

CHAPTER 05

LEAVE0501 GENERAL REQUIREMENTS

050101. The type, amount, and nature of leave benefits are dependent on the type and length of employment, military status, and other eligibility requirements. See 5 U.S.C. Chapter 63 (reference (b)), FPM Supplement 990-2, Book 630, (reference (k)), and 5 C.F.R., Part 630 (reference (1)).

050102. The leave objectives to be met by payroll operations and systems are that leave records are properly maintained for each employee; leave is accurately accrued; leave taken is properly authorized and reported; and information on leave use and accrual is accurately determined and promptly provided to facilitate collection of certain leave-related debts from employees and preparation of financial reports, including those for cost accounting purposes.

050103. Leave records shall be maintained to show the following for each employee: rate of accrual for each type of leave; hours or days accrued and used by leave type; and hours or days advanced by leave type. Additional documentation requirements for specific types of leave are described in this Chapter in the paragraphs discussing each type of leave. The mechanized leave record is created automatically from accession leave data obtained from information on the SF 50 and SF 1150. Annual and sick leave balances for employees transferring in are furnished to the civilian payroll office on the SF 1150. Prior to receipt of the SF 1150, the leave balances from the last LES issued the employee by the losing civilian payroll office may be used. Upon receipt of the SF 1150, the gaining civilian payroll office makes any necessary adjustments. See subparagraph 090202.C. for additional guidance.

050104. Accruals

A. The leave year begins with the first full pay period starting in the calendar year. For leave accruals, the civilian payroll system shall contain accurate information on the type of

appointment for each employee and the leave hours or days to which the employee is entitled. Leave earned shall be accurately accrued for each type of leave using correct rates effective at the proper times. Reductions shall be made at the beginning of each leave year for accumulated leave exceeding statutory limits. Reductions shall be made in accruals for annual and sick leave when necessary to reflect extended leave without pay or absence without leave.

B. Annual and sick leave earned shall be posted to an employee's record each pay period before leave taken in that period is charged against leave balances. During a pay period in which an employee's service is interrupted by a non-leave-earning period, he or she earns leave on a pro rata basis (5 C.F.R. 630.204) (reference (1)). For example, leave shall be prorated when an employee has reemployment rights in connection with military service, before the time of separation and at the time of reemployment, and both separation and reemployment occur within the normal biweekly pay period; when an employee is in receipt of injury compensation, both at the beginning and at the end of the nonpay status, and the nonpay status begins and ends within the normal biweekly pay period; when an employee transfers to an agency having a different pay period; when an employee is restored after a period of unwarranted suspension or removal for which retroactive compensation is paid; and when an employee is attending school or college as a student trainee. Full-time and part-time employees who change to an intermittent work schedule during the pay period are eligible to have their leave accruals prorated. See Table 5-1 for proration of leave.

050105. To support the time and attendance record, employees shall request approval of leave. Leave used shall be documented and approved in writing by a supervisor designated to make such approvals. Documentation for leave used shall show the dates, times, and types of leave taken. Employees may not be compensated for leave taken in excess of leave accrued

except for religious observances taken for which compensatory time off for religious reasons was not worked in advance and for authorized advance leave.

050106. Unless an agency establishes a minimum charge of less than 1 hour, or establishes a different minimum charge through negotiations, the minimum charge for leave is 1 hour, and additional charges are in multiples thereof. DCPS, however, supports increments of leave at the hundredths of an hour.

050107. The payroll system shall be integrated or interfaced with general ledger and cost accounting systems to ensure prompt and accurate collection of health and life insurance premiums from employees on unpaid leave, when required, and court reimbursements for time served as a juror while on court leave, when required. Amounts of leave accrued and used and their related values shall be maintained to compute leave expenses and liabilities by designated general ledger and cost accounting classifications and to report externally.

050108. See Table 5-2 for conversions when there is an insufficient amount of the type of hours requested.

0502 ANNUAL LEAVE

050201. General. Annual leave is absence with pay for personal and emergency purposes. An absence which is otherwise chargeable to sick leave may be charged to annual leave if requested by the employee and approved by the supervisor. Other than for the liquidation of advance sick leave indebtedness, the retroactive substitution of annual leave for sick leave is not authorized. A substitution of annual leave for sick leave may not be made retroactively for the purpose of avoiding a forfeiture of annual leave at the end of the leave year.

050202. Amount of Annual Leave Earned

A. Annual leave is earned by full-time and part-time employees. Intermittent employees (that is, employees with no scheduled tour of duty) do not earn annual leave. Employees who are appointed to positions not limited to

less than 90 days are entitled to annual leave earning upon completion of the first biweekly pay period. Employees whose current employment is limited to less than 90 days are entitled to annual leave earning only after being currently employed for a continuous period of 90 days under successive appointments without a break in service. After completing the 90-day period, employees are entitled to be credited with the leave that would have accrued during those 90 days.

B. The amount of annual leave earned depends on the length of service. Full-time employees with less than 3 years of service earn 4 hours of annual leave per biweekly pay period. Full-time employees with 3 years, but less than 15 years of service, earn 6 hours per biweekly pay period. In the last full pay period of the calendar year, they earn 4 additional hours. Full-time employees with 15 or more years of service earn 8 hours per biweekly pay period. Employees must be employed for the full biweekly pay period to be entitled to accrue annual leave for that period. An employee is considered to have been employed for a full biweekly pay period if he or she is employed during the days falling within that period, exclusive of holidays and nonworkdays established by Federal statute, Executive Order, or administrative order (5 U.S.C. 6302(b) (reference (b))).

C. Each time the number of hours in a nonpay status, which includes all nonpay hours except OWCP, in a full-time employee's leave year equals the number of base pay hours in a pay period, the civilian payroll system shall reduce his or her credits for leave by an amount equal to the amount of leave the employee earns during the pay period. When an employee's number of hours of nonpay status does not require a reduction of leave credits, the civilian payroll system shall drop those hours of nonpay status at the end of the employee's leave year.

D. Part-time employees with regularly scheduled tours of duty earn leave for the time they are in a pay status. Part-time employees with less than 3 years of service earn 1 hour of annual leave for each 20 hours in a pay status. Part-time employees with 3 years, but less than

15 years of service, earn 1 hour of annual leave for each 13 hours in a pay status. Part-time employees with 15 or more years of service earn 1 hour of annual leave for each 10 hours in a pay status. Hours in a pay status in excess of an activity's basic working hours (normally 80 hours) in a pay period are disregarded in computing the leave earnings of a part-time employee. (Note Part-time employees may carry over from one pay period to the next those excess hours that are not evenly divisible by 10, 13, or 20 hours, as applicable. These hours will be added to the next pay period work hours for leave accrual.) See 5 C.F.R. 630.202 (b) and 630.303 (reference (1)).

E. Annual leave earned shall be posted to an employee's record each pay period before annual leave taken in that period is charged against annual leave.

050203. Uncommon Tours of Duty, Leave Accruals, and Charges to Leave

A. Employees who work a 24-hour shift or a 72-hour workweek, such as firefighters, accrue leave based on the uncommon tours of duty. The 72-hour workweek leave accrual for up to 3 years of service is 7 hours per biweekly pay period and 12 hours for the last full pay period of the calendar year. For 3 to 15 years of service, the accrual is 11 hours per biweekly pay period and 13 hours for the last full pay period. For 15 or more years of service, the accrual is 14 hours per biweekly pay period and 24 hours for the last full pay period.

B. Employees who work standby tours of 56-hour workweeks, such as fire chiefs, with up to 3 years of service accrue 5 hours per biweekly pay period and 21 hours for the last full pay period of the calendar year. Employees with 3 to 15 years of service accrue 8 hours per biweekly pay period and 24 hours the last full pay period. Employees with 15 or more yearn of service accrue 11 hours per biweekly pay period and 16 hours for the last full pay period.

C. Employees who work uncommon tours of duty are charged leave on an hour-for-hour basis for time off. For example, an employee working a 72-hour workweek would

be charged 72 hours for a week's absence. See 5 C.F.R. 630.210 (reference (1)) and FPM Supplement 990-2, Book 630, paragraph S2-6 (reference (k)).

050204. Limitations and Variances

A. The maximum carry forward from 1 leave year to another is usually 240 hours See paragraph 050408. regarding unlimited annual leave carryover for civilian DoD employees who are employed at installations that are facing planned base closures. Employees stationed outside the United States, who meet the conditions for eligibility established by 5 U.S.C. 6304(b) (reference (b)) and 5 C.F.R. 630.302 (reference (1)), may carry forward a maximum of 360 hours. Employees returning from an assignment outside the continental United States (OCONUS) may carry forward the balance of leave to their credit at the end of the pay period which includes the date the employee departs for reassignment. If an employee is placed on detail to another OCONUS assignment, the date he or she ceases to perform duty at the detailed post is considered the date the employee departs for reassignment. Annual leave in excess of 240 hours which was accumulated under 5 U.S.C. 6304(b) (reference (b)) by an employee who becomes subject to the 240 hour maximum carry forward remains to the credit of the employee until used. The excess annual leave is reduced at the beginning of the first full biweekly pay period occurring in a leave year, by the amount of annual leave the employee used during the preceding year that is in excess of the amount which accrued during that year. This process continues until the employee's accumulated leave does not exceed 240 hours.

B. The following formula is used to arrive at the maximum hour accumulation for a newly assigned standby employee who has a 30-day maximum accumulation. Multiply 240 times the number of hours in the standby workweek then divide the result by 40. Using this formula, the maximum accumulation for an employee with a 72-hour standby workweek would be 432 hours. For an employee with a 56-hour standby workweek, the maximum accumulation would be 336 hours. See FPM Supplement 990-2, Book 630, paragraph S2-6 (reference (k)).

C. There is a 90-day (720-hour) maximum limitation on the amount of annual leave that an SES member may carry over from one leave year to the next. SES members with accumulated annual leave that exceeds 90 days (720 hours) are allowed to retain their excess annual leave in a personal leave ceiling as of the first day of the first applicable pay period beginning after October 13, 1994. The amount of annual leave credited to an SES member's personal leave ceiling will be based on the amount of annual leave accumulated by the employee as of the end of the pay period preceding the first applicable pay period beginning after October 13, 1994. Annual leave accrued for any pay period during only a portion of which the employee served under an appointment to the SES shall be prorated.

D. Executive Schedule employees generally do not accrue leave, 5 U.S.C. 6301(2)(x) (reference (b)). Any unused annual leave that remains to his or her credit immediately before an employee moves to an appointment under the Executive Schedule shall be liquidated by a lump-sum payment, 5 U.S.C. 5551(b) (reference (b)). Lump-sum annual leave payments are based on the rate of pay the employee was receiving immediately before the date 5 U.S.C. 6301 (2)(x) (reference (b)) became applicable to him or her. If a career appointee is appointed at a rate of basic pay which is equal to or greater than the rate payable for Level V of the Executive Schedule, the career appointee may elect to continue under leave provisions as if the career appointee had remained in the SES position from which appointed.

050205. Advance Criteria. The current leave year accrual of annual leave maybe advanced if approved by the supervisor and if there is reasonable assurance the employee will be in a duty status long enough to earn the advanced leave. Doubtful cases shall be disapproved. Subsequent loss of accrual may result in an indebtedness situation. An employee is not required to refund advanced leave when he or she dies, retires for disability or resigns or is separated because of disability which prevents him or her from returning to duty or continuing in the service, and which is the basis of the

separation as determined by the employing office on medical evidence acceptable to it.

050206. Unused Annual Leave. Upon separation from Federal employment, all employees are entitled to a lump-sum payment for the balance of their annual leave account. See 5 U.S.C. 5551 (reference (b)). Employees who enter on active duty in the Armed Forces are entitled to elect to have the leave remain to their credit until they return from active duty. See section 0307 for additional information on lump-sum leave payments.

050207. Transferred Employees. For transferred employees, see subparagraph 090202.C. for the instructions for the SF 1150 to transfer annual leave balances.

0503 SICK LEAVE

050301. General. Sick leave is provided for an employee's use when sick injured, confined by pregnancy, required to give care to a member of his or her immediate family who is afflicted with a contagious disease, or the health of others would be jeopardized by his or her presence on duty because of exposure to a contagious disease, or for medical, dental, or optical appointments.

050302. Amount of Sick Leave Earned

A. Full-time employees earn 4 hours of sick leave for each full biweekly pay period. Employees on uncommon tours of duty accrue 7 hours of sick leave per pay period for a 72-hour workweek and 5 hours of sick leave per pay period for a 56-hour workweek. Each time the number of hours in a nonpay status, which includes all nonpay hours except OWCP, in a full-time employee's leave year equals the number of base pay bouts in a pay period, the civilian payroll system shall reduce his or her credits for sick leave by an amount equal to the amount of sick leave the employee earns during the pay period. Part-time employees earn 1 hour of sick leave for each 20 hours in a pay status. They may not earn more than 4 hours of sick leave for 80 hours in a pay status during any biweekly pay period. Intermittent employees do not earn sick leave.

B. Sick leave earned shall be posted to an employee's record each pay period before sick leave taken in that period is charged against the sick leave balance.

050303. Limitations and Variances

A. There is no limit on accrued balances of sick leave. Sick leave is reindited after a break in service, if the break is not more than 3 years (5 C.F.R. 630.502 (reference (1))). Annual leave may be changed to sick leave, if the employee becomes ill during a period of annual leave.

B. Executive Schedule employees generally do not accrue leave (5 U.S.C. 6301(2)(x) (reference (b))). Any unused leave that remains to his or her credit when an employee moves to an appointment under the Executive Schedule will be certified on an SF 1150 by the civilian payroll office. The SF 1150 will be sent to the civilian personnel office for retention in the Official Personnel Folder (OPF), until the employee is reemployed in a leave-accruing position or separated from the Executive Schedule position. Career appointees appointed at a rate of basic pay equal to or greater than the rate payable for Level V of the Executive Schedule, may elect to continue to have leave provisions as if the career appointee remained in the SES position from which appointed.

050304. Advance Criteria. In cases of serious disability or illness, employees, except those serving under a limited appointment or with a specified termination date, may be advanced up to 30 days sick leave, or equivalent for uncommon tours of duty. Employees should submit requests in writing for advance sick leave to the leave-approving official. Advance sick leave should not be granted if it appears likely that the employee will not return to duty long enough to earn the leave. Employees must repay any advanced sick leave unless the separation is caused by death, disability retirement, or a disability which prevents the employee from returning to duty or continuing in the service, and which is the basis of the separation as determined by the employing office on medical evidence acceptable to it. See 5 U.S.C. 6307 (reference (b)).

050305. Unused Sick Leave. Employees are not paid for unused sick leave upon separation. The unused sick leave balance upon retirement or death is shown in the Remarks column under Service History on the SF 2806/3100. See 5 C.F.R. 630.209 (reference (1)).

050306. Transferred Employees. For employees transferred, see subparagraph 090202.C. for the instructions for the SF 1150 to transfer sick leave balances.

0504 RESTORED LEAVE

050401. General. Except as otherwise authorized by regulation, annual leave restored under 5 U.S.C. 6304(d) (reference (b)) must be scheduled and used not later than the end of the leave year ending 2 years after:

A. The date of restoration of the annual leave forfeited because of administrative error; or,

B. The date fixed by the agency head, or his designated official, as the termination date of the exigency of the public business which resulted in forfeiture of the annual leave; or,

C. The date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness.

050402. Approval Requirements. The following requirements must be met before forfeited annual leave can be considered for restoration:

A. Use of the annual leave must have been scheduled in writing before the start of the third biweekly pay period prior to the end of the leave year; and

B. The determination that an exigency is of major importance, and therefore annual leave may not be used, must be made by the head of a major field headquarter or major field installation in compliance with 5 C.F.R. 630.305 (reference (1)).

050403. Time Limit. For an extended exigency of the public business, the time period for use of restored leave is 2 years for each calendar year,

or part thereof, during which the exigency existed. This time period starts at the beginning of the leave year following the leave year in which the exigency is declared to be ended. An extended exigency is one that threatens the national security, safety or welfare, lasts more than 3 calendar years; affects a segment of an agency or occupational class; and precludes subsequent use of both restored and accrued annual leave within the time limit specified in 5 U.S.C. 6304(d) (reference (b)) and 5 C.F.R. 630.306 and 630.309 (reference (l)). Entry into the SES does not change the time limit, established under 5 C.F.R. 630.306 (reference (1)), during which restored leave must be used in order to avoid forfeiture.

050404. Separate Leave Account. The payroll system shall maintain three separate restored leave accounts. Restored annual leave must be credited to a separate leave account identifying the date of restoration, the date of forfeiture, the amount credited for use, the amount of usage, and the unused balance. Restored annual leave is not included in, and does not increase, the maximum annual leave carryover for an employee.

050405. Time and Attendance Reports. Time-keeping instructions in paragraph 020203. specify the method to be used to identify the leave account to be charged.

050406. Forfeiture of Annual Leave. Restored annual leave, if unused at the expiration of the time limitation, is forfeited with no further right to restoration.

050407. Lump-Sum Payment. Upon separation, employees entitled to lump-sum payment shall be paid for their unused restored annual leave if such leave has not been forfeited. If the leave is forfeited because of an administrative error, a claim must be filed within 3 years of the discovery of the administrative error leading to the forfeiture (5 U.S.C. 6304(e)) (reference (b)). Employees entering active duty in the Armed Forces may not elect to have leave remain to their credit until their return from active duty (5 U.S.C. 5552 and 6304) (reference (b)). See section 0307 for additional information on lump-sum leave payments.

050408. Unlimited Annual Leave Carryover

A. Section 6304(d) of 5 U.S.C. (reference (b)) was amended so that civilian DoD employees who are employed at installations that are facing planned base closures may carry into the next leave year more than 240 hours of annual leave. Annual leave accumulated in excess of 240 hours at closing bases under this provision will be considered restored leave. This provision is effective October 23, 1992, and does not cover leave restored before that date, and will expire December 31, 1997. For employees with annual leave restored under Section 4434 of P.L. 102-484 (reference (e)) who transfer prior to base closure or as a result of base closure, the expiration date to schedule and use the leave will be the end of the leave year ending 2 years after the date of transfer. If a decision is made that relocation from the closing installation will be within the commuting area, the expiration date to schedule and use the annual leave restored under Section 4434 of P.L. 102-484 (reference (e)) will be the end of the leave year ending 2 years after the date of the decision.

B. Civilian personnel offices will furnish civilian payroll offices with listings by the end of each leave year that identify each employee who is eligible (including those who were eligible in prior years and those who are newly eligible) for restoration of annual leave under this provision. The list will contain each eligible employee's full name, SSN, and employing activity. The list should be labeled "Employees eligible for annual leave restoration under Section 4434 of P.L. 102-484," or an equivalent heading, and it should be signed by the personnel officer. This listing should be separate and distinct from any employee listing, form, or memorandum which is used to inform civilian payroll offices that an employee's annual leave is to be restored under provisions of 5 C.F.R. 630.306 (reference (1)).

0505 RESTORED LEAVE RESULTING FROM CORRECTION OF UNJUSTIFIED OR UNWARRANTED PERSONNEL ACTION

050501. Annual leave that is restored to an employee as a result of the correction of an unjustified or unwarranted personnel action in

excess of the maximum leave accumulation authorized by law must be credited to a separate leave account for use by the employee (5 C.F.R. 550.805(g)) (reference (l)) and (FPM Supplement 990-2, Book 550, paragraph S8-8) (reference (k)). This restored leave shall be referred to as reinstated leave. Annual leave in such a separate account must be scheduled and used as provided in the following subparagraphs. If leave is not used within the prescribed time frames, it shall be forfeited. See 5 U.S.C. 5596(b)(1)(B) (reference (b)).

A. Full-Time Employees. Excess annual leave of 416 hours or less must be scheduled and used by the end of the leave year ending 2 years after the date on which the leave is credited to the separate account. This period is extended by 1 year for each additional 208 hours of excess annual leave or any portion thereof. See Table 5-3.

B. Part-Time Employees. These employees shall schedule and use excess annual leave in an amount equal to or less than 20 percent of the employee's scheduled tour of duty over a period of 52 calendar weeks by the end of the leave year ending 2 years after the date on which the annual leave is credited to the separate account. This period shall be extended by 1 leave year for each additional number of hours of excess annual leave or any portion thereof, equal to 10 percent of the employee's scheduled tour of duty over a period of 52 calendar weeks. See Table 5-3.

0506 COMPENSATORY TIME USED

050601. Compensatory time off in lieu of overtime pay derives from entitlement to pay for overtime work (i.e., work in excess of 8 hours in a day or 40 hours in a week, ordered in advance by management). Additionally, compensatory time off is extended to both GS and FWS employees working a flexitime schedule; however, only GS employees are authorized compensatory time off under compressed schedules. Refer to 5 U.S.C. 6122, 6123, 6127, and 6128 (reference (b)) and 5 C.F.R. 550.114 (reference (1)).

050602. Compensatory time off must be granted to an employee within a reasonable time after

the overtime is worked. The limit for the use of compensatory time is the end of the 26th pay period after that in which the overtime was worked. The unused compensatory time shall then be paid at the overtime rate at which it was earned. National Guard Technicians may not be paid overtime and must use compensatory time within 26 pay periods after it is earned.

050603. When an employee separates or transfers to another employing activity, unused compensatory time balances shall be paid at the overtime rate in effect when the compensatory time was earned. Title 32 National Guard technicians shall forfeit any unused compensatory time when they separate or transfer to another employing activity.

0507 COMPENSATORY TIME OFF FOR RELIGIOUS REASONS

050701. Section 5550a of 5 U.S.C. (reference (b)) provides for compensatory time off for religious observances. An employee whose personal religious beliefs require not working during certain periods of time may elect to work compensatory time for the time lost to meet those religious requirements. An employee who works compensatory time for religious reasons shall be granted equal compensatory time off from the scheduled tour of duty (5 C.F.R. 550.1002) (reference (1)). See subparagraph 030302.F. for additional information regarding compensatory time off for religious reasons.

0508 LEAVE-SHARING PROGRAMS (VOLUNTARY LEAVE TRANSFER AND VOLUNTARY LEAVE BANK)

050801. General. The "Federal Employees Leave Sharing Amendments Act of 1993," P.L. 103-103 (reference (e)), makes permanent the voluntary leave transfer and voluntary leave bank programs. The Act requires all agencies to operate a leave transfer program, allows all agencies to establish leave banks at any time, permits employees to participate in both programs, eliminates the requirement to count any advanced leave an employee may have when determining whether the employee qualifies to be a leave recipient, and permits leave recipients who exhaust transferred leave to use leave

accrued while in a transferred leave status. The Act took effect on February 5, 1994. Under P.L. 100-566 (reference (e)), leave sharing programs for Federal workers were experimental and would have terminated on October 31, 1993.

050802. Voluntary Leave Transfer Program. In accordance with 5 C.F.R. 630.901 et seq. (reference (1)), Federal employees may donate annual leave to other employees who need leave because of a medical emergency. Medical emergency used herein is defined as a medical condition of an employee or a family member of an employee (as defined in 5 C.F.R. 630.902) (reference (1)) that may require an employee's absence from duty for a prolonged period of time and result in a substantial loss of income to the employee because of the unavailability of paid leave.

A. Interagency leave transfer is mandatory if any of the following conditions are met:

1. If a family member of a leave recipient is employed by another agency and requests the transfer of annual leave to the leave recipient.

2. If, in the judgment of the leave recipient's employing agency, the amount of annual leave transferred from leave donors employed by the leave recipient's employing agency may not be sufficient to meet the needs of the leave recipient.

3. If, in the judgment of the leave recipient's employing agency, acceptance of leave transferred from another agency would further the purpose of the Voluntary Leave Transfer Program (5 C.F.R. 630.906(f) (reference (1))).

B. Leave donors may not contribute to an immediate supervisor. The annual leave donated must be accrued and available at the date of donation. The maximum amount of annual leave that may be donated during the leave year shall be the lesser of

1. One-half of the amount of annual leave he or she would be entitled to

accrue during the leave year in which the donation is made; or

2. The number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay.

These limitations may be waived according to the agency's established written criteria. The waivers shall be documented in writing.

C. The donated leave maybe used by the recipient only for the documented medical emergency. It may not be used for any other purpose. The law provides that a leave recipient will earn annual and sick leave while using donated leave, but only up to 40 hours of each, which are placed in separate accounts for use after the recipient exhausts all donated leave or the medical emergency ends. An employee may use any annual or sick leave accrued while in a shared leave status if the medical emergency continues after the leave recipient exhausts all transferred leave. Leave accrual for employees who use donated leave intermittently shall be prorated between the regular leave accounts and the separate leave accounts until the maximum accrual is reached or termination of the emergency. Accruals are prorated based on the number of hours of donated leave used within the pay period.

D. Upon termination of the medical emergency, the unused donated leave shall be transferred pro rata back to each donor (5 C.F.R. 630.91 1) (reference (1)). Each donor has an election as to how the leave is to be recredited from the following options:

1. Crediting the donated annual leave to the donor's annual leave account in the current leave year;

2. Crediting the donated annual leave to the donor's annual leave account effective as of the first day of the first leave year beginning after the date of election; or

3. Donating such leave in whole or part to another leave recipient.

E. The civilian payroll office shall process all leave balances, restore unused balances and track the identified civilian payroll office cost.

050803. Voluntary Leave Bank Program. Under the Voluntary Leave Bank Program (5 U.S.C. 6361-6373) (reference (b)) and (5 C.F.R. 630.1001 et seq.) (reference (1)), employees can make a specified contribution of annual leave to their agency's leave bank in order to become leave bank members. See 5 C.F.R. 630.1004 (g) through (i) (reference (1)) for minimum leave contributions. Should a leave bank member experience a medical emergency, he or she can apply to the leave bank board for withdrawal of annual leave from the leave bank.

050804. Participation in Both Programs. The law permits an employee to participate in both leave transfer and leave bank programs in the same agency for the same medical emergency if his or her agency has established both programs.

0509 HOLIDAY

050901. When No Work Is Performed. An employee in a pay status on either the regularly scheduled workday preceding a holiday or on the regularly scheduled workday succeeding a holiday is entitled to straight-time pay for the holiday, regardless of his status on the holiday not worked.

A. Regular full-time employees receive their regular straight-time pay, including night differential and shift differential, for holidays on which they are not required to work.

B. Part-time employees receive their regular pay for holidays falling on their regularly scheduled workdays. When an installation is closed for an "in lieu of" holiday that falls on a part-time employee's regularly scheduled workday and the employee is prevented from working on that day, the installation may excuse the employee from duty by an administrative order or grant the employee annual leave or LWOP for the hours scheduled to be worked on that day.

C. Intermittent employees, including experts and consultants, with no regularly scheduled tour of duty receive no compensation unless actual work is performed.

050902. When Work Is Performed. See holiday premium pay provisions in paragraph 030305.

0510 CREDIT HOURS

051001. Credit hours may be worked only by employees on flexible schedules. Credit hours are hours in excess of the basic work requirement, but within the tour of duty. Credit hours shall be earned and used in the same increments as other leave. Credit hours are earned when work is performed at the option of the employee. The hours are in excess of the employee's basic work requirement (8 hours in a day, 40 hours in a week or 80 hours in the biweekly pay period). Credit hours are distinguished from overtime hours in that they are not officially ordered in advance by management. See 5 U.S.C. 6121-6126 (reference (b)).

051002. A full-time employee may accumulate not more than 24 credit hours to be carried forward for credit against a later pay period. The 24 credit hours carried forward must be accounted for the same as other types of leave (5 U.S.C. 6126) (reference (b)).

051003. A part-time employee is limited to the credit hours to be carried forward on a pro rata basis. For carry-over purposes, a part-time employee may carry over credit hours from 1 biweekly pay period to a subsequent biweekly pay period, in an amount equal to 25 percent of the biweekly scheduled hours of work.

051004. The employee receives no additional pay for credit hours when these hours are credited to his or her account. Credit hours are considered a part of the basic work requirement (nonovertime work) in the biweekly pay period to which they are applied. An employee is entitled to his or her basic rate of pay for credit hours. Credit hours shall be paid at the employee's current hourly rate when an employee is no longer subject to a flexible work schedule program or upon separation (5 U.S.C. 6126(b)) (reference (b)). For full-time employees not more

than 24 accumulated credit hours can be paid. For part-time employees, credit hours which are not more than 25 percent of such employee's biweekly scheduled hours can be paid.

051005. Credit hours shall not be used by an employee to increase the entitlement to overtime pay. An employee shall not be paid Sunday pay or holiday pay for credit hours. Whether an employee is entitled to night pay for credit hours on the workday in which taken depends on the rules for night pay. Credit hours shall be considered daytime hours whenever possible. For example, if an employee's schedule includes daytime and nighttime hours, credit hours may be applied only to the daytime portion of the schedule. An employee has the right to use earned credit hours, subject to the activity's authority to approve the time at which they may be used (5 U.S.C. 6123(c)) (reference (b)).

051006. There is no limit on the number of credit hours which may be accumulated during the biweekly pay period. Any credit hours worked in a pay period that exceed the 24-hour maximum carryover must be taken during that pay period, or they will be forfeited.

0511 TIME OFF AS AN INCENTIVE AWARD

051101. Authorized by 5 U.S.C. 4502(e) (reference (b)), a time-off award may be granted in lieu of cash (5 C.F.R. 451.301-451.307) (reference (1)). See subparagraph 031102.C. for additional information.

0512 EXCUSED ABSENCE

051201. General. Excused absence is an absence from duty, administratively authorized, without loss of pay and without charge to leave. Agency heads or their designees have authority to grant excused absence in limited circumstances for the benefit of the agency's mission or a Government-wide recognized and sanctioned purpose. The following are some of the more common situations in which agencies generally excuse absence without charge to leave. See FPM Chapter 630, Subchapter 11 (reference (am)) and DoD 1400.25-M, CPM Supplement 990-2, 630.S11 (reference (u)).

051202. Blood Donation. Employees who serve as blood donors shall be excused from work without charge to leave for the time necessary to donate the blood, for recuperation following blood donation, and for necessary travel to and from the donation site (30 Comp. Gen. 521 (1951)) (reference (p)). The maximum excusal time shall not exceed 4 hours except in unusual cases. When an employee must travel a long distance, or when unusual need for recuperation occurs, up to an additional 4 hours may be authorized.

051203. Closure of Installations or Activities. When employees are prevented from working due to extreme weather conditions or other severe disruptions, administrative leave may be granted.

051204. Tardiness and Brief Absence. Excusal for tardiness and brief absences is limited to periods of less than 1 hour. The absence may also be compensated for by additional work or may be charged against any compensatory time the employee may have to his or her credit or may be charged to annual leave, LWOP (with the employee's consent), or AWOL.

051205. Registering and/or Voting. Excusal from duty for registering and/or voting in any election or referendum for a reasonable period of time is authorized. Generally, employees are excused from duty 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 off. Employees on flexible work schedules will be excused only for those hours which cannot be accommodated by their flexible schedules.

051206. Taking Examinations. This applies only to exams given by or taken at the request of the employing activity. Employees shall be excused, without charge to leave or loss of pay, for all examinations required for converting to career-conditional appointments or for required noncompetitive examinations within the same employing activity.

051207. Attending Conferences or Conventions. Employees may be excused to attend conferences or conventions when it is determined that the

attendance will serve the best interest of the Federal service. Excused absence of this type shall be limited to 5 working days per calendar year. Such absences may be restricted to those situations in which the employee is an official representative of the organization involved or is a contributor on the agenda. Employees shall not be excused to attend conferences or conventions of political parties or partisan political groups or committees.

051208. Representing Employee Organizations. Representative leave hours shall be reported by three separate categories. The categories are negotiations, on-going labor and management committees, and grievance and appeals. Absence charged as representative leave maybe subject to the provisions of local negotiated agreements and/or supervisory approval.

0513 COURT LEAVE

051301. Employees are authorized court leave with pay when summoned in connection to serve as a juror, or as a witness in a nonofficial capacity 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. See 5 U.S.C. 6322 (reference (b)).

051302. If an employee is on annual leave when called for jury duty or witness service, court leave shall be substituted. No charge shall be made to annual leave for the court service.

051303. An employee who is under proper summons from a court to serve on a jury should be granted court leave for the entire period, regardless of the number of hours per day or days per week he actually serves on the jury during the period. Jury service for which an employee is entitled to court leave does not include periods when the employee is excused or discharged by the court, either for an indefinite period, subject to call by the court or for a definite period in excess of 1 day. Therefore, an employee may be required to return to duty or be charged annual leave if excused from jury service for 1 day or even a substantial part of a day. The employee may not, however, be re-

quired to return to duty if it would work a hardship on him or her.

051304. Intermittent employees are not eligible for court leave (49 Comp. Gen. 287 (1969)) (reference (p)).

051305. Nonexempt employees shall not have their pay reduced under FLSA (reference (n)) due to court leave for jury duty or witness service during their regularly scheduled tour of duty. The Comptroller General has determined that the court leave provision, 5 U.S.C. 6322 (reference (b)), provides authority to pay nonexempt employees the same pay as they otherwise would receive for their regularly scheduled tour of duty in the biweekly pay period under FLSA (62 Comp. Gen. 216 (1983)) (reference (p)).

051306. When an employee is called for court service (as a witness or juror), the court order, subpoena, or summons, if one was issued, must be presented to the supervisor as far in advance as possible.

051307. Employees who perform jury duty service on behalf of

A. A State or local court are paid jury duty fees;

B. The United States or District of Columbia government are not paid jury duty fees (5 U.S.C. 5537) (reference (b)).

051308. Employees who perform witness service on behalf of

A. A State or local government in a nonofficial capacity are paid witness fees.

B. A private party in a nonofficial capacity to which the United States, District of Columbia, or a State or local government is a party are not paid witness fees.

051309. Fees received for jury duty and witness service performed in subparagraphs 051307.A. and 051308.A. cannot be retained by the employee. The employee must submit fees received for jury or witness service by money order or personal check to the employing activity. A certifi-

cate of attendance from the clerk of the court must also be submitted. The certificate shows inclusive dates of jury duty or witness service and amount of fees the court paid to the employee. The certificate of attendance should separately identify fees and allowances. Fees received by the employee are collected while allowances are not. If the certificate of attendance does not identify allowances separately, all monies are considered fees and shall be collected. The employee may keep reimbursements for expenses received from the court, authority, or party that caused the employee to be summoned and may keep fees that exceed the employee's compensation for the days of service. An employee serving on a jury in a State or local court who waives or refuses to accept jury fees is still liable to the U.S. Government for the fees he or she would have received.

051310. Fees should not be paid for jury duty or witness service performed in subparagraphs 051307.B. and 051308.B. However, if fees are paid to an employee while serving in a nonofficial capacity, fees paid cannot be retained by the employee. Such fees must be turned in to the employing activity. An employee may keep reimbursements for expenses received from the court, authority, or party that caused the employee to be summoned.

051311. Employees who perform witness service in an official capacity on behalf of the U.S. or District of Columbia Government, a State or local government, or a private party shall not be paid witness fees nor shall the time served as a witness be charged to court leave or annual leave. The time shall be recorded as official duty. If any fees are paid, they must be turned in to the employing activity.

051312. Employees who testify in a nonofficial capacity on behalf of a private party to which the United States, District of Columbia, a State, or local government is not a party are not entitled to court leave. The employee must take annual leave or LWOP. He or she is entitled to the fees and expenses related to such witness service.

051313. When a holiday occurs during the time an employee is on jury duty or witness service,

the employee can keep the jury duty or witness service fee paid for the holiday.

051314. If an employee is called to jury duty on a nonworkday, the employee may keep the fees paid.

051315. Monies submitted for fees collected by employees for jury duty or witness service shall be accounted for on a DD Form 1131. Under 5 U.S.C. 5515 (reference (b)), the appropriation and accounting classification that paid the employee's salary while on jury duty or witness service will be credited with these monies.

051316. See Table 5-4 for employee absences for court or court-related services.

051317. Fees not submitted in a timely reamer are subject to payroll deduction. Payroll deductions to collect the fees will be made in the next regular pay period.

0514 MILITARY LEAVE

051401. General. Public Law 96-431 (reference (e)), as codified at 5 U.S.C. 6323 (reference (b)), provides that effective October 1, 1980, military leave shall be made available to eligible employees on a fiscal year rather than a calendar year basis; unused military leave up to 15 calendar days shall be allowed to accumulate for subsequent use; and eligible part-time employees, as defined by 5 U.S.C. 3401(2) (reference (b)), are entitled to military leave on a prorated basis. Employees with temporary appointments of 1 year or less, or intermittent work schedules are not entitled to military leave. Employees with appointments exceeding 1 year are entitled to military leave.

051402. Recording Military Leave. At the beginning of each fiscal year (1 October) eligible full-time employees shall be credited with 15 calendar days of military leave. Eligible part-time employees shall be credited with leave on a prorated basis. The percentage is determined by dividing 40 into the number of hours in the employee's regularly scheduled workweek during that fiscal year. Any portion of the leave unused at the end of the fiscal year, not to exceed 15 days, shall be carried forward to the

next fiscal year. New eligible employees and new members of Reserve components shall be credited with the full 15 days (prorated if employed part-time) when entering upon duty or upon joining the Reserve unit. It shall not be prorated for a partial year.

051403. Military Leave Charges. To substantiate leave charges, an employee is required to submit a copy of the orders directing him or her to active military duty and a certified verification of attendance indicating completion of training duty upon return to duty from military leave. Military leave is charged on a calendar-day basis. No charge is made to nonworkdays at the beginning and end of a period of absence on active military duty, but all intervening non-workdays falling within the period of active military duty must be charged to military leave. If an employee has separate sets of orders or orders which cover separate periods of time, with return to civilian status between the periods covered in the orders, military leave shall not be charged for the time the employee is returned to civilian status. Military leave may be taken intermittently, a day at a time, or all at one time, regardless of the number of training sessions.

051404. Effective Date of Separation for Military Duty. Before a Reserve or National Guard member is separated from civilian employment, the member must be given the chance to use any accrued military leave. If a member takes military leave and is then separated, the date the separation is effective shall be the date the military leave expires.

051405. Pay Status Rewired. A maximum of 30 days of military leave can be used in any fiscal year. The military leave may be used during one or more periods of military duty during the fiscal year. Employees can take the full 15 days of military leave immediately at the beginning of a fiscal year even if up to a maximum of 30 days had been taken during the prior fiscal year and even if the military duty is continuous (70 Comp- Gen. 263 (1991)) (reference (P)).

051406. Nonexempt employees shall not have their pay reduced under FLSA due to military leave for training. Employees shall receive the

same pay as they would otherwise receive for their regularly scheduled biweekly tour of duty.

051407. Permanent or temporary indefinite employees who as Reserve or National Guard members provide military aid to enforce the law or assistance to civil authorities in the protection or saving of life or property or the prevention of injury are also entitled to leave not to exceed an additional 22 workdays in a calendar year as outlined in 5 U.S.C. 6323(b) (reference (b)). A copy of the orders and a certificate of attendance is required. Leave granted for these purposes are charged in hours. The 22 workdays are converted to 176 hours and charged on the same basis as annual and sick leave. An employee working an uncommon tour of duty shall have this additional leave entitlement adjusted on a pro rata basis (49 Comp. Gen. 233 (1969)) (reference (p)).

051408. Employees who are members of the National Guard of the District of Columbia are entitled to leave without loss in pay or time for each day of a parade or encampment ordered or authorized under title 39, District of Columbia Code (reference (an)). This covers each day of service, or a portion thereof, the National Guard is ordered to perform by the commanding general. See 5 U.S.C. 6323(c) (reference (b)).

051409. Under the provisions of 5 U.S.C. 5519 (reference (b)), an employee's civilian pay is reduced by the amount (other than a travel, transportation, or per diem allowance) received by the employee for military service as a member of the Reserve or National Guard for a period for which he is entitled to leave under 5 U.S.C. 6323(b) or (c) (reference (b)). Refer to subparagraph 080512. for further information.

0515 EDUCATORS LEAVE. See subparagraph 070201.M. for educators leave.

0516 SHORE LEAVE

051601. An officer, crew member, or other employee serving aboard an oceangoing vessel on an extended voyage may be granted leave of absence under 5 U.S.C. 6305(c) (reference (b)) and 5 C.F.R. 630.701-630.704 (reference (1)) at a rate not to exceed 1 day for each 15 calendar

days of absence on one or more extended voyages. An employee has an absolute right to use shore leave, subject to the right of the head of the agency to fix the time at which shore leave may be used.

051602. Shore leave accrues for service by employees on an extended voyage. An extended voyage must be at least 7 consecutive calendar days long, including voyage-preparation time on board the vessel.

051603. An employee earns shore leave at the rate of 1 day of shore leave for each 15 calendar days of absence on one or more extended voyages. The master of the vessel will keep a record of accrual and use of shore leave for each employee.

051604. Civilian payroll offices shall accept shore leave taken on the time and attendance report.

051605. Shore leave may be granted during a voyage at the request of the employee. An employee must submit the request in writing, if the shore leave is denied, the denial must be in writing.

051606. Shore leave is in addition to annual leave. It may be accumulated for future use without limitation.

051607. The minimum charge for shore leave is 1 day. Additional charges are in whole days.

051608. Shore leave is not included for lump-sum leave payment.

051609. Shore leave is forfeited if not granted before:

A. Separation from the service; or

B. Official assignment (other than for temporary detail) to a position in which the employee does not earn shore leave. To the extent administratively practicable, the employing activity shall give an employee an opportunity to use the shore leave to his or her credit either before the reassignment, or not later than 6 months after the date of the reassignment

when the employing activity is unable to grant the shore leave before the reassignment.

051610. At the time of an employee's transfer to a position at another employing activity or agency, accumulated shore leave shall be transferred if

A. He or she is entitled to shore leave in the new position, and

B. There is no break in service.

0517 HOME LEAVE

051701. Employees who met the requirements of 5 U.S.C. 6304(b) (reference (b)) for the accumulation of a maximum of 45 days of annual leave earn home leave. Home leave is earned from the day of arrival in a post of duty outside the United States or on the date of entrance on duty when recruited abroad. Employees earn 5, 10, or 15 days of leave based on the criteria established in 5 C.F.R. 630.604(a) (reference (l)). Employees may be granted home leave after completion of a basic service period of 24 months of continuous service abroad. The minimum charge is 1 day and multiples thereof. There is no maximum accumulation. Balances shall be retained on the SF 1150 for future use. Home leave is to be granted only during an employee's period of service abroad, or within a reasonable period after return from service abroad when it is contemplated that the employee will return to service abroad immediately or on completion of an assignment in the United States (unpub. Comp. Gen. Decision, B-147031, September 11, 1961, and February 5, 1962) (reference (p)).

051702. An employee is indebted for the home leave used when he or she fails to return to service abroad after the period of home leave, or after the completion of an assignment in the United States. However, a refund for this indebtedness is not required when the employee has completed not less than 6 months' service in an assignment in the United States following the period of home leave; the employing activity determines that the employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as

involving physical or mental health or circumstances over which the employee has no control; or the employing activity which granted the home leave determines that it is in the public interest not to return the employee to the overseas assignment. Home leave can only be used in the United States, Commonwealth of Puerto Rico, or a territory or possession of the United States. See 5 U.S.C. 6305(a) (reference (b)) and 5 C.F.R. 630.601-630.607 (reference (1)).

051703. Transfer and Recredit of Home Leave.

An employee is entitled to have the home leave account transferred or recredited when he or she moves between agencies or is reemployed without a break in service of more than 90 days. No lump-sum payment is made for home leave.

0518 FUNERAL LEAVE

051801. Funeral leave is granted to allow an employee to make arrangements for, or to attend, the funeral or memorial service for an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone. Section 6326 of 5 U.S.C. (reference (b)) requires an activity to grant an employee funeral leave as is needed and requested, not to exceed 3 workdays, without loss of or reduction in pay, leave to which he or she is otherwise entitled, or credit for time or service, and without adversely affecting his or her performance or efficiency rating. The 3 days need not be consecutive, but if not, the employee shall furnish the approving authority satisfactory reasons justifying a grant of funeral leave for nonconsecutive days. Combat zone means those areas determined by the President under the authority of 26 U.S.C. 112 (reference (z)). An activity may grant funeral leave only from a prescribed tour of duty, including regularly scheduled overtime. Immediate relatives are the following relatives of the deceased member of the Armed Forces:

- A. Spouse and his or her parents;
- B. Children, including adopted children, and their spouses;
- C. Parents;

D. Brothers and sisters, and their spouses;

E. Any person related by blood or affinity whose close association with the deceased was the equivalent of a family relationship. See 5 U.S.C. 6326 (reference (b)) and 5 C.F.R. 630.801-630.804 (reference (1)).

0519 CONTINUATION OF PAY (COP) AND OFFICE OF WORKERS' COMPENSATION PROGRAM (OWCP) For information on COP and OWCP, see section 0312. See subparagraph 050104.B. for proration of leave.

0520 FURLOUGH

052001. General

A. Use. A furlough action is the placement of an employee in a temporary non-duty and nonpay status on a continuous basis (for example, 10 consecutive days), or a noncontinuous basis (for example, 1 day a week) because of lack of work or funds or for other nondisciplinary reasons. An SF 50 must be issued for furlough. Reduction-in-Force (RIF) procedures under FPM Supplement 351-1 (reference (so)) must be followed to furlough an employee when the furlough will be for more than 30 consecutive days (or more than 22 workdays if done on a noncontinuous basis), if caused by one of the reasons in FPM Supplement 351-1, paragraph S2-3a(2) (reference (ao)), and is not in accordance with preestablished conditions of employment.

B. Time Limit. An employee maybe furloughed for up to 1 year. The 1-year limit begins the day after the notice period ends and when the furlough begins.

C. Exclusions

1. Placement in nonpay and nonduty status in accordance with preestablished conditions of employment is not a RIF action, but is covered by the requirements in FPM Chapter 340 (reference (am)).

2. A furlough for 30 days or less (or 22 workdays or less if done on a noncontinu-

ous basis) is not a RIF action but is covered by the adverse action procedures.

0521 ABSENCE FOR MILITARY DUTY

052101. Whether an employee is placed on a leave of absence or military separation while absent on military duty depends on the authority under which he or she enters on military duty. A member of a Reserve component who performs active duty for training or inactive duty training covered under 38 U.S.C. 2024(d) (reference (ap)) must be granted a leave of absence upon request. Similarly, an employee is entitled to a leave of absence for the period required to report for induction, enlistment, or to determine by preinduction or other examination the employee's physical fitness to enter the Armed Forces under 38 U.S.C. 2024(e) (reference (ap)). An absence to perform military duty under any other section of 38 U.S.C. (reference (ap)) should ordinarily be processed as a military separation except during a period of war or national emergency when the provisions of 5 U.S.C. 8332(g) (reference (b)) have been explicitly invoked. In this situation, all employees who enter on military duty will be granted a leave of absence unless an employee has applied for and received a lump-sum credit under 5 U.S.C. Chapter 83. See 38 U.S.C. 2021 *et seq.* (reference (ap)); 5 C.F.R. Part 353 (reference (l)); and FPM Chapter 353 (reference (am)). Refer to paragraph 051404. for additional information.

0522 LEAVE WITHOUT PAY (LWOP)

052201. LWOP is a temporary nonpay status and absence from duty granted at the employee's request. Employee requests for paid leave absence, such as annual or sick leave, when such absence converts to LWOP because of insufficient leave available, are considered to be the requests for LWOP (FPM Chapter 630, Subchapter 12) (reference (am)).

052202. Authorizing LWOP is a matter of administrative discretion. An employee cannot demand LWOP as a matter of right except as follows:

A. Disabled veterans are entitled to LWOP if required for medical treatment under Executive Order 5396, July 17, 1960.

B. Reserve and National Guard members are entitled to LWOP if required to perform military training duties under 38 U.S.C. 2024(d) (reference (ap)). See paragraph 052101.

C. For limited periods, employees are entitled to LWOP if receiving injury compensation under 5 U.S.C. Chapter 81 (reference (b)).

052203. LWOP granted an employee may not at a later time be converted to annual or sick leave except in the case of administrative error, participation in the voluntary leave transfer or voluntary leave bank programs, disability retirement and employee compensation cases in which claims are disallowed or when there has been a settlement or an order of an arbitrator, administrative law judge, or Federal judge in an employee dispute.

052204. When the number of LWOP status hours in a full-time employee's leave year equals his or her biweekly tour of duty (i.e., 80,112,144 hours), the employee's leave accrual is reduced by an amount equal to the amount of leave (sick and annual) earned during a pay period. When reduction of accrual is required during the last pay period in the calendar year for an employee in the 6-hour leave accrual category (entitled to accrue 10 hours of leave in such period), leave accrual for that period shall be reduced only by 6 hours. When an employee has one or more breaks in service during the leave year, include all hours in a LWOP status (other than nonpay status during a fractional pay period when no leave accrues). When an employee's number of LWOP hours at the end of the leave year is less than his or her biweekly tour of duty, the LWOP hours are dropped.

0523 ABSENCE WITHOUT LEAVE (AWOL)

052301. An absence from duty which is not authorized or approved, or for which a leave request has been denied, is properly chained as AWOL although disciplinary action may be taken on the basis of AWOL (FPM Chapter 630, Subchapter 12) (reference (am)). It does not

necessarily mean that the employee has insufficient reason for requesting leave but that the employee's presence was required and the reason for requesting leave was one for which approval is not mandatory. AWOL shall be charged on the time and attendance report and leave record for the exact amount of time the employee is AWOL.

052302. When the number of AWOL status hours in a full-time employee's leave year equals his or her biweekly tour of duty (i.e., 80,112,144 hours), the employee's leave accrual is reduced by an amount equal to the amount of leave (annual and sick) earned during a pay period. When reduction of accrual is required during the last pay period in the calendar year for an employee in the 6-hour leave accrual category (entitled to accrue 10 hours of leave in such period), leave accrual for that period shall be reduced only by 6 hours. When an employee has one or more breaks in service during the leave year, include all hours in a AWOL status (other than nonpay status during a fractional pay period when no leave accrues). When an employee's number of AWOL hours at the end of the leave year is less than his or her biweekly tour of duty, the AWOL hours are dropped.

0524 SUSPENSION

052401. Suspension is the placement of an employee in a temporary nonpay and nonduty status for disciplinary reasons. An SF 50 must be issued for all suspensions. See 5 U.S.C. Chapter 75 (reference (b)) and 5 C.F.R. Part 752 (reference (1)).

Biweekly Pay Period	Hourly Accrual Rate		
	Workdays	Category 4 *	Category 6
1	1	1	1
2	1	1	2
3	1	2	2
4	2	2	3
5	2	3	4
6	2	4	5
7	3	4	6
8	3	5	6
9	3	5	7
10	4	6	8

* This column may be applied for sick leave purposes.

Table 5-1, Leave Proration for Fractional Pay Periods

If the hours available to an employee are insufficient to cover the hours used or requested, the precedence for charging the excess is as follows:

TYPE OF HOURS USED OR REQUESTED	COMP TIME	ANNUAL LEAVE WITH USE OR LOSE	ANNUAL LEAVE WITH NO USE OR LOSE	RESTORED LEAVE (OLDEST ACCOUNT FIRST)	LEAVE WITHOUT PAY	DONATED LEAVE FOR FAMILY	DONATED LEAVE FOR EMPLOYEE	REINSTATED LEAVE
ANNUAL LEAVE	1			2	5	4		3
SICK LEAVE	2	1	5	3	7		6	4
COMP TIME		1	4	2	5			3
MILITARY LEAVE	2	1	5	3	6			4
RESTORED LEAVE*	2	1	4		5			3
TRAUMATIC INJURY (COP)					1			
MILITARY LEAVE FOR LAW ENFORCEMENT	2	1	5	3	6			4
HOME LEAVE	2	1	5	3	6			4
SHORE LEAVE	2	1	5	3	6			4
EDUCATORS LEAVE**					1			
REINSTATED LEAVE	2	1	4	3	5			
CREDIT HOURS	2	1	5	3	6			4
PGS INCENTIVE					1			
TIME OFF AWARDS ***	2	1	5	3	6			4
ANY PURPOSE LEAVE					1			

- * All restored leave account balances will be used prior to converting to annual leave.
- ** Educators leave converts directly to leave without pay. Usable annual leave that is grandfathered is kept manually.
- *** This conversion occurs if the payroll office has not received notification of the granting of the award within two pay periods after the usage.

Table 5-2, Conversion Matrix

Full-Time Employees	
Hours in excess of maximum accumulation	Time limitation for use of reinstated leave (end of leave year in progress after)
416 or less	2 years
417 - 624	3 years
625 - 832	4 years
833 - 1040	5 years
1041 - 1248	6 years

Part-Time Employees	
Hours in excess of maximum accumulation	Time limitation for use of reinstated leave (end of leave year in progress after)
If 208 or less multiply tour of duty by 20% (1040 x 20% = 208)	2 years
209 - 312 multiply tour of duty by 10% (1040 x 10% = 104)	3 years
313 - 416	4 years
417 - 520	5 years
521 - 624	6 years

Table 5-3, Time Limitations for Use of Reinstated Leave

Nature of Service	Type of Absence			Fees		Government Travel Expenses		
	Court leave	Official duty	Annual leave or LWOP	No	Yes		No	Yes*
					Retain	Turn in to agency		
I. JURY SERVICE								
A. U.S. or D.C. court	X			X			X	
B. State or local court	X					X	X	
II. WITNESS SERVICE								
A. On behalf of U.S. or D.C. Government		X		X				X
B. On behalf of State or local government:								
1. Official capacity		X				X		X
2. Non-official capacity	X					X	X	
C. On behalf of a private party:								
1. Official capacity		X				X		X
2. Non-official capacity:								
a. When party is U.S., D.C. or State or local government	X					X	X	
b. When party is not U.S., D.C. or State or local government			X		X		X	

* - Offset to the extent paid by the court, authority or party which caused the employee to be summoned.

Table 5-4, Employee Absences for Court or Court-Related Services

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