calendar year 1952 (or as of close of business 8-20-59, for employees headquartered in Hawaii, or as of close of business 7-6-58, for employees headquartered in Alaska) may maintain such excess accumulation until used. Whenever an employee having an accumulation in excess of 30 days uses more than the annual leave accrual in any leave year, the maximum allowable accumulation will be reduced accordingly until it no longer exceeds 30 days.

B. U.S. Citizens Employed Outside the United States.

1. Eligibility For 45-Day Accumulation. The accumulation of annual leave for the following categories of U.S.-citizen employees

headquartered outside the United States may not exceed 45 days at the beginning of the leave year:

a. Persons directly recruited or transferred by the Federal Government:

(1) From the United States (including transfers to Puerto Rico) EXCEPTION: Natives of Puerto Rico or of possessions of the United States who are temporarily absent from their homes to attend school in the United States, and who are directly recruited in the United States for service in their home area, are entitled to the same maximum annual leave accumulation as employees stationed in the United States.

(2) From Puerto Rico or possessions of the United States for employment outside the area of recruitment or the area from which transferred.

b. Persons employed locally but who were:

(1) Originally recruited from the United States or Puerto Rico or possessions of the United States but outside the area of employment who have been in substantially continuous employment by other Federal agencies, United States firms, interests or organizations; international organizations in which the United States Government participates; or foreign governments, and whose conditions of employment provide for their return transportation to the United States or to Puerto Rico or to possessions of the United States, or

(2) Hired while temporarily absent, for the purpose of travel or formal study, from the United States or from their respective places of residence in Puerto Rico or in possessions of the United States and who, during such temporary absence, have maintained residence in the United States or in Puerto Rico or in possessions of the United States but outside the area of employment.

c. Persons who are normally residents of the area concerned and who are discharged from service in the Armed Forces of the United States to accept employment with an agency of the Federal Government.

2. Retention Of 45-Day Accumulation. Employees eligible for 45-day accumulation who had an excess of 45 days at the end of the last biweekly pay period in the calendar year 1952 may retain such excess accumulation until used. Whenever such an employee uses more than the annual leave accrual in any leave year, the maximum allowable accumulation is reduced accordingly until it no longer exceeds 45 days. When such employees move to positions in which they are subject to the 30-day accumulation limit, they retain their accumulation above the 30-day maximum until they use more annual leave in a leave year than they earn in that leave year. When this occurs, the balance carried forward becomes their new ceiling.

3. Exclusion of Travel Time. When employees eligible for 45-day accumulation return to the United States on annual or home leave, such annual or home leave is exclusive of travel time (i.e., time actually and necessarily occupied in going to and from their post of duty and such time as may be necessary in awaiting sailing or flight). Travel time may be allowed only once in a prescribed tour of duty.

C. Employees in the Senior Executive Service. Section 410 of the Civil Service Reform Act creates an exception from the limitation on annual leave accumulation for individuals serving under an appointment to the Senior Executive Service (SES).

1. Employees in SES have no limit on the number of hours of annual leave that may be carried over from one leave year to the next. (###
2. If an employee enters the SES after the beginning of a pay period, the leave earned during that portion of the pay period served under the SES appointment may be carried over without limit. Leave earned in a pay period before the SES appointment is subject to the limitation.

3. When an SES employee moves to a position outside SES, a personal leave ceiling is established which will be equal to the accrued and accumulated annual leave to the employee's credit at the time of separation from the SES. When such an employee uses more than the annual leave accrual in any leave year, the maximum allowable is reduced accordingly. When this occurs, the balance carried forward becomes the new ceiling. ### 12/22/82)

IX. (RESERVED)

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PART 3 OF 8

PART TWO--ANNUAL LEAVE (CON'T)

SECTION THREE--GRANTING ANNUAL LEAVE

X. LEAVE SUBSTITUTION

A. In Lieu of Sick Leave. Annual leave may be granted at an employee's request for absence due to illness or other authorized sick leave purposes. However, annual leave may not be granted retroactively for sick leave already approved except to liquidate advance sick leave, as specified in subparagraph B. below.

B. For Advance Sick Leave Already Taken. Annual leave may be substituted for advance sick leave already taken with the following limitations:

1. The substitution must not be made so late in the leave year that the annual leave would otherwise have been forfeited because there would not have been time to use it.

2. The substitution may only be made if the supervisor would have granted annual leave at the time of the absence on advance sick leave.

C. For Compensatory Time. If the use of compensatory time will result in the forfeiture of annual leave, annual leave may be taken before compensatory time. The compensatory time, however, must be used or paid for by the end of the leave year in which it was earned. (See Part Nine.)

XI. ADVANCING ANNUAL LEAVE

A. Use of Annual Leave in Advance Of Accrual. Employees otherwise eligible to earn leave may be granted, at any time after the beginning of the current leave year, the annual leave which they will earn during the current leave year. Such unearned annual leave is granted only with the express understanding that, if it is not later earned during the remainder of the current leave year by reason of unanticipated nonpay status, the employee may be required to make refund for the unearned portion. (See subparagraph D.)

B. Amount of Annual Leave Which May be Advanced. During the leave year, an employee may be advanced only that amount of annual leave he/she (### will accrue through the end of the current leave year. EXCEPTION: Leave may not be advanced if it is known (or reasonably expected) that the employee will not return to duty, as in the case of an employee who has applied for disability retirement. Before granting advanced leave, the approving official should consider such things as expectation of return to duty, benefits to the Agency in retaining the employee, and the ability of the Agency to recover the value of advanced leave if the employee separates. (See subparagraph E for cases where an employee is not required to refund the value of advanced leave.) ### 12/22/82)

C. Carryover of Advance Annual Leave to Next Leave Year. Any advance annual leave not liquidated at the end of a leave year may be carried over as an advance on the following year's leave earnings if:

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

2. The amount of advance leave owed does not exceed one-half of the annual leave to be earned in the next leave year; and

(### 3. The charge against next year's leave is not made for 2 years in succession. ### 12/22/82)

D. Refunds for Advance Leave not Carried Over. Any advance leave which cannot be carried forward to the next leave year must be covered by a refund in the amount paid to the employee for the leave. Refunds must be made either:

1. By a single salary deduction from the first paycheck in the new leave year.

2. By a series of deductions from the first and subsequent

paychecks, if the supervisor determines that:

- a. There is no risk to the Government.

b. The employee's financial needs merit spreading the amount of the refund over several payments. The payments, however, cannot extend beyond the end of the new leave year.

E. Refunds for Advance Leave Upon Separation. When an employee separates from the Federal service before leave advanced to him/her has been earned, the value of the leave is recovered from any pay due him/her. A refund is not required, however, if the employee separates because of:

1. Death.
2. Disability retirement.
3. Entrance into military service with restoration rights.
4. Disability which prevents the employee from continuing service, if validated by medical evidence.
5. Transfer to other Federal employment without a break in service.

XII. GRANTING ANNUAL LEAVE CREDITED IN ERROR

When an employee is granted annual leave credited to him/her through administrative error, the employee must repay the leave unless repayment is waived by FSIS. When the error is discovered, the employee, the supervisor, or administrative officer, and WSPO or POB will then arrange a repayment agreement. The employee may choose to make refund in one or more of the following ways:

- A. Lump-sum or installment payment in dollars, equivalent to the dollar value of the leave at the time it was used.
- B. Deduction from current leave account of excess leave used.
- C. Charge against future leave earnings for the amount of excess leave used.

XIII. TERMINAL ANNUAL LEAVE

(### A. Definition. Terminal annual leave is leave that is granted and used after it becomes known that an employee is leaving the Agency.

B. When It Can Be Granted. Terminal annual leave may be granted only under the conditions below. When an employee is granted and uses terminal annual leave under one of these conditions, leave is earned while the employee is on leave. Terminal annual leave may not be granted to keep an employee on the rolls to complete a pay period and thereby earn annual leave.

1. Terminal annual leave may be granted when the separation occurs near the end of the fiscal year and the lump-sum payment cannot be made from the current appropriation. (Terminal annual leave can be granted only through the end of the fiscal year.)

2. Terminal annual leave may be granted to keep an employee on the rolls until final date of separation where such date is set by statutory, regulatory, or notice requirements. This includes removals, disability retirements, and reductions in force. WSPO or POB will advise the employee, through the employing unit or field station, of the correct effective date in such cases.

C. Other Requests for Leave on Last Day or Days of the Pay Period on the Rolls. Terminal annual leave not meeting one of the conditions given in subparagraph B. may not be granted. The employee must be separated as of the last date of active service and paid a lump sum for the annual leave to his/her credit. EXCEPTION: If an employee takes accrued annual leave during the final 6 hours of his last day of employment before separation, the rule regarding terminal leave does not apply, since the employee substantially worked the entire final pay period and worked part of the last day of that period. The employee could properly accrue and use the leave during the last day of employment.

D. Completion of T&A. If the employee has been granted terminal annual leave under one of the conditions given in subparagraph A., the "Remarks" block of the T&A Report will state "terminal leave, employee accrues leave." ### 12/20/85)

SECTION FOUR--CHARGING ANNUAL LEAVE

XIV. GENERAL

Employees can be charged annual leave for absence only on the days that constitute the basic workweek or the regular tour of duty. An employee cannot be charged more than 40 hours annual leave per week. There can be no annual leave charged on holidays. The minimum charge for annual leave is 1 hour and additional charges must be made in multiples thereof.

XV. FRACTIONAL HOURS

Absences of fractional hours on separate days shall not be combined. If, for example, an employee is absent one-half hour on each of 2 separate days, the minimum charge is 1 hour for each day. If an employee is absent for 2 separate periods of one-half hour each on the same day, the minimum charge is 1 hour. Annual leave may be charged in fractions of an hour in the following instances:

A. When regular workday contains a fractional hour. For an employee whose regular workday contains a fraction of an hour, annual leave for a full day's absence shall be charged in whole and fractional hours to cover the exact workday. EXAMPLE: A part-time employee has a daily work schedule of 5 1/2 hours. The annual leave charged for absence on the whole workday would be 5 1/2 hours. The annual leave charged for absence of 3 1/2 hours of workday would be 4 hours.

B. Where an employee assigned to a split shift is absent for an entire part of the shift when such part involves a fraction of an hour. EXAMPLE: Daily tour of duty--first part of split shift, 3 1/2 hours; second part of split shift, 4 1/2 hours. Annual leave charge for absence during entire first part of split shift--3 1/2 hours; for entire second part of split shift--4 1/2 hours.

C. If a different minimum charge is established through negotiation.

XVI. FULL-TIME EMPLOYEES WITH INDEFINITE TOURS OF DUTY

For such first 40-hour employees, the basic workweek consists of the first 40 hours in a pay status. All authorized leave will be counted toward completion of the 40-hour basic workweek. Not more than 8 hours leave may be charged for any 1 calendar day, nor may any paid leave be granted after the first 40 hours in pay status in any workweek.

XVII. NECESSARY ABSENCES (INCLUDING TARDINESS) OF LESS THAN 1 HOUR

Brief absences from duty of less than 1 hour and tardiness of less than 1 hour may be excused by the supervisor for justifiable cause. (See Part Five, subparagraph XVI. B. for exception.) When not justifiable to the supervisor, the absence must be charged to annual leave, sick leave, LWOP, or AWOL. However, supervisors should be aware that, by placing an employee in any leave status other than AWOL, approval is, in effect, being given for the absence. Accordingly, any disciplinary action contemplated for absences charged to annual leave, sick leave, or LWOP will be more difficult to support since supervisory approval has been granted.

XVIII. NONWORKDAYS AND HOLIDAYS

A. Nonworkdays Established By Executive Order or Administrative Order.

1. Employees in an annual leave status cannot be charged leave on days on which all employees are excused from the performance of their duties because a nonworkday has been established by Executive Order.

2. Except for experts and consultants compensated at per diem or per hour rates and alien or native employees outside continental United States who are paid at per diem or per hour rates, employees in annual leave status cannot be charged leave on days on which all employees are excused from the performance of their duties because a nonworkday has been established by administrative order.

B. Days on Which All Employees are Excused. Employees on annual leave must be charged leave on days on which all employees at work are excused from the performance of their duties for reasons other than those stated in subparagraphs A., D. and F. Experts and consultants compensated at per diem or per hour rates with regular tours of duty who are not in leave status will be charged annual leave, sick leave (if applicable), or LWOP when excused from the performance of their duties under these circumstances. Alien or native employees outside the continental limits of the United States who are compensated at a per diem or per hour rate will

be charged annual leave, sick leave (if applicable), or LWOP.

C. Days on Which Employees Engage in Activities for Which Official Leave is Granted. Employees in an annual leave status cannot be charged annual leave for a period in which they are actually engaged in one of the activities for which official leave is granted.

D. Local, State, and Territorial Holidays, and National Holidays of Foreign Countries. Field employees in the United States, in insular possessions, and in foreign countries may be excused from duty without charge to annual leave on local, State, and territorial holidays and on national holidays of foreign countries when a responsible Officer-in-Charge of the program determines that local conditions prevent them from working. (See Part Five.) EXCEPTION:

1. Experts and consultants with regular tours of duty who are compensated at per diem or per hour rates, and

2. Aliens or native employees outside continental United States who are paid at per diem or per hour rates.

E. Emergency Conditions Due to Strikes or Floods. See FSQS Directive 4610.3.

F. Hazardous Weather Dismissals. For leave charged in cases of emergency due to hazardous weather conditions, see Part Five, paragraph XVI.

XIX. (RESERVED)

SECTION FIVE--LUMP-SUM PAYMENTS

XX. DEFINITION

Under 5 U.S.C. 5551, accumulated annual leave for lump-sum purposes consists of:

A. Regular carry-over balance (ceiling) from the previous leave year, if any, plus

B. Accrued and unused annual leave during the then current leave year, if any, plus

C. Any unused restored annual leave maintained in a separate account.

XXI. CONDITIONS PRESCRIBING PAYMENT

A. Required. An employee must be given a lump-sum payment for all annual leave to his/her credit, including unused restored leave, even though the amount exceeds the allowed carry-over, upon:

1. Death of an employee who was in pay status on the workday before his/her death. Regular duty pay shall be paid for the day of death. The day of death shall not be included in the lump-sum payment.

2. Separation from Federal service for 1 or more workdays, except as follows:

a. If an employee is separated to accept a leave-earning position in another agency, the losing agency may make payment to the employee for only the workdays preceding his reemployment. The remainder of annual leave shall be transferred to the gaining agency as prescribed in paragraph XXIV.

b. If the employee receives full lump-sum payment, he/she will be required to make refund to the gaining agency for annual leave payment for the period during which he/she is reemployed (See paragraph XXIII.)

3. Employment in a position not covered by any leave system.

4. Intermittent employment (i.e., without a regularly scheduled tour of duty) where there is an actual change to a different position with different duties.) When the tour of duty of a part-time or full-time employee is changed to intermittent and the employee continues to occupy the same position with no change in duties (e.g., a student trainee), lump-sum payment is not made because annual leave must remain to employee's credit until there is a change back to a part-time or full-time tour of duty (37 CG 523).

B. When Optional. When an employee enters the Armed Forces or an international organization, the employee may elect:

1. To receive a lump-sum payment for annual leave.

2. To have the annual leave remain to his/her credit until his/her return from active duty.

(### 3. To have the annual leave returned to his/her credit and to be paid for it upon request at any time before reemployment. ### 12/22/82)

C. When Prohibited. An employee shall not receive a lump-sum payment if either:

1. Transferred to a position to which his/her annual leave may also be transferred.

2. Intermittently employed between full- or part-time tours of duty; i.e., the employee's tour of duty fluctuates between full or part time and intermittent, with no change in position or duties, such as for a student-trainee.

XXII. COMPUTATION

A. Compute the lump-sum payment on the basis of an employee's entitlement at the time he/she is separated. The payment will:

1. Cover the workdays an employee would have been on annual leave had he/she actually used it.

2. Reflect the pay an employee would have received had he/she remained on the rolls.

(### 3. Include pay for nonworkdays falling within the period covered by the lump-sum payment. (Only the days the employee normally would have been in duty status shall be counted in computing lump-sum payment for annual leave.) Holidays are not to be included in computing lump-sum payments. ### 12/22/82)

B. The period covered by the lump-sum payment is not creditable as Federal civilian service, and leave on leave is not accrued.

XXIII. REFUND UPON REEMPLOYMENT

Whenever a former Federal employee who received a lump-sum payment is reemployed prior to the expiration of the period covered by such a payment, a refund to the reemploying agency must be made as indicated below:

A. Reemployment Under the Same Leave System. The refund must be made for the unexpired period UNLESS the reemployment is without a regularly scheduled tour of duty. The leave represented by the refund is recredited to the employee in an amount equal to the amount of the refund. The leave cannot be recredited to the employee until the full refund has been made. WSPO or POB will have responsibility for assuring prompt refund.

B. Reemployment Under a Different Leave System. If the unexpired period of leave covers a larger amount of leave than can be transferred to the different leave system, the employee is only required to make a refund covering the amount of recreditable annual leave.

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PART 4 OF 8

PART TWO--ANNUAL LEAVE (CON'T)

SECTION SIX--TRANSFER, RESTORATION, AND RECREDIT OF ANNUAL LEAVE

XXIV. TRANSFER OF ANNUAL LEAVE

A. Permitted. In cases of transfer (or separation and reemployment without a break in service) to a position under the same or a different leave system, the employee's annual leave is certified to the receiving agency for credit or charge as follows:

1. Transfer to Positions Under the Same Leave System. Where the transfer is between positions both of which are covered by the same leave system, leave is transferred. EXCEPTION: If employee will serve without a regularly scheduled tour of duty in the position to which transferred, a lump-sum payment will be made.

2. Transfer to Positions Under Different Leave System. Leave will be credited by the receiving agency on an adjusted basis and in an amount not exceeding the aggregate which employees in the receiving agency are permitted to accumulate. The untransferable leave will be held by the losing agency for recredit to the employee in the event of return (without a break in service of more than 52 continuous calendar weeks) to the leave system under which it was earned.

B. Prohibited. Annual leave cannot be transferred when an employee:

1. Moves to a nonleave-earning position where he/she must be given a lump-sum payment for annual leave.

2. Is serving in a temporary position while on involuntary furlough from a permanent position, in which case he/she is treated as two separate employees for leave purposes.

3. Transfers to a position where all or part of his/her annual leave must be held in abeyance until the employee becomes entitled to a lump-sum payment upon separation from Federal employment, or returns to a position where leave can be recredited. Such leave is held in abeyance by the agency from which transferred.

4. Transfers to a cooperative position in which annual leave is earned under a special system.

XXV. RESTORATION OF FORFEITED ANNUAL LEAVE

A. Conditions for Restoration. Public Law 93-181 temporarily suspends the requirement that annual leave in excess of an employee's allowable accumulation must be forfeited at the end of the leave year. An employee may have such annual leave restored under any one of the following conditions:

1. Administrative error which causes the loss of annual leave accruing after 6-30-60.

2. Exigency of the public business when the annual leave was formally requested in writing by the employee at least three biweekly pay periods prior to the end of the leave year.

a. Only a bona fide operational emergency of such magnitude or significance that the public business cannot be effectively conducted or accomplished will support the cancellation of an employee's

annual leave for the period requested.

(### b. The exigency must be of such importance that employees cannot be excused from duty for its duration. This decision is to be made in advance of cancelling the leave, except in emergencies. The exigency must be approved by the official listed in subparagraph d. before taking such action. Specific beginning and ending dates of the exigency must be fixed in advance whenever possible. If the decision cannot be made in advance, approval must be obtained as soon as practical after the onset of exigency. ### 12/22/82)

c. There must be no reasonable alternative to the cancelling of the annual leave or the assignment of those individual employees who will forfeit annual leave because of the work requirement generated by the exigency.

d. The exigency must be documented in writing by the supervisor and submitted to the next higher management level. (For headquarters, division director or above; for the regions, not more than one level below the head of a major field headquarters.) The management official who approves or disapproves the exigency must:

(1) Be a supervisor who is outside of the immediate organization affected by the exigency and whose leave would not be affected by the decision.

(2) Document decision in writing and notify recommending supervisor of decision made. Approving official will retain file documenting the exigency.

e. For an exigency occurring any time during the year, managers and supervisors have a responsibility to schedule their employee's leave throughout the year so as to avoid the possibility of forfeiture. If an employee's leave has to be cancelled due to workload, managers and supervisors must make every effort to schedule/reschedule the employee's annual leave in writing for some other time period before the end of the leave year.

3. Sickness of the employee when the annual leave was approved in writing at least three biweekly pay periods prior to the end of the leave year by an appropriate official. The illness must have occurred at such time late in the year or been of such duration that annual leave could not be rescheduled for use before the end of the year to avoid forfeiture. A grant of sick leave is not in itself a basis for permitting annual leave to be forfeited and subsequently restored. Supervisors have the responsibility to reschedule annual leave, if possible, and this rescheduling must also be in writing. A statement by the attending physician is also required to support the period of sickness.

4. Unjustified or unwarranted personnel action which causes the

loss of annual leave.

B. Recredit and Use of Restored Annual Leave. Restored annual leave will be credited to a separate leave account and must be used by the end of the leave year two years from:

1. Date the annual leave was restored in correcting an administrative error, or an unwarranted or justified personnel action.

2. Date fixed by FSIS as the termination of the exigency that resulted in forfeiture of annual leave.

3. Date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of illness.

EXAMPLE: Agency management determined that an exigency, which resulted in forfeiture of 40 hours of annual leave at the end of the 1979 leave year, terminated March 5, 1980. The 40 hours was restored as of March 5, 1980, and the employee will have until the end of the leave year 1982 to use the restored leave.

(### C. Authority to Act. The Director, Personnel Division, is authorized to approve restoration of annual leave cases. ### 12/22/82)

D. Requesting Restoration of Forfeited Annual Leave. Requests must be initiated by memorandum from the employee or an appropriate official in the supervisory chain and routed through channels to the Director, Personnel Division, Washington, D.C.

1. All requests must include:

a. Employee's name, title, grade, social security number, and headquarters.

b. Details of the specific circumstances causing forfeiture of leave. EXAMPLES:

(1) Emergency operational situation or exigency which resulted in cancellation of the scheduled leave, including its inclusive dates.

(2) The nature of the sickness, including the doctor's

certificate, date illness began, and date employee returned to duty.

(3) The administrative error which resulted in forfeiture of annual leave.

(4) The unjustified or unwarranted personnel action which resulted in forfeiture of annual leave.

2. Requests for restoration which are due to emergency operational demands or sickness must also be supported by:

a. A copy of approved forms or documents used to schedule or reschedule forfeited annual leave to include:

(1) Date supervisor approved the leave.

(2) Specific dates of scheduled leave and total number of hours.

(3) Date leave was rescheduled, if appropriate.

b. Specific dates annual leave was cancelled and total number of hours of annual leave forfeited.

c. Copy of employee's T&A for the last pay period and first pay period for the leave years in question.

d. An explanation of why the annual leave could not have been rescheduled and used during the leave year.

e. A copy of the paperwork documenting the exigency and its approval by the appropriate management official.

3. PD will:

(### a. Approve or disapprove requests for restoration of forfeited annual leave. ### 12/20/85)

b. Prepare an AD-582.

c. Distribute copies of the approved AD-582 to:

(1) NFC, using Form AD-337.

(2) SPO for the employee's Official Personnel File.

(3) Employee's timekeeper.

(4) Employee.

E. Recording Restored Annual Leave. Timekeeper will:

1. Maintain a separate record on the Timekeeper Copy of Form AD-582 of restored annual leave use and balances. (Do not maintain restored annual leave balances on the T&A itself.)

2. Use Transaction Code "63" on the T&A to enter restored annual leave used by the employee.

3. Notify employees of restored leave balances prior to the end

of the leave year. (NFC audits restored leave balances but does not notify employees.)

F. Time Limitations on Submitting Request for Leave Restoration. Request for restoration of annual leave forfeited due to a public exigency will not be accepted or processed after April 1 of the following leave year. There are no time limits on the acceptance or processing of restoration requests for leave forfeited due to administrative errors, employee illness, or unjustified or unwarranted personnel actions.

XXVI. RECREDIT OF ANNUAL LEAVE

A. After Military Service. When an employee enters active military service with restoration rights, his/her leave account is certified for credit or charge and filed in the employee's Official Personnel Folder. If he/she is restored within 52 calendar weeks after separation from military service, the gaining agency reestablishes the certified leave account for credit or charge. If the employee is not restored for reasons other than death and was:

1. Furloughed to enter military service, he/she is separated as of the day before entry into military service. Annual leave to his/her credit is paid in a lump-sum. If indebted for unearned leave, collection is requested.

2. Separated to enter military service, the employee must make claim for the annual leave to his/her credit. If indebted for unearned leave, collection is requested.

B. Upon Restoration After Appeal. When an appropriate authority corrects an unjustified or unwarranted personnel action, the Agency must recompute the pay, including leave for the period covered by the unjustified or unwarranted personnel action, as if the action had not occurred. Specific information on the recomputation may be obtained from WSPO or POB.

C. Upon Refund of Lump-Sum Payment. The hours of leave represented by the refund are recredited to his/her account and are available for use as soon as the employee's refund is received.

D. Upon Reemployment Under a Leave System Where Prior Leave is Being Held for Recredit. When an employee returns to a position under a leave system where a leave account is being held for him/her, he/she is recredited with prior balance if the employee has not had a break in service of more than 52 calendar weeks.

PART THREE - SICK LEAVE

SECTION ONE--ACCRUAL OF SICK LEAVE

I. FULL-PAY PERIOD ACCRUALS

A. General.

1. A full-time employee earns sick leave during each full biweekly pay period while in a pay status or in a combination of pay status and nonpay status. Sick leave is not earned for periods in a pay status

of less than a full biweekly pay period where the employee enters or leaves the service during such biweekly pay period. Exceptions to the requirement that an employee completes the full pay period to earn sick leave are the same for sick leave as they are for annual leave.

2. An employee who is absent on leave without pay (LWOP) because of a service-connected injury or illness does not accrue sick leave for the period during which disability compensation is paid by the Office of Federal Employee's Compensation of the U.S. Department of Labor. Reductions in sick leave credits are required the same as for annual leave when, during the leave year, nonpay status totals the equivalent of the base pay hours in one pay period. Any hours worked in excess of 40 in any administrative workweek (### are disregarded for leave accrual purposes. (EXCEPTION: Part-time employees. See subparagraph C.2.) ### 12/22/82)

B. Completion of Full Pay Period. Full-time and part-time employees complete a full pay period of employment when they are in pay status, or any combination of pay and nonpay status, for all of the work hours and workdays of the pay period which fall within their basic workweek. An employee must be on the rolls for all the work hours and workdays of the pay period either at the beginning or ending of employment in order to earn sick leave.

C. Accrual Rates

1. Full-time employees accrue 4 hours of sick leave each full pay period. Accruals for full-time employees are credited at the beginning of the pay period.

(### 2. Part-time employees accrue 1 hour of sick leave for each 20 hours worked in the Agency's basic working hours in a pay period. All hours of work in excess of the basic work requirement for a part-time employee, including overtime, are counted in determining the biweekly accrual of sick leave up to a maximum of 80 hours in a pay status per pay period. Hours during a pay period which total less than 20 (or a multiple thereof) shall be carried over for credit in the next pay period. Accruals for part-time employees are credited at the end of the pay period. ### 12/22/82)

3. Intermittent employees have no regularly scheduled tour of duty and, therefore, do not earn sick leave.

II. FRACTIONAL PAY PERIOD ACCRUALS

A. General Rule. An employee earns sick leave on a pro rata basis if, during continuous employment, his/her leave-earning status is interrupted for a fraction of a pay period. For example, this rule applies during a pay period when an employee:

1. Transfers between positions having different pay periods.
2. Changes his/her employment status (from full-time to part-time or intermittent, or vice versa).

3. Is carried on LWOP while drawing disability compensation from the Office of Workers' Compensation Programs.

4. Is restored after service in the military or with a public international organization.

5. Is restored after a period of unwarranted suspension.

B. Pro-Rata Accrual Rates.

1. Full-Time Employees. Table 3-1, shows the pro-rata accrual rates for sick leave for full-time employees during fractional pay periods.

2. Part-Time Employees. Part-time employees accrue sick leave for fractional pay periods the same as for full pay periods. (See Table 3-1 for accrual rates.) If a part-time employee changes to full-time status, he/she shall lose credit for any hours of work below the 20 hours required to earn 1 hour of sick leave.

TABLE 3-1 - PRO-RATA ACCRUAL RATES
FOR FRACTIONAL PAY PERIODS
(FULL-TIME AND PART-TIME EMPLOYEES)

CONDITIONS	RESULTS
If the number of workdays in a pay period is . . .	Then the hourly accrual of sick leave is . . .
1	1
2	1
3	1
4	2
5	2
6	2
7	3
8	3
9	3

III. ACCRUAL REDUCTIONS BECAUSE OF NONPAY STATUS

A. General Rule. The sick leave accrual for a full-time employee must be reduced by 4 hours whenever his/her time in a leave-earning, nonpay status (### equals 80 hours or any multiple of 80 (160, 240, etc.) during a leave year. ### 12/22/82)

B. Counting Hours in Nonpay Status. The hours in nonpay status shall be recorded on the T&A Report. The total used to date shall be carried forward each pay period throughout the leave year.

1. Break in Service. If an employee has one or more breaks in service during the leave year, his leave-earning hours in nonpay status during each period of employment shall be added together.

2. Nonpay Status When Sick Leave is Not Earned. Nonpay status during periods when an employee is not earning sick leave shall not be counted. Also, periods of advance sick leave shall not be counted as nonpay status when an employee makes cash refund for the hours of sick leave advanced, even though the advance sick leave is converted to LWOP upon

refund.

(### 3. Nonpay Hours at End of Leave Year. All hours of nonpay status are dropped when preparing the first T&A Report for the new leave year. ### 12/22/82)

IV. ACCUMULATION OF SICK LEAVE

Sick leave which is not used during a leave year in which it accrues is accumulated without limitation.

V. SICK LEAVE CREDITED TOWARD COMPUTATION OF ANNUITY

Unused sick leave to the credit of an employee as of the date of retirement or death is credited toward the calculation of retirement and survivor annuities. Days of unused sick leave are used only in counting the number of years and months of service for annuity computation purposes. They cannot be used in computing the employee's high-3 average salary or for the purpose of meeting the minimum length of service required for retirement eligibility. Sick leave which is used in the computation of an annuity for an employee may not later be used, transferred, or recredited. (See FSQS Directive 4831.2.)

VI. TRANSFER AND RECREDIT OF SICK LEAVE

Sick leave is transferable under the same conditions as annual leave. In addition, in any case of reemployment effective on or after 1-9-62, there may be recredited any sick leave unused at the time the employee left, provided the break in service is not more than 3 years.

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PART 5 OF 8

PART THREE - SICK LEAVE (CON'T)

SECTION TWO--GRANTING SICK LEAVE

VII. PURPOSES OF SICK LEAVE

Sick leave shall be granted to an eligible employee when the employee:

A. Receives medical, dental, or optical treatment or examination.
B. Is unable to work because of sickness, injury, pregnancy, or confinement. (See Part Seven for detailed provisions concerning maternity or paternity leave.)

C. Must care for an immediate family member who has a contagious disease.

D. Is exposed to a contagious disease and his/her presence at work would jeopardize the health of co-workers.

(### E. Is handicapped and depends on an aid, mechanical or otherwise, to perform work. This employee without the aid is normally considered incapacitated. A seeing-eye dog, a wheelchair, or any prosthetic device may be considered an extension of the person and a grant of sick leave for such purposes as training, replacement, or repair is appropriate under the same conditions as any other incapacitation.

VIII. REQUESTS FOR SICK LEAVE

Employees should request sick leave in advance when possible (such as for medical and dental appointments, leave for maternity purposes, etc.). When advance notice is not possible, an employee must notify his/her supervisor, as early as possible on the first day of absence and any subsequent days as necessary. Failure to give prompt notice may result in denial of sick leave for the absence. ### 12/22/82)

IX. REQUIREMENTS FOR GRANTING SICK LEAVE

A. General. The granting of sick leave is an administrative responsibility of the supervisor. Before granting sick leave, the supervisor shall determine that:

1. Prompt notice of the need for sick leave was given by the employee.
2. The evidence submitted by the employee supports charging the absence to sick leave.

B. Supporting Evidence. Supervisors shall require employees to file evidence in support of sick leave within the pay period in which the employee returns to duty.

1. Personal Certificate.

- a. Absences of 3 Workdays or less. Generally, employees shall support sick leave of 3 days or less by a personal certificate, either by initialing the T&A Report, or by completing an SF-71, Application for Leave.

- b. Absences in Excess of 3 Workdays. In special cases when the employee did not consult a physician, the supervisor may accept a personal certificate on the reverse of SF-71, stating the nature of the illness and the reasons the employee did not see a doctor.

2. Medical Certificate. Employees shall submit a medical certificate, or other administratively acceptable evidence, covering

periods of absence:

a. In excess of 3 workdays, when a physician is consulted.

b. When there is reason to suspect abuse of sick leave which would require additional evidence to support the employee's personal statement of reasons for his/her absence. The employee shall first be orally advised that a medical certificate may be required for each subsequent

employee will be advised in writing that all future requests for sick leave must be supported by an acceptable medical certificate.

c. When an employee is required to care for a member of his/her immediate family who has a contagious disease, or the employee is jeopardize the health of co-workers. In such cases, sick leave may be granted only for the period of quarantine established by the local health

X. GRANTING SICK LEAVE WITHOUT APPLICATION

If an employee dies before application for sick leave is made, accrued or advance sick leave may be granted without application. Such leave may be illness or disability that caused the employee's absence.

(### Supervisors must grant disabled veterans such sick leave as may be permitted by law in order that the veteran may receive examinations or sick leave, annual leave or LWOP must be granted. The grant is obligatory if the veteran:

- A. Presents an official statement from a properly licensed medical practitioner or officer of a Government hospital that examination or
- B. Notifies the supervisor far enough in advance to permit the
- C. States in the notice to the supervisor the days on which absence

XII. GRANTING SICK LEAVE AFTER NOTICE OF SEPARATION BY REDUCTION IN FORCE

An employee who has received a notice of separation by reduction in force may be granted sick leave through the last day of retention in active duty without pay or is separated.

When an employee is unable to work because of mental or physical illness or place the employee on sick leave without the employee's consent. If it is found that the employee is physically or mentally unfit for retention and involuntary annual or sick leave, or LWOP, pending approval of the

disability retirement.

XIV. ADVANCED SICK LEAVE

Requests for advance sick leave should be made as early as practicable. The employee may not be aware of the exhaustion of accumulated and accrued sick leave, or that a decision must be made as to whether the continuing absence should be charged to annual leave, LWOP, or advance sick leave. Where no request on the part of the employee is received by the time accumulated and accrued sick leave is exhausted, a notice should be sent to the employee requesting that a decision be made with respect to the charging of the continuing absence. The employee should be requested to make this decision by no later than the end of the first complete pay period occurring after the date the notice is received by the employee. Failure to comply may result in the charging of the continuing absence to annual leave or LWOP.

A. Criteria for Granting.

1. General. Sick leave not in excess of 30 days may be advanced in cases of serious disability or ailment to any employee appointed on other than a temporary limited basis. Advance sick leave may be for any number of days or hours within the maximum of 30 days, and may be granted regardless of whether the employee has annual leave. The 30-day maximum is reached whenever an employee's record shows indebtedness of 240 hours sick leave at the end of any biweekly pay period.

2. Guidelines for Determining "Serious Disability or Ailment." Sick leave will be advanced to an employee only if it represents all or a portion of a consecutive absence from duty extending for more than 3 workdays. The application for the advance sick leave must be supported by a physician's certificate. Exceptions may be made in individual cases by advancing sick leave for shorter periods of absence under the following conditions:

a. Approving official must be at a level equivalent to that of Division Director or head of field station or their designees.

b. Approving official must be convinced that the advance sick leave is due to serious disability or ailment.

c. A physician's certificate must be submitted in support of each case. This requirement may be waived by the SPO on the basis of all other available evidence in cases where abuse of leave privileges is clearly not present.

d. A description of the basis for approval of the exception must be documented and attached to the application for advance sick leave.

B. Restrictions on the Granting of Advance Sick Leave. Advance sick leave may not be granted:

1. To an employee who is not ill but is required to take care of a family member who is ill with a contagious disease.

(### 2. If it is known (or reasonably expected) that the employee will not return to duty, as in the case of an employee who has applied for disability retirement.

3. After an employee has received a notice of separation or furlough by reduction in force. If the employee has been granted advance sick leave prior to receipt of such a notice, such leave may be used, but no further grants may be made.

* * *

C. Advancing Sick Leave. Sick leave may be granted to an employee before it is earned only under the conditions listed in Attachment 3-1. Before granting advance leave the approving authority should consider such matters as the expectation of return to duty, the need for the employee's services, the benefits to the Agency in retaining the employee, and the ability of the Agency to require repayment of the amount paid to the employee for advance leave. (See subparagraph D. for cases where an employee is not required to refund the value of advanced leave.) ### 12/22/82)

D. Unliquidated Balance of Advance Sick Leave. Unliquidated balance of advance sick leave remaining at the end of the leave year is carried forward to the next leave year. A refund for an unliquidated advance sick leave balance is required at the time of an employee's separation from Federal service except in cases of:

1. Death.

2. Retirement for disability.

3. Resignation or separation because of disability which prevents employee's return to duty or continuing in service and which is the basis for the resignation or separation as determined by the SPO on medical evidence acceptable to it.

4. Separation or furlough of an employee entering active military service with restoration rights.

E. Procedure for Making Refund.

1. An employee who wishes to make a cash refund for advance sick leave must prepare and submit a memorandum to his/her Administrative Officer stating the following:

a. Name and Social Security Number.

b. That a check is being submitted for the total amount of the refund, or that the amount due should be deducted from one or more regular salary checks.

c. If salary check deductions are requested, the amount of deduction to be made from each salary check, the number and dates of the first pay period in which deduction should be made, and the fact that the deduction shall continue until the advance sick leave is liquidated.

2. The Administrative Officer shall forward the employee's memorandum to WSPO or POB and furnish the following additional information for each pay period involved:

a. The pay period numbers involved and the total hours and inclusive dates of advance sick leave.

b. The employee's hourly salary rate in effect at the time the advance sick leave was used.

c. The total amount of pay received for advance sick leave in each pay period.

d. The management code to which the hours of advance sick leave was originally charged.

F. Liquidation of Advance Sick Leave by Substitution of Annual Leave.

1. Permitted. An employee may substitute annual leave for advance sick leave if:

a. He/she requests the substitution far enough in advance to have been able to have used the substituted hours as annual leave before the end of the leave year, and

b. His/her supervisor should have approved charging the advance sick leave to annual leave at the time the advance sick leave was granted.

2. Procedure for Making Substitutions. Annual and sick leave balances shall be adjusted on the T&A Report for the pay period in which the substitution is approved.

EXAMPLE: An employee has a minus balance of 40 hours of advance sick leave and an annual leave balance of 80 hours. The adjustment on the T&A would change the minus 40 hours of sick leave to 0 and the 80 hours of annual leave to 40 hours. Corrected T&A Reports are not required for the pay periods in which advance sick leave was used.

SECTION THREE--CHARGING SICK LEAVE

XV. GENERAL PROVISIONS

Employees are charged sick leave for absence only on the days that constitute the basic workweek or the regular tour of duty. An employee may

A. During Period of Annual Leave. When sickness occurs within a subject to supporting evidence when required.

and/or Properly Advanced Sick Leave. Any portion of a period otherwise chargeable to sick leave which cannot be covered by accumulated, accrued,

C. In Periods of "Stand-By" Service. When a period of "stand-by" service has been declared as a result of emergency conditions such as only for absence on those days of the basic workweek which employees would otherwise work.

D. For First 40-Hour Employees. Sick leave for first 40-hour employees is charged the same as annual leave.

E. On Holidays. There is no charge for sick leave on holidays.

F. Hazardous Weather Dismissals. See Part Five, paragraph XVI.

The minimum charge for sick leave is 1 hour. Additional charges must be in of an hour in the following instances:

involving a fraction of an hour is absent on sick leave for all of the regular workday.

EXAMPLE: Daily tour of duty--5 1/2 hours. Sick leave charge for absence of 1 workday--5 1/2 hours.

B. An employee assigned to a split shift is absent on sick leave for an entire part of the shift when such part involves a fraction of an hour.

second part of split shift, 4 1/2 hours. Sick leave charge for absence during entire first part of split shift--3 1/2 hours; for entire second

C. If a different minimum charge is established through

PART FOUR--NONPAY STATUS

I. LEAVE WITHOUT PAY

A. General. Leave without pay (LWOP) is a temporary nonpay status and approved absence from duty which may be granted to employees as specified below.

B. Application for LWOP. Employees must apply for LWOP in advance. Applications for LWOP in excess of 30 calendar days must be made in writing. LWOP should not be taken until the application has been approved, except in cases of emergency.

C. Approval Policy. Except for disabled veterans needing medical treatment and reservists and National Guardsmen wishing leave for military (### training, employees cannot demand LWOP as a matter of right. Elements to be considered are:

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

D. Granting LWOP.

1. For 30 Or Fewer Calendar Days. Officials who have been delegated such authority may grant LWOP up to 30 calendar days for any purpose.

2. More than 30 Calendar Days (Extended LWOP). LWOP for more than 30 calendar days is "extended" LWOP. Grants of extended LWOP are limited to 1 year. (See subparagraph F, for special provisions on extended LWOP for medical reasons.) Processing of Form AD-350A, Change Action Notice, is required to effect any grant of extended LWOP.

a. The employee must be committed to return to duty after the period of LWOP, except for disabled veterans requiring medical treatment and employees who have applied for disability retirement * * *.

b. The LWOP must benefit FSIS and the employee.

c. The request for LWOP must be submitted on SF-52, Request for Personnel Action, covering an initial period or extension of not more than 1 year.

(1) Enter a brief explanation of the reasons for the requested LWOP in the "Remarks" space on the SF-52.

(2) Attach medical documentation to the SF-52 if illness or injury is the reason.

E. Reasons For LWOP. LWOP can be granted in the following situations:

1. For employees who have applied for disability retirement or on-the-job injury compensation.

2. For employees being paid disability compensation, unless it is known that they are permanently disabled for performance of their

* * *

medical * * * evidence, unless such evidence indicates that the employee will not return to duty. (This includes absences for maternity purposes.)

4. For employees to attend school if the course of study will veteran attending school under the GI Bill of Rights, a liberal policy will be applied even though the course of study is not directly related to FSIS

5. For employees to teach at colleges or universities. qualifications for short terms (90 days or less) to public international organizations to engage in organizing programs or consultation work.

enterprise (other than a public international organization) where the work is temporary and where the requirements given below have been met:

one of special interest and will result in increased job activity for work in FSIS.

b. The performance of such work does not involve using information secured as the result of employment in the Department to the

c. The acceptance of such employment does not bring

d. The employee is not accepting office in an organization organization which would commercialize the results of work conducted by the Department, regardless of the merits of such an enterprise.

competitive positions in FSIS to permit them to serve as Peace Corps volunteers or volunteer leaders for periods up to 30 months.

LWOP when the employee must move to a new location to accompany:

a. A serviceman.

b. A Federal employee on a rotational assignment.

c. A Federal employee involved in a transfer of function

or relocation of activity.

NOTE: This period of LWOP is intended to make it possible for the career-conditional employee to work out a transfer and avoid having to begin a new career-conditional period.

10. For employees to serve, on a temporary basis, as an officer or representative of a union for Federal employees.

(### F. Extended LWOP for Medical Reasons.

1. Employees who have applied for disability retirement or on-the-job injury compensation may be granted up to 1 year of LWOP. For a non-work-related illness or disability, an employee may be granted up to 6 months of LWOP.

2. In rare cases, LWOP may be extended beyond these limits. Submit requests for extension to the Director, Personnel Division, through the appropriate SPO. Include medical documentation indicating that the employee can be expected to return to duty at the end of the LWOP extension. A decision will be made by the Director, Personnel Division, after consultation with the Department Medical Officer. ### 9/27/83)

G. Substitution of Annual Leave for LWOP. Annual leave, in the amount standing to an employee's credit when LWOP began, may be substituted for a period of LWOP when an administrative error or misunderstanding resulted in an employee being charged LWOP when he/she could have used annual leave instead.

H. LWOP during Periods of Emergency Standby Service. When emergency conditions at the worksite such as floods and strikes cause a shutdown of operations, an employee who does not have annual leave may be placed in a nonpay leave status only after authorization has been obtained by the WSPO or POB from the Department Director of Personnel.

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PART FOUR--NONPAY STATUS (CON'T)

II. ABSENCE WITHOUT PAY

Absence without pay (AWOP) is a temporary nonpay and nonleave status which results from disciplinary action to suspend an employee from duty.

III. ABSENCE WITHOUT LEAVE

Absence without leave (AWOL) is a nonpay absence from duty which is not authorized or for which a request for leave has been denied. A charge of

such action. If the absence is later excused because of circumstances justifying approval of leave, AWOL may be changed to annual or sick leave, 10 workdays, the supervisor must contact WSPO or POB through the Division Administrative Office, or other appropriate channels, for instructions on unauthorized absence becomes a problem for which disciplinary action is indicated, the supervisor should notify WSPO or POB.

IV. CHARGING NONPAY STATUS

(whether full-time or less than full-time) must be placed in nonpay status to cover absences on the days that constitute the basic workweek or the

1. An employee does not have annual or sick leave to cover such
2. Such absences are not properly chargeable to annual, sick,

B. Minimum Charge. One hour is the minimum charge for nonpay

EXCEPTION: Charges may be made in fractions of an hour in the following instances:

duty involving a fraction of an hour is absent in a nonpay status for the full workday.

EXAMPLE: Daily tour of duty--5 1/2 hours. Nonpay status charged for absence of 1 workday--5 1/2 hours.

2. Where an employee assigned to a split shift is absent for an entire part of the shift, such part involving a fraction of an hour.

second part of split shift, 4 1/2 hours. Nonpay status charged for absence

during entire first part of split shift--3 1/2 hours; for entire second

3. Where a minimum charge of less than 1 hour has been

C. Other Charges.

1. On Holidays. A charge for nonpay status is made for a holiday occurring within a period of nonpay status. A charge for nonpay status period. If an employee returns to duty at the beginning of business the day following a holiday after having been in nonpay status, no nonpay

2. For Part of Day. Where the effective time of nonpay status status would be the difference between the time in the workday, exclusive of the lunch period, less the time in a duty status.

3. When Refund is made for Unearned Annual or Sick Leave. Annual or sick leave originally charged must be changed to LWOP for the

4. During Emergency Standby. When a period of standby is employees are considered in active duty status and any absence will be charged to nonpay leave when an employee does not have leave to his/her

V. EFFECT OF NONPAY STATUS ON ANNUAL AND SICK LEAVE ACCRUALS
See Part Two for the effect of nonpay status on annual leave accrual and

VI. FURNISHING SF-8, NOTICE TO FEDERAL EMPLOYEE ABOUT UNEMPLOYMENT

When an employee has been, or is expected to be, in nonpay status for 7 completed SF-8. The SF-8 preprinted on the last copy of the T&A may be used for this purpose.

PART FIVE--OFFICIAL LEAVE

Official leave is time off without loss of pay or charge to annual or sick
Official leave shall be granted eligible FSIS employees for the activities and within the limitations specified in this PART.

II. COURT LEAVE

(### A. Definition of Judicial Proceeding. Any action, suit, or other judicial proceeding. This includes any condemnation, preliminary, informational, or other proceeding of a judicial nature. This does not include

an administrative proceeding. ### 12/22/82)

B. Leave With Pay for Service as a Juror or a Witness.

1. An employee (other than one without a regularly scheduled tour of duty) is entitled to court leave when summoned in connection with any judicial proceeding by a court or by an authority responsible for conducting such proceedings, to serve as a juror or as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party.

2. An employee granted court leave will have no reduction in pay or accrued leave during the period of court service. Further, the court service will not adversely impact on credit for Federal service or performance standards or rating.

3. If an employee is a plaintiff in a proceeding to which the United States, the District of Columbia, or a State or local government is a party:

a. Time spent giving a deposition (with or without a summons) or in testifying as a witness is considered as court leave.

b. Time spent as a plaintiff testifying in his or her own behalf is not considered court leave. Annual leave or LWOP is appropriate for such periods.

C. Official Duty Status of Employee in Certain Cases. An employee is PERFORMING OFFICIAL DUTY during any period when:

1. Testifying or producing official records on behalf of the United States or the District of Columbia.

2. Testifying in an official capacity or producing official records on behalf of a party other than the United States or the District of Columbia.

3. The kinds of judicial proceedings and the proper designation of leave or duty status applicable to an employee's absence for witness or jury service are shown in Table 5-1.

(### D. Time Covered by Jury or Witness Service.

1. "Term" or "Period" of Service. Jury or witness service:

a. Begins on the date stated in the summons as the date the employee is required to report.

b. Ends on the date the employee is discharged, as shown on the court certificate or other authority.

2. Return to Duty During Jury or Witness Service. Except as provided in subparagraph 3., an employee excused from jury or witness duty for all or a substantial part of 1 working day is expected to return to

a. The decision to require an employee to return to duty is a matter of administrative discretion to be exercised in a reasonable the distance of the court from the employee's residence or place of duty,

and the employee's need for rest.

b. If no hardship would result and the employee does not return to duty as required, charge annual leave for the period the employee was excused from jury or witness duty.

3. Employees Regularly Assigned to Night Work. Place such employees on court leave for the entire "term" or "period" of service. ### (12/22/82)

E. Employee's Acceptance of Duty. An employee summoned for jury service in any court should appear in accordance with terms of the summons. If the jury service will interfere substantially with the welfare of the work program, the court should be so informed and requested to excuse the employee. Advice and assistance of the Department's General Counsel may be sought for this purpose THROUGH the appropriate SPO (WSPO or POB).

F. Employee's Furlough or Separation Date Not To Be Extended for Jury or Witness Service. The pay status of any employee whose date of furlough or separation has been fixed by notice will not be extended beyond such date for the purpose of granting leave of absence with pay for jury or witness service.

G. Intermittent Employees. Intermittent employees (those who do not have regularly scheduled tours of duty) are not entitled to leave of absence with pay for jury or witness service.

H. Preliminary Screening Interview. Court leave may be granted to an employee who is summoned, under penalty of a fine for failure to appear, for a preliminary screening interview to ascertain potential eligibility for later service as a juror.

I. Fees and Travel Expenses for Jury or Witness Service

1. Retaining Fees. When an employee is on court leave, there is no entitlement to any fee for jury or witness service except as shown in Table 5-1 and as follows:

a. If an employee is on annual leave or leave without pay because of testifying in a nonofficial capacity on behalf of a private party, the entire witness fee may be retained.

b. If the jury or witness fee is more than the employee's pay from FSIS for the period of jury or witness service, the excess may be retained.

c. If an employee renders jury or witness service on a holiday or other nonworkday, the jury or witness fee may be retained.

d. If an employee performs jury or witness service beyond the end of their workday, they may retain a pro rata portion of the fee for such service.

(1) Divide total daily jury fee by 8. Multiply the remainder by the number of hours of jury or witness service performed beyond the end or prior to the beginning of the employee's normal workday. Thirty minutes or more to be treated as a whole hour; periods of less than 1/2

hour to be disregarded.

(2) Prorating is not required when beginning of jury or witness service coincides with end of normal workday, or when jury or witness service coincides with beginning of normal workday. Necessary travel time to be treated as court leave.

2. Retaining Travel Expenses

a. An employee authorized to make a court appearance while on official duty will be granted travel expenses consistent with Agency regulations.

b. An employee not eligible to receive Agency reimbursement for travel expenses may retain travel expenses provided by either the court or the summoning party.

(1) If only a portion of such amount is for travel expenses, as indicated on the jury certificate given the employee by the court, that portion may be retained by the employee, and the remainder must be disposed of as indicated in subparagraph 3.

TABLE 5-1

(Refer to FSIS Directive 4630.2 for Table 5-1, Employee Absences for Court or Court-Related Services.)

(2) Where the entire amount is for remittance to FSIS (i.e., where the jury certificate does not specify that a portion of the amount is for travel expenses, OR where the entire amount has not been determined by the State or local jurisdiction to be for travel expenses) the check or bank draft received from the court must be endorsed by the employee to FSIS.

(3) Employees who reside in and serve on juries in Maryland Counties of Anne Arundel, Calvert, Charles, Prince Georges, Montgomery, St. Mary's or in the State of Georgia may retain the flat fee they receive from the court since such flat fee is regarded by the State or local jurisdiction as reimbursement for travel expenses and not as pay for jury service rendered.

3. Disposition of Jury or Witness Fees. See FSQS Directive 4630.3, Witnesses in Judicial Proceedings.

III. LEAVE FOR VOTING AND REGISTRATION

A. Policy. Employees in pay status may be granted official leave to register or to vote in an election or referendum on a civic matter. Voting leave must be requested in advance.

B. Leave to Register. Voting leave may be granted to register only if registration cannot be accomplished on a nonworkday or by mail. If the distance traveled to register on a nonworkday exceeds 1 day round-trip traveltime, the employee may be excused for a maximum of 1 additional day.

C. Leave to Vote.

1. Amount of Time Allowable. Employees may be excused to permit them to report for work 3 hours after the polls open, or to leave work 3 hours before the polls close, whichever results in the lesser amount of time (### absent from duty. The amount of voting leave to be granted will vary, depending on the employee's voting location as well as the official duty hours where the individual is employed. For employees on flexitour schedules, base voting leave on the employee's flexitour schedule of record. ### 12/22/82)

a. In unusual circumstances, an employee who needs more time may be excused for a longer period, not to exceed 1 full day.

b. If an employee must travel to reach a distant voting place because absentee voting is not permitted, the supervisor may grant up to 1 day of official leave, and should be liberal in granting additional time off, as required, chargeable to annual leave or leave without pay.

2. Washington Metropolitan Area Employees. The hours during which polls are open in political subdivisions in the Washington Metropolitan Area are:

(###	District of Columbia	7 a.m. to 8 p.m.	### 12/22/82)
	Maryland	7 a.m. to 8 p.m.	
	Virginia	6 a.m. to 7 p.m.	

3. Employees Outside the Washington, D.C. Metropolitan Area. Each FSIS field office/station will assemble the necessary information about hours during which polls are open in all political subdivisions in which their employees reside. On the basis of such data, officials-in-charge of field offices/stations will determine the amount of voting leave to be allowed (using the general rule in subparagraph C.1. above) and notify their employees of the decision and the local procedures to be followed. Employees must request voting leave in advance. Where voting hours have not been previously ascertained by the field office/station, employees will obtain this information and include it in their request for voting leave.

IV. FUNERAL LEAVE

A. Active Participation in Funeral or Ceremony for Deceased Member of the Armed Forces. An employee shall be granted official leave, not to exceed 4 hours in any 1 day, to participate as an active pallbearer or as a member of a firing squad or honor guard in a funeral ceremony for a member of the Armed Forces returned to the United States for interment, provided the employee either:

1. Is a veteran of any war.

2. Participated in a campaign or expedition for which a campaign badge has been authorized.

3. Is a member of an honor guard or ceremonial group of a veteran's organization.

B. Funeral or Memorial Services for Certain Members of the Armed Services. An employee is entitled to not more than 3 days absence without charge to leave or loss of pay to make arrangements for, or to attend, funeral or memorial services for certain members of the Armed Forces provided the following conditions are present:

1. Employee must be an immediate relative of the deceased member of the Armed Forces. For this purpose, an immediate relative includes decedent's:

a. Spouse and spouse's parents.

b. Children, including adopted children, and their spouses.

c. Parents.

d. Brothers and sisters and their spouses.

e. Any blood relative whose close association with the decedent was such as to have been the equivalent of a family relationship.

2. The decedent must have died as a result of a wound, disease, or injury received while serving the Armed Services in a combat zone.

V. LEAVE FOR BLOOD DONATION

Supervisors are authorized to approve a maximum of 4 hours rest and recuperation leave for employees who make free blood donations. The excused period shall be exclusive of the time required for actual blood donation. Employees who receive pay for donating blood and who wish to take time off from duty shall be charged annual leave or LWOP.

VI. LEAVE FOR EXAMINATIONS

A. Job Qualification Examination. Employees shall be given official leave to take job qualification examinations or to obtain professional licenses if the examination:

1. Is required for the position the employee currently occupies.

2. Is for a position to which the Department has recommended the employee be transferred, promoted, or reassigned.

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

B. Physical Examination. Employees shall be given official leave to take the following types of physical examinations:

1. Examination Upon Appointment. Official leave may be granted for such examination if:

a. It is conducted on or after the effective date of the employee's appointment; and

b. The employee's appointment is subject to a satisfactory physical examination.

(### 2. Initial or Immediate Examination or Treatment for Job-Related Disease or Illness Occurring While on Job. An employee shall be granted official leave for initial or immediate examination or treatment for job-related disease or illness occurring while on the job. Sick leave, annual leave, or leave without pay shall be charged for absences subsequent to initial treatment.

3. Initial or Immediate Examination or Treatment of Injury Occurring While on Job. See subparagraph VII. A. ### 9/27/83)

4. Tuberculosis Contact X-rays. An employee shall be granted official leave for initial tuberculosis contact X-rays. Subsequent absences for this purpose, however, require the charging of sick or other leave.

5. Special Examination. Includes X-rays, when requested or approved by the SPO for an employee who:

a. Works with harmful, toxic, or otherwise dangerous materials or in a hazardous work environment.

b. Is subjected to contagious diseases through his employment.

6. Examination To Determine Fitness for Duty. Includes physical, psychiatric, or other type of examination when required by FSIS to determine fitness for duty. (See FSQS Directive 4339.1.)

7. Specific Health Services Offered on a Mass or Community Basis. A maximum of 1 hour of official leave may be granted for tests for tuberculosis and glaucoma, preventive inoculations, etc., provided that:

a. The request for official leave is approved by the supervisor in advance.

b. The employee's absence will not interfere with work continuity.

8. Examination for Military Duty.

a. An employee who is required to take a physical

examination in connection with induction or enlistment or disability retirement from the Armed Forces shall be given official leave for the time required for the examination.

b. Members of the Reserves recalled to active duty are placed in pay status with the military service concerned for the time required for the physical examination and shall not be granted official leave for that purpose. When a member of the Reserves must report for a physical examination in connection with a Reserve promotion, he/she must take annual leave for the day or days required for the examination unless the military service has placed him/her on active duty for the time involved.

VII. LEAVE FOR JOB-RELATED TRAUMATIC INJURY

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

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

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

2. For intermittent employees, code the excused absence on the T&A using TC 01.

B. Absences After the Day Injury Occurs. An employee who sustains a traumatic injury is entitled to continuation of regular pay (TC 67) for a period not to exceed 45 calendar days. (See FSQS Directive 4810.1, Injury Compensation, for further information.) ### 9/27/83)

VIII. TIME SPENT IN HEALTH UNITS

A. An employee who is injured or becomes ill while on duty and who is treated in a Government health unit or first aid room may remain there for up to 1 hour with no charge to leave.

B. If an employee is required by doctor's orders to rest a certain amount of time each day, the time spent resting shall be charged to sick leave.

C. All employees shall be instructed to "sign in" upon entering the health unit or first aid room and "sign out" upon leaving. Duplicate copies of time slips will be sent only when visits involve a period of rest or injury incurred in the line of duty. Appropriate officials may verify visits by telephone.

IX. LEAVE FOR SELECTIVE SERVICE REGISTRATION

An employee subject to selective service registration shall be excused from duty without charge to leave or loss of pay for a reasonable amount of time in order to comply with registration requirements. The actual amount of time needed may vary, depending on factors such as hours of operation and location of the particular post office, and the employee's hours of duty.

X. LEAVE FOR FIRST-AID TRAINING

An employee who has been officially designated by his/her supervisor to take first-aid training shall be given official leave to attend such training.

XI. LEAVE WITH PAY FOR CIVIL DEFENSE ACTIVITIES

In cooperating with State and local civil defense officials in preemergency training programs and test exercises, employees who are assigned to such activities may be granted official time not in excess of 40 working hours in a calendar year for this purpose.

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PART FIVE--OFFICIAL LEAVE (CON'T)

XII. LEAVE FOR PARTICIPATION IN EMERGENCY RESCUE OR PROTECTIVE WORK
Employees may be excused for tardiness or for absences from work to help in emergency rescue or emergency protective work during official working hours. Emergency situations include, but are not limited to, extreme weather conditions, civil disturbances, and disasters such as fire, flood, or other natural phenomena. Supervisors are responsible for granting such official leave and for determining that the leave is for an emergency and in the interest of the public welfare.

XIII. LEAVE IN CONNECTION WITH OFFICIAL TRAVEL

An employee may be excused for a maximum of 2 hours official leave before or after a period of travel, if the time of departure from or arrival at his/her duty station is such that it is administratively determined that official leave is necessary.

EXAMPLE: An employee whose office closes at 4:45 p.m. arrives at the airport at 4:00 p.m. Estimated travel time to his office is 30 minutes. Therefore, the employee could not arrive at his/her office in sufficient time to justify the trip. In this situation, his/her supervisor may grant the employee 1 hour of official leave, and the employee would not report for duty until the following workday.

XIV. OFFICIAL LEAVE WHEN MAKING A CHANGE OF OFFICIAL STATION

Employees serving under appointments not limited to 1 year or less who are

making a change of official station at the expense of the Government may be granted sufficient time off without charge to leave or loss of pay, not to exceed 80 hours in a pay status, to enable them to make necessary pre- and post-moving arrangements. Maximum of 80 hours off without charge to leave or (### loss of pay INCLUDES the period of the round trip (not in excess of 10 calendar days) between the old and new official station to seek permanent quarters. The granting of 80 hours applies only to movement to or within the Department in the interests of Department needs and programs. It is not affected by whether any such leave is granted by another Government agency from which the employee is transferring. Single employees as well as heads of families are entitled to these benefits. When employees leave the Department, with or without reemployment rights, they are, if authorized, entitled only to the round-trip period. In all cases, the round trip to seek permanent quarters must be taken in accordance with the travel authorization. Any allowable remaining time off can be taken under any one of the following circumstances: ### 9/27/83)

A. At any time preceding the actual effective date after official approval of the change of the official station; and/or

B. Within 2 years after the effective date of the change of official station.

Official leave as covered in this paragraph must be indicated on Time and Attendance Reports.

XV. LEAVE FOR LOCAL, STATE, TERRITORIAL, AND FOREIGN HOLIDAYS

A field employee may be absent from duty without charge to leave whenever the field office is closed and work cannot be properly performed because of a local, State, territorial, or foreign holiday. Field office supervisors shall:

A. Determine when Federal work may not be properly performed on holidays (other than national holidays of foreign countries) or when employees are actually prevented from working because:

1. Buildings or offices in which employees work are closed, or building services essential to proper performance of work are not available.

2. Local transportation services are discontinued or interrupted and employees are prevented from reporting to their work location.

3. Duties of the employees involved consist largely or entirely of dealing directly with employees and officials of business or industrial establishments or local government offices which are closed in observance of the holiday, and there are no other duties consistent with their normal duties to which the employees can be assigned.

B. Strictly apply the above standards to hold to minimum office closings for local, State, territorial, or foreign holidays.

C. Notify their division headquarters whenever a field office must be closed for such a holiday.

XVI. LEAVE FOR HAZARDOUS WEATHER OR OTHER EMERGENCIES WHICH DISRUPT TRAVEL

"Hazardous weather conditions" and "emergencies which disrupt travel" are defined as 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, large-scale civil disturbances such as riots or strikes, etc.).

A. Dismissal Policy. FSIS will excuse employees from duty during hazardous weather or other emergencies which disrupt travel, unless the employees are engaged in work which cannot be suspended or interrupted, and are designated as essential.

1. Washington Metropolitan Area. When emergency conditions occur, FSIS will act in accordance with the decision of the USDA Office of (### Personnel, which is based on a finding by * * * OPM that conditions are, or will be, such that dismissal of Government employees is necessary to reduce the probability of extremely serious and hazardous traffic congestion and driving conditions. Such decision cannot be made independently either by FSIS or by the USDA Office of Personnel. ### 12/20/85)

2. Field Office Locations.

a. FSIS organizational segments shall designate supervisory employees, and alternates to act in their absence, to determine when FSIS employees may be excused from duty because of emergency conditions. Supervisory employees designated shall base their decision to excuse employees from duty on one of the following actions, in the order given:

- (1) Declaration by a Federal Executive Board that an

emergency exists for which Federal employees should be excused from duty, in those geographic locations where Federal agencies have agreed to be governed by coordinated Federal Executive Board decisions on excusing employees.

(2) Official public announcement by local, State, or Federal authorities that driving and travel should be avoided because of an emergency condition.

(3) Advice received from the SPO, if the decision cannot be made under subparagraph (1) or (2) above.

b. When a State or local authority publicly declares that weather conditions in an employee's residence area are extremely hazardous and that driving should be limited to that which is absolutely necessary, the employee may be excused on official leave. This policy applies only to employees stationed outside the Washington Metropolitan area, who are not on scheduled annual or sick leave, and whose residence area is affected by hazardous weather conditions, although the worksite may not be affected.

B. Policy on Excusing Tardiness. When unusually severe weather or traffic conditions exist, supervisors may excuse tardiness not in excess of 2 hours when they consider the tardiness not reasonably avoidable. This constitutes an exception to the 1-hour limitation on the amount of tardiness which can be excused without charge to leave as authorized under Part Two, paragraph XVII.

C. Notifying Employees of Early Dismissals.

1. Washington, D.C. The SPO, upon receipt of dismissal notice from the Department, will notify Administrative/Executive Officers or other appropriate officials, who in turn will notify those employees who can be spared from their duties.

(### 2. Hyattsville, Maryland. The Director, Personnel Division, APHIS, will decide on early dismissals for employees stationed in Hyattsville. ### 12/22/82)

3. Beltsville, Maryland. The Director, Beltsville Agriculture Research Center, is authorized by the Department to dismiss all but essential employees.

4. Other Field Office Locations. After making the determination regarding dismissal, field office supervisors shall notify employees within their geographic areas of the early dismissal.

D. Notifying Employees of Closings Before Regular Opening Hours.

1. Washington Metropolitan Area, Beltsville, and Hyattsville. Announcements of the closing of Government offices are made over local radio and television stations and by the press. These announcements shall excuse all FSIS employees from reporting for duty except those who have been advised in advance by their offices that they will be expected to be

at work regardless of emergency conditions.

2. Field Office Locations. When a designated field office supervisor decides during nonwork hours to excuse employees from duty, he/she shall arrange for announcement of this fact on local radio stations

and/or other communications media available if the action has not already been taken by other Federal authority. If a public announcement is not possible, the Field Office supervisor may determine retroactively that employees who could not report for duty because of the emergency shall be granted official leave for their absence.

E. Terminology. OPM uses the following terms when early dismissal, liberal leave, or closure are necessary:

1. Early Dismissal. Used when weather and street conditions are expected to create serious and hazardous afternoon and evening traffic conditions. Early dismissal will authorize agencies to dismiss employees a specific number of hours in advance of their quitting time.

2. Delayed Arrival and Liberal Leave. Used when weather conditions make it desirable to reduce or delay the flow of morning traffic. Supervisors may grant a reasonable amount of excused absence to those who report late because of commuting delays. In deciding what is reasonable, supervisors should consider road, traffic, and public transport system conditions.

3. Closure. Used when weather conditions dictate that most Government offices should not open for the day. Employees will be granted excused absence for the day.

(### F. Reporting Employee's Status During Periods of Excused Absence.

1. Early Dismissal. Whether an employee should or should not be charged leave for an absence depends upon his or her duty or leave status at the time of dismissal.

a. If the employee was absent on approved leave for the entire day, the entire absence is charged to appropriate leave (e.g., annual, sick, or LWOP, as applicable).

b. If the employee was on duty and departed on leave after official word was received but before the time set for dismissal, leave is charged only from the time the employee departed until the time set for dismissal.

c. If the employee was scheduled to report for duty after an initial period of leave and dismissal is given before the employee can report, leave is charged until the time set for dismissal.

2. Closure for Entire Day. Workdays on which Federal offices are closed are nonworkdays for leave purposes. All employees in noncritical positions are excused without charge to leave or loss of pay. This does not apply to employees in a nonpay status on both the workdays immediately before and after the day the office is closed or to employees on intermittent tours of duty.

XVII. LEAVE DUE TO HOT OR COLD WORKING CONDITIONS

A. Policy. Dismissals due to unusual employment or work conditions created by a temporary disruption of air cooling or heating systems should be rare. Employees are expected to work if conditions at the place of work

are reasonably adequate, although these conditions may not be normal and may involve minor discomforts. Before administrative leave may be granted, it must be clearly established that the conditions are such as to actually prevent working.

B. Authority. The Director, Personnel Division, has the delegated authority to excuse employees for up to 1 workday when work operations are interrupted by severe hot or cold work conditions and correction of the situation is not anticipated within 4 hours of the end of the workday. Requests for release under such conditions should be referred through regular administrative channels to the Director, Personnel Division. Any closing beyond 1 workday requires the approval of the Director, Office of Personnel. The Deputy Director, Office of Operations, must be notified prior to release of any Washington, DC., metropolitan area employees. ###
12/22/82)

XVIII. LEAVE FOR ATTENDANCE AT A CONFERENCE OR MEETING

Supervisors may excuse employees to attend a conference or meeting on official leave when it is determined that attendance is in the interest of FSIS.

TABLE 5-4

(Refer to FSIS Directive 4630.2 for Table 5-4, Reporting Employee's Status During Periods of Excused Absence.)

XIX. LEAVE FOR REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS

A. Union Activity. An employee may not:

1. Conduct internal union business on Government time. Union business includes but is not limited to:

a. Organizing campaigns, soliciting members, or collecting dues.

b. Preparing dues withholding or cancellation forms.

c. Circulating petitions or union literature.

d. Participating in internal meetings or mass rallies.

2. Campaign on Government time for an elected union office, either on his/her behalf or on behalf of another person. Supervisors shall maintain a liberal policy toward granting annual leave, or leave without pay if requested, to union representatives for conducting internal union business.

B. Training Sessions.

1. An employee who is an official or representative of a recognized employee organization may be granted official leave to attend a training session sponsored by the employee organization, if the following

requirements are met:

a. The training is of mutual concern to the Government and to the employee in his/her capacity as a representative of the employee organization.

b. The Government's interest will be served by the employee's attendance.

2. Official leave for training must be approved in advance by the employee's supervisor, and can be approved only for short periods of time that are reasonable under the circumstances. The employee must submit a written request to his/her supervisor for such leave, giving the purpose for the leave and the content of the program or meeting.

3. If an employee desires to attend a union-sponsored training session which does not meet the requirements in subparagraph 1. above, the supervisor shall, if possible, grant annual leave or leave without pay to the employee upon request.

C. Negotiation of Agreements. Official leave to participate in union negotiations shall be determined in accordance with Section 7131 of Title VII of the Civil Service Reform Act of 1978. Further information on granting leave for union representatives may be obtained from FSQS Directive 4711.1, Labor Management Relations.

XX. LEAVE FOR FEDERAL WAGE SYSTEM OPERATIONS

A. Official leave may be granted to:

1. One representative of each local labor organization having exclusive recognition to testify at hearings conducted by a local wage survey committee unless otherwise provided by a negotiated agreement.

2. Local union principal officers, union members of local wage survey committees, or union-nominated data collectors for training on Federal Wage System policies conducted by national unions.

B. All employees, including those who are labor organization officials, shall be in a duty status (not on leave) while:

1. Performing duties on local wage survey committees.
2. Performing duties connected with data collection functions.

PART SIX--MILITARY LEAVE

I. DEFINITION

Military leave means leave with pay granted to employees, except as indicated below, who are members of the National Guard or the various Reserve components of the Armed Forces. Military leave does not mean the indefinite period of furlough without pay granted to employees for

indefinite military active service.

A. There are two kinds of military leave:

(### 1. Regular military leave for training and duty under 5 U.S.C. 6323(a), and

2. Emergency military leave for active service in aid of law enforcement under 5 U.S.C. 6323(b). ### 12/20/85)

B. Military leave may not be approved for:

1. Summer training as a member of the Reserve Officers Training Corps.

2. Temporary Coast Guard Reserve.

3. Participation in parades by State National Guards.
(EXCEPTION: District of Columbia National Guard. See subparagraph IV.A.2.b.)

4. Training with a State Guard or other State military unit.

5. Civil Air Patrol activities.

II. POLICY ON GRANTING

A. Employees. If entitled to military leave and if ordered to report for military training or duty, employees must be released from their civilian positions. When employees receive inquiries regarding their availability for military leave, they should consult their supervisors in order that steps can be taken to prevent disruptions of work. Application for military leave must be supported by a copy of the order directing the employee to report.

B. Supervisors. Shall grant annual leave or leave without pay for military training or duty after the maximum amount of military leave with pay has been used.

C. Supporting Evidence. Application for military leave must be supported by a copy of the employee's orders directing him/her to report for active duty or training.

D. Pay Status. Pay status either immediately before or immediately after military duty is required for granting military leave. Otherwise, civilian pay would be lost. The primary test for entitlement to leave is: Would the employee except for the military duty have been in a civilian pay status?

III. ELIGIBILITY

(### A. Permanent Employment Status. The employee must have full-time or

part-time permanent status; that is, he/she must hold an appointment not limited to 1 year or less. The term "permanent" includes probational and indefinite employees in both competitive and excepted service.

B. Employees Not Eligible for Military Leave. Temporary employees appointed for 1 year or less are not entitled to military leave. Authorizing officials may, for purposes of military training or duty, grant:

1. Leave without pay not in excess of 30 calendar days and/or annual leave to temporary employees, and

2. Leave without pay not in excess of 30 calendar days to intermittent employees.

C. Determining Eligibility. Effective October 1, 1980, part-time, on-call, or seasonal employees are eligible for military leave if they meet all of the following conditions:

1. The employee is hired under career or career conditional appointment or the equivalent in the excepted service.

2. The employee has a regular tour of duty while in pay status.

3. The employee is:

a. In pay status when called to active military service. (The employee is entitled to military leave until the time the employee would normally have been placed in a nonpay status.)

b. In active military service when recalled by the Agency. (The employee is entitled to military leave for the time he/she would have been in pay status.)

D. Prorating Military Leave for Part-Time Employees. Employees on a permanent part-time employment basis are eligible for military leave on a prorated basis that corresponds to the official weekly tour of duty. The amount of military leave for eligible permanent part-time employees is determined by dividing 40 into the employee's regular tour of duty and multiplying by 15 days.

EXAMPLE 1: An employee's weekly tour of duty is 32 hours a week, 8 hours a day Monday through Thursday. To determine the amount of military leave, divide 40 into the number of hours in the employee's weekly tour and multiply by 15 days as follows: ### 12/20/85)

$$32/40 = .8 \times 15 = 12 \text{ days}$$

EXAMPLE 2: An employee has a tour of Monday through Friday, 4 hours a day for 20 hours a week. The days are determined as follows:

$$20/40 = .5 \times 15 = 7 \text{ days}$$

Only the lower number of whole days can be credited. Therefore, this

employee would be entitled to 7 days or military leave.

E. Military Status as Reservist or National Guardsman. The employee must be a reservist or a member of the National Guard. The reserve components of the Armed Forces include the reserves of the Army, Navy, Air Force, Coast Guard, Marine Corps, the Ready Reserves, and the National Guards of the Army and the Air Force.

DOCUMENT: 4630.2
12/22/82

AMENDMENT 02 12/20/85
AMENDMENT 01 09/27/83

OPI: PD - Classification and Organization Branch
PART 8 OF 8

PART SIX--MILITARY LEAVE (CON'T)

IV. TYPES OF MILITARY LEAVE

(### A. Regular Military Leave for Training and Duty (5 U.S.C. 6323(a)).
12/20/85)

1. Maximum Amount of Leave. Effective October 1, 1980, military leave is accrued at the rate of 15 days per fiscal year and is allowed to accumulate for use in succeeding fiscal years until it totals 15 days at the beginning of a fiscal year. If period of military duty or training extends:

a. Beyond 15 calendar days plus any accumulated military leave in a fiscal year, the employee may be placed on leave without pay not to exceed 30 calendar days or on annual leave.

b. More than 30 calendar days after expiration of the employee's military leave, an SF-52 should be sent to WSPO or POB to place the employee on military furlough.

2. Computation of Military Leave Period. Each calendar day of absence is counted as a day of military leave, including nonworkdays which fall within a period of absence for military training duty. However, nonworkdays and holidays not wholly within the military leave period are not charged to military leave.

EXAMPLE 1: An employee starts a period of military training duty on Monday and ends the period of duty on Friday. Neither the Saturday and Sunday before nor after his/her military service is counted against the 15 calendar day limit.

EXAMPLE 2: An employee starts a period of military training duty on Friday and ends the period of duty on the following Monday. In this case, Saturday and Sunday are counted as days of military leave because they are preceded and followed by military leave on workdays.

EXAMPLE 3: Absence Monday on military leave, or absence on Friday with return to work Monday, would be charged as only 1 day, even though the employee may also have had military training on the nonworkdays Saturday and Sunday.

a. Relationship to Annual Leave. The rule that nonworkdays wholly within a period of absence on military leave are chargeable as military leave may not be circumvented by charging annual leave at the beginning or end of a period of military leave. While an employee may be granted annual leave in lieu of regular military leave nonworkdays occurring wholly within the period of absence must still be charged to military leave.

b. Provisions Applicable Only to the D.C. National Guard. Members of the D.C. National Guard are entitled to military leave under 5 U.S.C. 6323(c) for all days of any parade or encampment they may be ordered by proper authority to perform. This military leave is in addition to the 15 calendar days of regular military leave. Any compensation (other than for travel, transportation, or per diem allowance) received under this authority must be credited against pay due an employee from the Agency for that period of time.

B. Emergency Military Leave (5 U.S.C. 6323(b)). Military leave under this authority is in addition to that granted under subparagraph A.

1. Kinds of Service. Employees are entitled to emergency military leave when, for the purpose of providing military aid to enforce the law, they perform:

a. Federal service; or

b. Full-time service for the State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States. Full-time military service includes the time from reporting until relieved by appropriate orders.

2. Amount. Employees (OTHER THAN temporary) are entitled to 22 workdays leave per calendar year for emergency military leave subject to the conditions and requirements stated below. (12/20/85)

3. Nonapplicability of Official Leave. Official or administrative leave may not be granted to any employee whose emergency military leave is exhausted. If ordered to perform additional periods of active Federal service, the employee may be granted annual leave or any unused regular military leave.

4. Nonapplicability of Annual Leave. Employees ordered to perform duty as specified in subparagraph 1. may not elect to use, nor may they involuntarily be charged, annual leave or any type of leave for such absence if they have emergency military leave available for their use. The

use of available emergency military leave is mandatory. Annual leave may not be substituted for emergency military leave even to avoid forfeiture of annual leave.

5. National Guard Duty in Cases of Disaster. "Military aid to enforce the law" as used in subparagraph 1. includes National Guard duty in disasters such as floods, earthquakes, and hurricanes.

6. Reduction of Compensation Prohibited. Employees who are on emergency military leave are entitled to the same compensation, including overtime, they would have received had they worked in their civilian positions on the days they were required to be absent.

7. Converting Emergency Military Leave into Hours. The 22 workdays of emergency military leave are converted into hours (176 per fiscal year) and granted and charged on the same basis as annual and sick leave.

8. Adjustment in Civilian Pay. When employees are on emergency military leave, the gross amount of military pay which they receive for a day on which they would otherwise work in their civilian positions is deducted from their civilian pay for that day. Such employees are entitled to retain military pay:

- a. For a day on which they do not receive civilian pay, and
- b. To the extent that it exceeds their civilian pay for any day or part of a day.

9. Military Pay. Specific information should be obtained by the supervisor from the military organization involved, if the employee is unable to provide the information. When military pay is to be deducted from his/her civilian pay, the employee shall submit to the SPO, through his/her Administrative/Executive Office:

- a. A check or money order payable to "Food Safety and Inspection Service" for the gross amount of military pay, or
- b. A request that collection of the gross amount be made by offset against civilian pay. When military pay is deducted, the employee will receive reduced civilian pay; and taxes will be deducted only to the extent of the reduced civilian pay. Health and life insurance deductions will be made to the extent required by OPM regulations.

V. MANDATORY RESTORATION OF EMPLOYEE GRANTED MILITARY LEAVE
An employee granted military leave must be restored to the position held at time of entrance on military leave.

PART SEVEN--ABSENCES FOR MATERNITY OR PATERNITY REASONS
I. GENERAL

Absences associated with pregnancy and confinement are handled as medically

certified temporary disabilities. (There is no separate "maternity leave" category as a type of leave.) Because individuals and their work situations vary widely, the length of absence for maternity purposes must be determined by the employee, her physician, and her supervisor.

II. CATEGORIES OF LEAVE

Leave for maternity purposes may be charged to sick or annual leave, or to leave without pay, as follows:

A. Sick Leave. Available sick leave may be used for the time required for physical examinations and the period of incapacitation due to pregnancy and childbirth. The amount of sick leave required must be determined by the same standards as those used for any other medical disability. Absences in excess of 3 workdays must be verified by a medical certificate. (See Part Three.)

B. Annual Leave. After delivery and recuperation, the employee may desire a period of adjustment or need time to make child-care arrangements. Such additional absence may be approved as annual leave. The rules for granting and charging annual leave for maternity purposes are the same as granting annual leave for other purposes. (See Part Two.)

C. Leave Without Pay. Leave without pay for maternity purposes may be granted without regard to whether the employee has sick or annual leave to her credit (See Part Four).

III. EMPLOYEE RESPONSIBILITIES

A. Requesting Maternity Leave. The employee should inform her supervisor of the type of leave, approximate dates, and anticipated duration if she intends to request leave for maternity purposes.

B. Requesting Change in Assignment. If the employee, on advice from her physician, needs modification of her duties or a temporary reassignment, she should request that her supervisor consider appropriate changes.

C. Written Application Requirements. Employee must make written application for sick leave, annual leave, and leave without pay. Application for additional sick leave for hospitalization or extended recurring treatment must also be in writing.

IV. SUPERVISOR RESPONSIBILITIES

A. The overall objective should be to provide employment and to make use of the employee's skills for as long as the employee is not incapacitated for duty.

B. Supervisors should be alert to any particular working conditions or strenuous requirements which could have an adverse effect on employees

with special physical conditions, including pregnancy. If the supervisor questions the safety of a work situation, he/she should request that the employee consult a physician on the matter to determine if the work environment is potentially harmful to the pregnant employee or to the unborn child. The employee should be advised of the medical opinion received. If the employee, on the basis of medical advice, requests modification of her work duties or temporary reassignment to other available work for which she is qualified, every effort should be made to make the requested change.

V. CONTINUED EMPLOYMENT

A. An employee who wishes to return to work following delivery and confinement shall be assured of continued employment in her position or one of like seniority, status, and pay.

B. If the employee does not plan to return to work, she must submit her resignation at the expiration of her period of incapacitation. However, employment is assured only if termination of employment is not required at an earlier date for other reasons unrelated to the maternity absence, such as expiration of appointment, reduction in force, separation for cause, etc.

VI. ABSENCE FOR PATERNITY REASONS

A male employee may request only annual leave or leave without pay 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. Each request for leave for paternity reasons will be considered on its own merit. Approval will be consistent with the usual practice in like situations.

VII. LEAVE FOR ADOPTIVE PARENTS

An employee adopting a child may desire a period of time off work in order to make necessary family adjustments. Any absence for the purpose of adopting children must be charged to annual leave, or leave without pay if requested by the employee and approved by the supervisor.

PART EIGHT--LEAVE DURING FULL-TIME OUTSIDE TRAINING

I. GENERAL

During full-time outside training at the expense of the Government, biweekly accruals of annual and sick leave shall be credited and charged the same as if the employee were in active duty status, except as set forth in paragraph II. Before entering on a training course, the employee will make a written agreement with the employing unit, covering:

- A. The tour of training.
- B. The maintenance and biweekly submission of the leave record and T&A.
- C. The use of the employee's services during extended nonclass

periods.

II. SPECIAL PROVISIONS FOR CHARGING LEAVE FOR EMPLOYEES ON FULL-TIME OUTSIDE TRAINING AT GOVERNMENT EXPENSE

A. When to Charge Leave. If an employee on full-time outside training at Government expense does not attend a scheduled class on a day when class is held, 1 hour of annual or sick leave, as appropriate, will be charged for each hour of class not attended.

B. When Not to Charge Leave. Leave will not be charged:

1. If an employee is unable to attend a class because of the closing of the training institution for other than extended periods. Extended periods are Christmas and Easter holidays, semester breaks, etc.

2. Unless there is an agreement between the employing unit and the employee which states that the employee's services will be utilized during such periods as Christmas and Easter holidays, spring vacations, semester breaks, etc. If it later develops that the employee will not be able to report to the employing unit because of illness or if the employee justifies to the unit the need to utilize the time in study, no leave will be charged.

PART NINE--COMPENSATORY TIME

I. GENERAL

Compensatory time is time off allowed for overtime hours worked in lieu of overtime premium pay. For detailed information on the pay aspects of compensatory time, see FSQS Directive 4550.4, and FSIS Directive 4551.1. (Compensatory overtime for religious observances has no bearing on the premium pay provisions of Title 5 or the Fair Labor Standards Act.)

II. RELATIONSHIP TO ANNUAL LEAVE

A. Compensatory time off should be taken as soon as possible after overtime is worked.

B. Compensatory time must be taken before annual leave is granted. EXCEPTION: An employee shall be permitted to use any annual leave which cannot be carried forward into the next leave year before taking compensatory time to his/her credit.

III. LIQUIDATION OF UNUSED COMPENSATORY TIME

Compensatory time must be taken by the end of the leave year in which it was earned. Any compensatory time not taken within this period will be paid at the overtime rate of pay that applied at the time the overtime was worked.

A. Supervisors are responsible for initiating action to liquidate any compensatory time unused by the last day of the leave year. Use Form

AD-581 to submit claims. Also submit Form AD-717. Send both to NFC. (See FSQS Directive 4296.3 for procedures on preparation of AD-581.)

B. If an employee is transferred outside of USDA or separated, any compensatory time balance will be paid for at the time of separation or transfer at the overtime rate of pay that applied at the time the overtime was worked.

IV. ADJUSTMENT OF WORK SCHEDULES FOR RELIGIOUS OBSERVANCES

A. Federal employees may elect to work compensatory overtime for the purpose of taking time off without charge to leave when personal religious beliefs require that the employee abstain from work during certain periods of the workday or workweek. Any employee who elects to work compensatory overtime for this purpose shall be granted (in lieu of overtime pay) an equal amount of compensatory time off (hour for hour) from his/her scheduled tour of duty. The employee may work such compensatory overtime before or after the grant of compensatory time off. It should be noted that this compensatory time has no relationship to the premium pay provisions of either Title 5 or the Fair Labor Standards Act.

B. The time off from work for a religious observance shall be recorded as "60" on the T&A. Time and hours worked to offset these hours will not be recorded under any Transaction Code. The exact amount of compensatory time worked or advanced, as well as how these balances are liquidated, will be recorded in the "Remarks" section of the T&A as follows:

1. Compensatory Time Worked Prior to Religious Observance.
"(number of hours) compensatory time worked prior to a religious observance on _____ per P.L. 95-390."
Date

CT worked _____
CT used _____
Balance _____

2. Compensatory Time Advanced for Religious Observance
"(number of hours) compensatory time advanced for a religious observance on _____ per P.L. 95-930."
Date

CT used _____ 1_/
CT worked _____
Balance _____

1_/ This can also serve as a brought-forward column if the advanced compensatory time has not been worked off by the end of the same pay period. C. Advanced compensatory time for religious observance shall be repaid (### by the end of the leave year in which it was advanced. Compensatory overtime may be worked in increments of no less than 1/4 hour.

Supervisors are advised to review T&A's carefully where such compensatory time is advanced tassure that the time is repaid in accordance with this requirement. ### 12/20/85)

Joseph A. Powers
Deputy Administrator
Administrative Management