

## HOURS OF DUTY AND LEAVE

- 1. REASON FOR ISSUE:** To implement provisions of the Department of Veterans Affairs (VA) Health Care Personnel Enhancement Act of 2004 (Public Law 108-445, dated December 3, 2004) as it relates to Alternate Work Schedules regarding hours of duty and leave for Veterans Health Administration (VHA) registered nurses.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains mandatory hours of duty and leave procedures for nurses on Alternate Work Schedules such as 36/40, 9-Month and the Baylor Plan. The pages in this handbook replace some of the corresponding page numbers in VA Handbook 5011. Section VI of Chapter 3, Appendices D-II-1, E-II-1, F-II-1, G-II-1, and H-II-1 have been added. These changes will be incorporated in the electronic version of VA Handbook 5011 that is maintained on the [Office of Human Resources Management and Labor Relations Web site](#).
- 3. RESPONSIBLE OFFICE:** The Human Resources Management Worklife and Benefits Service (058), Office of the Deputy Assistant Secretary for Human Resources and Labor Relations.
- 4. RELATED DIRECTIVE:** VA Directive 5011, Hours of Duty and Leave.
- 5. RESCISSIONS:** None.

**CERTIFIED BY:**

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**BY DIRECTION OF THE SECRETARY  
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### 3. DEFINITIONS

- a. **Accrued Leave.** The leave earned by an employee during the current leave year that is unused at any given time in that leave year.
- b. **Accumulated Leave.** The unused leave remaining to the credit of an employee at the beginning of a leave year.
- c. **Administrative Workweek.** The calendar week, Sunday through Saturday.
- d. **[Alternate Work Schedules for Registered Nurses.**
- (1) **36/40 Work Schedule.** Three regularly scheduled 12-hour tours of duty within an administrative workweek that is considered for all purposes to be a full 40 hour basic workweek.
- (2) **9-Month Work Schedule.** Nine months part-time with three months off duty within a fiscal year, paid at 75 percent of the full-time rate for such nurse's grade and step each bi-weekly pay period of the fiscal year.
- (3) **Baylor Plan.** Two regularly scheduled 12-hour tours of duty contained entirely within the first and last day of the administrative workweek (Sunday and Saturday)].
- e. **[Basic Workweek**
- (1) For full-time employees (other than physicians, dentists, podiatrists, chiropractors, optometrists, nurses, nurse anesthetists, physician assistants (PAs) and expanded-function dental auxiliaries (EFDAs) appointed under 38 U.S.C. Chapters 73 or 74), basic workweek is the 40 hour workweek established in accordance with 5 CFR 610.111 and Part II, Chapter 2 of this handbook.
- (2) Full-time physicians, dentists, podiatrists, chiropractors, and optometrists to whom the provisions of Part II, Chapter 3 of this handbook apply shall be continuously subject to call unless officially excused by proper authority. This requirement as to availability exists 24 hours per day, 7 days per week.
- (3) For full-time nurses, nurse anesthetists, PAs and EFDAs, basic workweek means a 40 hour workweek established in accordance with the provisions of Part II, Chapter 3 of this handbook. A 36/40 Work Schedule and the Baylor Plan (24-hour) basic workweek is established in accordance with the provisions of Part II, Chapter 3 of this handbook is applicable only to full-time nurses and nurse anesthetists. Employees under the 9-Month Work Schedule are considered part-time employees, except for purposes of health insurance per 38 U.S.C. 7456A(d)(4)].
- f. **General Leave Terms.** In administering 5 U.S.C. ch. 63, VA will observe the definitions in 5 CFR 630.201.
- g. **Irregular or Occasional Overtime Work.** Overtime work that is not regularly scheduled.

h. **Leave Year.** A leave year begins on the first day of the first full biweekly pay period in a calendar year and ends the day before the first full biweekly pay period in the following calendar year.

i. **Overtime Work and Overtime.** Definitions are the same as the definitions in 5 CFR 550.103(i) and 550.111 for General Schedule (GS) employees and non-U.S. citizen employees overseas. Overtime for title 38 employees is discussed in VA Handbook 5007, part V, chapter 2.

j. **Part-Time Employee.** An employee who performs a regular tour of duty on less than a full-time basis. A regular tour of duty is defined as a specific number of hours scheduled over the course of a pay period. Such an employee may perform duty on an unscheduled basis in addition to the regularly scheduled tour of duty.

k. **Regular Overtime Work.** Overtime work that is regularly scheduled. For this purpose, any overtime work scheduled for an employee in advance of the administrative workweek in which it occurs constitutes regular overtime.

l. **Regularly Scheduled Administrative Workweek.** For full-time employees (other than physicians, dentists, podiatrists, chiropractors, optometrists, nurses, nurse anesthetists, PAs and EFDAs appointed under 38 U.S.C. chs. 73 or 74), means the period within an administrative workweek, established in accordance with 5 CFR 610.111 and part II, chapter 3 of this handbook, within which these employees are required to be on duty regularly. For part-time employees (other than those appointed under 38 U.S.C. chs. 73 or 74), it means the officially prescribed days and hours within an administrative workweek during which these employees are required to be on duty regularly.

**NOTE:** *Section 6102, title 5, United States Code, requires that the regular hours of work for wage employees be established at not more than 8 per day or 40 per week, but work in excess of such hours shall be permitted when administratively determined to be in the public interest. Work in excess of 8 hours per day, or 40 hours per week, constitutes overtime work for General Schedule and wage employees (5 U.S.C. 5542 and 5543).*

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PART II. HOURS OF DUTY

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b. Full-time physicians, dentists, podiatrists, chiropractors, and optometrists shall be permitted some periods of time free from official duty to the extent that this does not impair provision of essential services in patient treatment and care. Each such full day granted shall be called an "administrative non-duty day." Full-time VA Central Office and VA outpatient clinic employees will normally perform duty Monday through Friday of each workweek. The remaining 2 days (Sunday, the first day of the workweek and Saturday, the last day of the workweek) shall be designated as the administrative non-duty days of the workweek for physicians, dentists, podiatrists, chiropractors, and optometrists or the days off for nurses, nurse anesthetists, PAs and EFDAs. Unusual circumstances may make it necessary, however, for the Under Secretary for Health, chief consultants, or facility directors, as appropriate, to alter these provisions for specific individuals or groups of individuals in the best interests of the service.

c. Full-time nurses, nurse anesthetists, PAs, and EFDAs shall be scheduled in advance for a 40-hour basic workweek in each administrative workweek, except that full-time nurses and nurse anesthetists on the [Alternate Work Schedules such as a 36/40 Work Schedule and the] Baylor Plan shall be scheduled in advance [ ] in each administrative workweek [ ].

[(1) The basic workweek for a registered nurse working a 36/40 Alternate Work Schedule will consist of three regularly scheduled 12-hour tours of duty within an administrative workweek. Under this work schedule the registered nurse is considered for all purposes to have worked a full 40 hour basic work week.

(2) The basic workweek for a registered nurse working the 9-Month Alternate Work Schedule will consist of five 8-hour days, exclusive of the meal period, with 3 months off duty within a fiscal year.

(3) The basic workweek for registered nurses working the Baylor Plan work schedule will consist of two regularly scheduled 12-hour tours of duty contained entirely within the first and last day of the administrative workweek (Sunday and Saturday).

(4) The normal tour of duty within the 40-hour basic workweek shall consist of five 8-hour days, exclusive of the meal period. A full-time nurse or nurse anesthetist shall be placed on an Alternate Work Schedule only at the beginning of the administrative workweek and taken off at the end of the administrative workweek.]

d. Because of the continuous nature of the services rendered at hospitals, the facility Director, or designee (in no case less than a chief of service), has the authority to prescribe any tour of duty to ensure adequate professional care and treatment to the patient, consistent with these provisions [considered the employee's "Saturday." If the holiday falls on the employee's "Sunday," the first workday following that day shall be designated as the employee's day off in lieu of the holiday. If the holiday falls on the employee's "Saturday," the first workday preceding that day shall be designated as the employee's day off in lieu of the holiday. These rules shall apply whether or not the employee's days off actually fall on Saturday or Sunday].

e. In the exercise of the authority to prescribe tours of duty, it will be the policy to: prescribe individual hours of duty as far in advance as is possible; schedule the administrative non-duty days or the days off of each workweek on consecutive days, where possible; arrange for continuous medical supervision required

by policy in M-2, part I, chapter 4, "Medical Officer of the Day;" and give each full-time employee every possible consideration in arranging schedules so long as such consideration is compatible with the professional obligation to the patients.

f. Part-time employees perform duty on less than a full-time basis under a prescheduled regular tour of duty. Such employees may perform occasional unscheduled duty in addition to the regular tour of duty. Employees serve on an intermittent duty basis when employed on less than a full-time basis with no prescheduled regular tour of duty. Timekeeping practices will reflect the actual hours worked by part-time and intermittent employees. Facility directors will assure accurate daily reporting on time and attendance reports of time worked and for which the employee is entitled to salary.

g. It is recognized that additional flexibilities pertaining to prescheduled tours of duty for part-time physicians are needed to accommodate the unique needs and varying circumstances of health care facilities. For example, part-time surgeons at active affiliated facilities with extensive patient care, research, and educational responsibilities may frequently encounter emergencies and other unanticipated obligations that require them to depart from their scheduled tour of duty. Under such circumstances, it is difficult for management to administratively change or adjust the prescheduled tour and communicate this to the timekeeper in a timely manner. Adjustable work hours provide a means for minimizing this problem. After assessing their particular needs, facility directors may authorize the use of adjustable work hours for part-time physicians as determined appropriate and necessary. See paragraph 4 [ ] for procedures for implementing adjustable work hours.

**3. HOLIDAYS.** Employees shall be excused to the extent possible for observance of the following holidays and non-workdays designated by Federal Statute or Executive Order: January 1, , the third Monday in January, the third Monday in February, the last Monday in May, July 4, the first Monday in September, the second Monday in October, November 11, the fourth Thursday in November, December 25, and any other calendar day designated as a holiday or non-workday by Federal Statute or Executive Order. However, notwithstanding the preceding provisions of this subparagraph, full-time nurses and nurse anesthetists on the Baylor Plan shall not be entitled to holidays.

**a. Full-Time Employees (Except Nurses and Nurse Anesthetists on the Baylor Plan)**

(1) For employees whose basic workweek is Monday through Friday, holidays falling on a Sunday shall be observed the following Monday; holidays falling on Saturday shall be observed on the preceding Friday; and all other holidays shall be observed on the day they occur.

(2) For employees whose basic workweek is other than Monday through Friday, the employee's first day off in the calendar week is designated as the day off in lieu of Sunday and the employee's second day off in the calendar week is designated as the day off in lieu of Saturday.

(a) When a holiday falls on the day designated as a day off in lieu of Sunday, the employee's next workday shall be the day observed as the holiday for that employee.



**(3) Absence and Leave****(a) Holidays****1. Full-Time Employees**

**a.** When a holiday falls on a workday in the employees' compressed workweek that workday shall be designated as their holiday.

**b.** When a full-time employee on a compressed schedule has 2 non-workdays in the administrative workweek, the first day off shall be considered the employee's "Sunday" and the second day off shall be considered the employee's "Saturday." If the holiday falls on the employee's "Sunday," the first workday following that day shall be designated as the employee's day off in lieu of the holiday. If the holiday falls on the employee's "Saturday," the first workday preceding that day shall be designated as the employee's day off in lieu of the holiday. These rules shall apply whether or not the employee's days off actually fall on Saturday or Sunday.

**c.** When a full-time employee on a compressed workweek has 3 days off in the administrative workweek and the holiday falls on one of these non-workdays, the following rules shall apply:

**(1)** When the holiday falls on the first or second day off of the administrative workweek, the following workday should be designated as the day off in lieu of the holiday.

**(2)** When the holiday falls on the third day off of the administrative workweek, the preceding workday shall be designated as the day off in lieu of the holiday.

**2. Part-time Employees.** If a holiday falls on a day during a compressed workweek for part-time employees, and if the employees are prevented from working, they are entitled to pay for the number of hours they were scheduled to work that day. Part-time employees are not entitled to a day off in lieu of the holiday.

**a. Leave.** Time off from an employee's basic work requirement must be charged to the appropriate leave category unless the employee is authorized compensatory time off or excused absence.

**b. Excused and Unexcused Absences.** The amount of excused or unexcused absence shall be based on the employee's established compressed work schedule in effect for the period of the absence.

**(4) Criteria and Review.** See chapter 2, paragraph 11g(5).

**(5) Prohibition of Coercion.** See chapter 2, paragraph 11g(8).

**[6. ALTERNATE WORK SCHEDULES FOR REGISTERED NURSES**

**a. General.** This section provides mandatory hours of duty and leave policies and procedures related to a 36/40 Work Schedule and the Baylor Plan and applies to nurses and nurse anesthetists appointed at VA health-care facilities under 38 U.S.C. 7401(A) or 7405a(1)(A). This section also provides procedures

related to the 9-Month Work Schedule for certain nurses and nurse anesthetists appointed under 7405a(1)(A). This section applies to all such nurses who are providing direct patient care services. The use of Alternate Work Schedules is authorized by the Secretary in order to obtain or retain the services of registered nurses at any Department health-care facility.

b. **References**

(1) 38 U.S.C. 7401(1), 7405a(1)(A) and 7456A.

c. **Definitions.** The following definitions shall apply:

(1) **Administrative Workweek.** A period of seven consecutive calendar days, which coincide with the calendar week, Sunday through Saturday.

(2) **Alternate Work Schedules for Registered Nurses.**

(a) **36/40 Work Schedule.** Three regularly scheduled 12-hour tours of duty within an administrative workweek that is considered for all purposes to be a full 40 hour basic workweek.

(b) **9-Month Work Schedule.** Nine months full-time with three months off duty within a fiscal year, paid at 75 percent of the full-time rate for such nurse's grade and step each bi-weekly pay period of the fiscal year.

(c) **Baylor Plan.** Two regularly scheduled 12-hour tours of duty contained entirely within the first and last day of the administrative workweek (Sunday and Saturday).

(3) **Basic Work Requirement.** The number of hours during a bi-weekly pay period, excluding overtime hours which an employee is required to work or required to account for by taking official leave.

(4) **Bi-weekly Pay Period.** The pay period covering two administrative workweeks.

(5) **Overtime Work.** For full-time Alternate Work Schedule employees the term overtime hours refer to hours of work officially ordered or approved and performed outside of and in addition to the basic work requirements.

(6) **Nurses.** A registered nurse (RN) or nurse anesthetist appointed under 38 U.S.C. 7401(1) or 7405a(1)(A), but does not include graduate nurse technicians, nurse technicians, student nurse technicians, or the Chief Nursing Officer of the Nursing Services in VA Central Office, who is appointed under 38 U.S.C. 7306.

(7) **Tour of Duty.** Under Alternate Work Schedules, an employee's tour of duty is synonymous with the employee's basic work requirement set by the authorizing official.

(8) **Work Unit.** An entity located in one place with a specific mission and with homogeneous procedures or technology and headed by a supervisor or manager authorized to certify the employee's

VA Form 4-5631, Time and Attendance Report, or other applicable agency documents for reporting employees' work schedules.

d. **Planning Alternate Work Schedules.** A 36/40, 9-Month, and/or the Baylor Plan Alternate Work Schedule require advanced planning and effective employee communication. The positive and negative effects of such Alternate Work Schedules must be carefully considered. If employees affected are in an exclusive unit of recognition the employee involvement will be provided by or coordinated with their exclusively recognized labor organization (only to the extent that Section 7422 does not apply). Questions in this regard should be referred to the Labor Relations staff. A comprehensive analysis of the work requirements in the work unit and evaluating the potential impact on the three types of Alternate Work Schedules on the functions of the work unit should be made. This includes special attention to the following:

(1) **Workload Characteristics**

- (a) Tasks which must be performed within a specific period or according to a predetermined schedule;
- (b) How workflow can be adjusted to accommodate a system of a 36/40, 9-Month, or the Baylor Plan work schedules;
- (c) The coordination required between work units and functions and employee scheduling;
- (d) The period of daily or weekly peak workloads where all or most of the employees in the work unit must be present;
- (e) The employee coverage required during public service hours; and
- (f) The effect of such schedules on efficiency and productivity of the workload.

(2) **Criteria to Implement the Alternate Work Schedules for Registered Nurses**

(a) **VA Nurses Who May Request a 36/40 Work Schedule.** All full-time or part-time registered nurses and nurse anesthetists under 7401(1) and 7405 appointed to title 38 positions are eligible to request a 36/40 Work Schedule authorized by PL 108-445, except the following:

- (1) Graduate nurse technicians
- (2) Nurse technicians pending graduation

(b) **Justification:** To maximize the recruiting and retention benefits authorized under PL 108-445 all title 38 RNs except those noted above may request the 36/40 Work Schedule.

(c) **VA Nurses Who May Request a 9-Month Work Schedule.** All full-time or part-time registered nurses and nurse anesthetists under 7401(1) and 7405 appointed to title 38 positions are eligible to request a 9-Month Work Schedule authorized by PL 108-445, except the following:

- (1) Graduate nurse technicians

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- (2) Nurse technicians pending graduation

(d) **Justification:** While it is anticipated that the employee will work 9-months consecutively within a fiscal year, the Facility Director may approve a non-consecutive work schedule. To maximize the recruiting and retention benefits authorized under PL 108-445, all title 38 RNs except those noted above may request a 9-Month Work Schedule.

(e) **VA Nurses Who May Request a Baylor Plan Work Schedule.** All full-time or part-time registered nurses and nurse anesthetists under 7401(1) and 7405 appointed to title 38 positions are eligible to request the Baylor Plan work schedule authorized by PL 97-251, except the following:

- (1) Graduate nurse technicians
- (2) Nurse technicians pending graduation

(f) **Justification:** To maximize the recruiting and retention benefits authorized under PL 97-251, all title 38 RNs except those noted above may request the Baylor Plan work schedule.

**e. Delegation of Authority and Responsibilities.**

(1) Directors of field facilities or their designees are authorized to grant permission for any applicable RN who requests to work one of the Alternate Work Schedules authorized by Section 4 of PL 108-445 or by PL 97-215 (Baylor Plan).

(2) The Facility Director will make the decision based on the recruiting and retention needs of the unit or facility in general.

(3) Supervisors are responsible for assuring that sufficient staff and personnel specialists are scheduled to be present to carry out operations in an efficient and economical manner. To meet this responsibility, supervisors may place restrictions on the shift start and stop times of individual employees. Supervisors are also responsible for taking appropriate action if an employee under his or her jurisdiction fails to meet his or her responsibilities in subparagraph (4).

(4) Registered nurses or nurse anesthetist working under Alternate Work Schedules are expected to work their full tour of duty. Abuse may result in termination of an employee's Alternate Work Schedule and/or appropriate disciplinary action.

(5) The Director has the option not to establish the work schedule if it is found that a particular Alternate Work Schedule would have an adverse impact on the Departments health-care facility.

(6) The Director may discontinue the Alternate Work Schedule(s) of the affected employees if it is determined that a particular Alternate Work Schedule has an adverse impact on the Departments health-care facility.

f. **Appointments.** Nurses shall only be placed on an Alternate Work Schedule at the beginning of administrative workweek and taken off at the end of an administrative workweek.

(1) **36/40 Work Schedule.** Nurses on a 36/40 Work Schedule are considered a 0.90 full-time equivalent employee in computing full-time equivalent employees for the purposes of determining compliance with personnel ceilings. The use of this Alternate Work Schedule is authorized by the Secretary in order to obtain or retain the services of registered nurses at any Department health-care facility.

(2) **9-Month Work Schedule.** Nurses on a 9-Month Work Schedule with 3 months off shall be considered a 0.75 full-time equivalent employee in computing full-time equivalent employees for the purposes of determining compliance with personnel ceilings. An appointment under Section 7405, requires the employee's written consent, to work full-time for nine months with 3 months off duty, within a fiscal year. The use of this Alternate Work Schedule is authorized by the Secretary in order to obtain or retain the services of registered nurses at any Department health-care facility.

(3) **Baylor Plan.** Nurses on the Baylor Plan are considered to be serving on a full-time basis for all personnel management purposes, except for the computation of full-time equivalent employees for the purposes of determining compliance with personnel ceilings. Therefore, employees serving on less than a full-time basis must be converted to a full-time appointment in accordance with VA Handbook 5005, upon or before being placed on the Baylor Plan. When selecting nurses to be placed on the Baylor Plan, preference shall be given to current employees appointed under 38 U.S.C. 7401(1). Temporary nurses may only be used as a last resort in order to obtain adequate nurse staffing.

g. **Benefits.**

(1) Nurses appointed under the Alternate Work Schedule will receive a written notice of the effect, if any, that the Alternate Work Schedule will have on the employee's health and life insurance premiums, retirement, probationary status, or other benefits or condition of employment. Part-time nurses have no tenure or appeal rights related to tenure. The notice shall be provided not later than 14 days (work days) before the employee consents to the Alternate Work Schedule.

(2) **36/40 Work Schedule.** Nurses on a 36/40 Work Schedules are considered to be full-time employees for all purposes related to benefits.

(3) **9-Month Work Schedule.** Nurses on a 9-Month Work Schedule are considered part-time employees (0.75 full-time equivalent) for purposes of computing benefits under Chapters 83 and 84 of title 5 and are considered full-time employees for purposes of Chapter 89.

(4) **Baylor Plan.** Nurses on the Baylor Plan are considered to be serving as a full-time employees for all purposes related to benefits.

h. **Implementation Procedures.**

(1) Nurses requesting the 36/40 Work Schedule or the Baylor Plan must complete VA Form 0870a, Request for Alternate Work Schedule. The completed form is to be submitted to the employee's servicing Human Resources (HR) office.

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(2) Nurses requesting the 9-Month Work Schedule must complete VA Form 0870a, Request for Alternate Work Schedule and VA Form 0870b, Consent of Appointment for 9-Month/3-Month Off Alternate Work Schedule. The completed forms are to be submitted to the employee's servicing HR office.

(a) The employee will initiate the process by completing VA Form 0870a, Request for Alternate Work Schedule. Once this schedule has been approved, HR will contact the employee and provide them with either the Notice on the 9-Month Work Schedule Regarding the Impact on Benefits and Other Conditions of Employees for New Hires **or** the Notice on the 9 Month Work Schedule Regarding the Impact on Benefits, Probationary Status and Other Conditions of Employment – Conversion from Full-Time to Part-Time/Current Part-time to 9-Month Work Schedule, as appropriate. Employees must be provided a copy of the appropriate Notice at least 14 days (work days) prior to completion and signing of VA Form 0870b, Consent of Appointment for 9- Month/3-Month Off Alternate Work Schedule. Employees will be responsible for submitting this form to their servicing HR office. A copy of the approved VA Form 0870a must be given to the employee and the original filed on the left side of the employee's Official Personnel Folder (OPF). HR staff should annotate that this form should not be removed from the OPF until the employee is no longer on a 9-Month Work Schedule.

(b) A sample copy of the Notices for new hires and conversion to a 9-Month/3-Month Off Work Schedule are respectively located in Appendix E and F. A copy of the Notice, signed and dated by the employee, should be filed on the left side of the employee's OPF. HR staff should annotate that the Notice should not be removed from the OPF until the employee is no longer on a 9-Month Work Schedule.

(c) Although a 9-Month Work Schedule is based on the fiscal year, it is permissible for an RN to start a 9-Month Work Schedule anytime during the fiscal year, as long as the effective date is the beginning of a pay period.

(d) Employees approved to work a 9-Month/3-Month Off Alternate Work Schedules are expected to fulfill their work schedule obligations. The scheduling of off duty days must have supervisory approval and need to be made in advance at the time of initial appointment and at the beginning of each fiscal year thereafter as long as the schedule is in effect. If an employee receives pay for off- duty days prior to earning the entitlement and subsequently separates from VA for personal reasons, (e.g., life event situation, retirement, resignation) or for cause (e.g. unacceptable performance or conduct), the employee may be subject to debt collection actions for any salary overpayments. Salary overpayments will be subtracted from the employee's final pay. Employees who separate prior to receiving pay for off duty time earned will receive a lump sum payment of the total pay due upon separation.

i. **Policy Against Certain Work Hours.** Registered nurses on any work schedule shall not provide direct patient care in excess of 12 consecutive hours or in excess of 60 hours in any 7-day period, except in the case of nurses providing emergency care.

j. **Health Administration Facility Certification.** Public Law 108-445 requires that not later than one year after the enactment of this Act, and every year thereafter for the next two years, the Secretary of VA shall submit a report to Congress certifying that each Department health-care facility has a policy in place that prevents nurses from providing direct patient care (other than nurses providing emergency care) from working in excess of 12 consecutive hours or 60 hours in any 7-day period. As such, each VHA Medical Center Director will submit form “Certification of Compliance with Provisions of Department of Veterans Affairs Health Care Personnel Enhancement Act of 2004”, Appendix H, to the Office Human Resources Management and Labor Relations, Worklife and Benefits Service (058) by December 1, commencing in calendar year 2006 and terminating in 2010. This information will be compiled for certification by the Secretary and an attendant report submitted to Congress by January 5, of the corresponding calendar year. Each facility should maintain records in order to ensure that the certification of this policy is easily accessible for review and compliance. At the discretion of VHA senior management this certification may be continued at the conclusion of the mandatory reporting period.

k. **Time and Attendance Records.** (see chapter 2, paragraph 11f(3)) of this part.

l. **Computation of Pay for Registered Nurses on Alternate Work Schedules.** Policies concerning pay administration for nurses on Alternate Work Schedules such as a 36/40, 9-Month and the Baylor Plan are contained in VA Handbook 5007, Pay Administration.

m. **Computation of Additional Pay for Registered Nurses on the Alternate Work Schedules.** Policies concerning pay administration for nurses on Alternate Work Schedules such as a 36/40, 9-Month and the Baylor Plan are contained in VA Handbook 5007, Pay Administration.

n. **Overtime Hours.** Paragraph 6(c) of this chapter contains a definition of overtime hours for employees on Alternate Work Schedules. Such employees, however, are also eligible for call-back overtime if they meet the conditions outlined in VA Handbook 5007. To ensure the continuity of patient care services, and only when necessary, management can require mandatory overtime. For nurses working under the Alternate Work Schedule, overtime means:

(1) **36/40 Work Schedule.** A registered nurse is entitled to overtime pay for performing officially ordered or approved overtime services as follows:

(a) Service in excess of 36-hour tour of duty within a 40 hour administrative workweek.

(b) Service in excess of 12 hour for any day included in the nurse’s regularly scheduled 36-hour tour of duty.

(c) Service in excess of 8 hours on a day other than a day the nurse is regularly scheduled to work a 12-hour tour of duty.

(d) Service in excess of 40 hours during an administrative workweek.

(2) **9-Month Work Schedule.** Registered nurse is entitled to overtime pay for performing officially ordered or approved overtime service as follows, regardless of whether it is performed during the 9-month duty period or the 3-month off duty period:

(a) Service in excess of 40 hours in an administrative workweek.

(b) Service in excess of 8 hours in a day. For nurses on Alternate Work Schedules, overtime pay is payable for service performed in excess of the employee's daily workweek.

(3) **Baylor Plan.** A nurse on the Baylor Plan is entitled to overtime pay under 38 U.S.C. 7453(e) or (i) for performing officially ordered and approved overtime service as follows:

(a) Service in excess of 24 hours on the weekend.

(b) Service in excess of 8 hours on a day other than Saturday or Sunday.

(c) All or part of actual service performed in excess of 40 hours in an administrative workweek, provided such payments were officially authorized. NOTE: *Hours of duty during the basic workweek shall be credited on an hour-for-hour basis when computing the amount of service performed during the administrative workweek.*

o. **Additional Pay.** Policies concerning pay administration for registered nurses on Alternate Work Schedules such as a 36/40, 9-Month and the Baylor Plan are contained in VA Handbook 5007, Pay Administration. This includes tour differential, weekend pay, holiday, and on-call pay.

p. **Absence and Leave**

(1) **36/40 Work Schedule.** For nurses on a 36/40 Work Schedule, time off on approved sick leave or annual leave during a regularly scheduled 12-hour tour of duty should be charged for such leave at a rate of ten hours of leave for every nine hours of absence (charged 1.111 for each hour).

(2) **9-Month Work Schedule.** For nurses on a 9-Month Work Schedule, time off on approved sick leave or annual leave during a regularly scheduled tour of duty should be charged one hour for each hour of sick or annual leave taken.

(3) **Baylor Plan.** Nurses on the Baylor Plan shall be charged 1.667 hours of approved sick leave or annual leave for each hour of sick or annual leave taken. Leave shall be charged only for absences from the basic workweek.

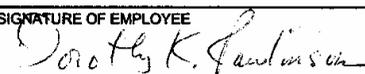
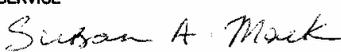
q. **Holidays.** (See part III, chapter 3, paragraph 8(a)(b)). *An in-lieu non-workday shall not be authorized for a nurse, nurse anesthetist, PA or EFDA who works on a holiday or the day designated as a holiday.*

r. **Excused and Unexcused Absences.** On a 36/40 and the Baylor Plan Alternate Work Schedule, the hours unavailable during the expected tour of duty shall be used to determine the amount of excused or unexcused absence to be granted and/or charged (1.111 leave per hour for 36/40-hour work schedule and

1.667 leave per hour for the Baylor Plan). On the 9-Month Alternate Work Schedule, the employee's selected shift start and stop time shall be used unless the employee has actually reported for work. In the latter instance, the actual time the employee reports and his or her basic work requirement for that day, shall be used in making the determination.

- s. **Prohibition of Coercion.** See chapter 2, paragraph 11g(8).]



 Department of Veterans Affairs		<b>REQUEST FOR ALTERNATE WORK SCHEDULE</b>	
<b>INSTRUCTIONS:</b> Please check the alternative work schedule you are requesting, sign, date, and forward to your Associate Director, Nursing Services for action.			
ALTERNATE WORK SCHEDULE OPTIONS <i>(Please check appropriate box)</i>			
<input type="checkbox"/> <b>36/40-Hour Work Schedule</b> - Three regulary scheduled 12-hour tours of duty within an administrative work week that is considered for all purposes to be a full 40 hour basic workweek.			
<input checked="" type="checkbox"/> <b>9-Month Work Schedule</b> - Nine months full-time with three months off duty, within a fiscal year, paid at 75 percent of the full-time rate for such nurse's grade and step each bi-weekly pay period of the fiscal year. See additional statement. <b>NOTE: Employees selecting the 9-Month Work Schedule must sign VA Form 0870b, Consent of Appointment for 9-Month/3-Month off Alternate Work Schedule Agreement.</b>			
<input type="checkbox"/> <b>Baylor Plan</b> - Two regulary scheduled 12-hour tours of duty contained entirely within the first and last day of the administrative work week, Sunday, and Saturday.			
NAME OF EMPLOYEE <i>(Type or print clearly)</i> Dorothy K. Rawlinson		SIGNATURE OF EMPLOYEE 	DATE SIGNED 11/07/05
<b>COMPLETED BY ASSOCIATE DIRECTOR, NURSING SERVICE</b>			
PROPOSED ACTION <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	NAME OF ASSOCIATE DIRECTOR, NURSING SERVICE <i>(Type or print clearly)</i> Susan A. Mack	SIGNATURE OF ASSOCIATE DIRECTOR, NURSING SERVICE 	DATE SIGNED 11/15/05
<b>COMPLETED BY MEDICAL CENTER DIRECTOR</b>			
FINAL ACTION <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	NAME OF MEDICAL CENTER DIRECTOR <i>(Type or print clearly)</i> Ada K. MacDonald	SIGNATURE OF MEDICAL CENTER DIRECTOR 	DATE SIGNED 11/16/05
COMMENTS  This employee is an excellent candidate to convert to the 9-Month/3-Month Off Alternate Work Schedule. She is a highly qualified nurse who is dedicated to her profession and will provide the necessary flexibility to make this a workable tour of duty.			
<b>NOTE: Completed form must be submitted to your local servicing Human Resources Office.</b>			



Date:

From: Chief, Human Resources Management Service (05)

Subject: Notice on the 9-Month Work Schedule Regarding the Impact on Benefits and Other Conditions of Employment (New Employee)

To: (Name of Employee), RN ( )

As a new employee who has elected the 9-Month Work Schedule under Title 38, Section 7456A(d) you are considered to be a part-time employee (0.75 full-time equivalent). As such, your conditions of employment at this Medical Center are as follows:

1. Tenure: Appointments under 38 U.S.C. 7405(a)(1) do not provide employees with job retention rights, grievance rights or appeal rights as it relates to separation. As a part-time employee you are employed at the will of the agency and your employment may be terminated from the Medical Center at any time without advance notice.
2. Retirement: Your annuity will be prorated based on the fraction that your part-time service bears to full-time service.
3. Leave: Sick leave accrues at the rate of 1 hour for each 20 hours in a pay status with no limitation on the amount which may be carried over to the next leave year. Annual leave accrues for part-time employees at the rate of 1 hour for each 10 hours in a pay status with a maximum carryover of 240 hours at the end of a leave year.
4. Health Benefits: You are entitled to the same health benefits as a full-time employee and your health insurance premiums will be computed at the full-time rate.
5. Life Insurance: You if may elect basic life insurance. Your basic life insurance benefit will be based according to your annual rate of basic pay, with a minimum benefit of \$10,000 if your annual pay is \$8,000 or less. If you have elect additional optional insurance, your benefit is based on your annual rate of basic pay. The premiums for basic and additional optional insurance will be based according to your annual basic pay. Standard optional and family optional insurance benefits and premiums will remain the same.
6. Thrift Savings Plan (TSP): You may contribute to TSP, up to the Internal Revenue Service elective deferral limits. Employees who are under the Federal Employees Retirement System (FERS) will receive an agency automatic 1% contribution and agency matching contributions, which will be based on your part-time annual salary.
7. Service Commitment: During your employment on a 9-Month/3-Month Off Alternate Work Schedule, you are expected to complete a specified period of service during the fiscal year. The

**PART II  
APPENDIX E**

scheduling of off duty days must have supervisory approval and need to be made in advance at the time of initial appointment and at the beginning of each fiscal year thereafter as long as the schedule is in effect. If you separate from VA for personal reasons or cause (e.g. life event situation, retirement, resignation, removal due to unacceptable performance or conduct), you may be indebted for any pay received in excess of the amount to which you are entitled. By signing this notice you agree that any outstanding overpayment of salary will be offset from your final paycheck, and such offset may occur without prior notification. You will receive such notification, including your right to dispute the debt or request waiver, at the time of offset or as soon thereafter as possible. If you separate prior to receiving earned payments for periods of off duty time, you will receive any payments due in lump-sum upon separation.

Upon review of this notice, please sign and date the attached notice of acknowledgement and return it the Human Resources office.

**JUNE 15, 2006**

**VA HANDBOOK 5011/9  
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To: Chief, Human Resources Management Service (05)

I understand that my appointment under the 9-Month Work Schedule is considered to be part-time and will provide me with reduced employee rights, benefits and salary. Appointments under 38 U.S.C. 7405(a)(1) do not provide employees with job retention rights, grievance rights or appeal rights as it relates to separation. As a part-time employee I am employed at the will of the agency and my employment may be terminated from the Medical Center at any time without advance notice.

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Signature

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Date



Date:

From: Chief, Human Resources Management Service (05)

Subject: Notice on 9-Month Work Schedule Regarding the Impact on Benefits, Probationary Status and Other Conditions of Employment – Conversion from Full-time to Part-time/Current Part-time to 9-Month Work Schedule

To: (Name of Employee), RN ( )

Upon conversion to a 9-Month Work Schedule under Title 38, Section 7456A(d) you are considered to be a part-time employee (0.75 full-time equivalent). Your conversion from permanent full-time under 38 U.S.C 7401(1) to part-time employment under 38 U.S.C. 7405(a)(1) will change the conditions of your employment at this Medical Center in the following manner:

1. Tenure: Appointments under 38 U.S.C. 7405(a)(1) do not provide employees with job retention rights, grievance rights or appeal rights as it relates to separation. As a part-time employee you are employed at the will of the agency and your employment may be terminated from the Medical Center at any time without advance notice.
2. Probationary Status: If you were serving a probationary period at the time of conversion, the probationary period ceases. The period of time completed under the probationary period is frozen on the date of conversion to part-time status. If you return to a full-time appointment under 38 U.S.C 7401(1) you will resume completion of your remaining probationary period.
3. Retirement: Your annuity will be prorated based on the fraction that your part-time service bears to full-time service.
4. Leave: Sick leave accrues at the rate of 1 hour for each 20 hours in a pay status with no limitation on the amount which may be carried over to the next leave year. Annual leave accrues for part-time employees at the rate of 1 hour for each 10 hours in a pay status with a maximum carryover of 240 hours at the end of a leave year.
5. Health Benefits: You are entitled to the same health benefits you enjoyed as a full-time employee and your health insurance premiums will be computed at the full-time rate.
6. Life Insurance: If you elected basic life insurance, your benefit will be decreased according to your annual rate of basic pay, with a minimum benefit of \$10,000 if your annual pay is \$8,000 or less. If you have elected additional optional insurance, your benefit is decreased in proportion to the new annual rate of basic pay, with no minimum benefit. The premiums for basic and additional optional insurance will be adjusted according to the decreased benefit. Standard optional and family optional insurance benefits and premiums will remain the same.
7. Thrift Savings Plan (TSP): You may contribute to TSP up to the Internal Revenue Service elective deferral limit. Employees who are under the Federal Employees Retirement System (FERS) will receive

**PART II****APPENDIX F**

an agency automatic 1% contribution and agency matching contributions. The agency automatic 1% contributions will be based on your new reduced annual salary.

8. Service Commitment: During your employment on a 9-Month/3-Month Off Alternate Work Schedule, you are expected to complete a specified period of service during the fiscal year. The scheduling of off duty days must have supervisory approval and need to be made in advance at the time of initial appointment and at the beginning of each fiscal year thereafter as long as the schedule is in effect. If you separate from VA for personal reasons or cause (e.g. life event situation, retirement, resignation, removal due to unacceptable performance or conduct), you may be indebted for any pay received in excess of the amount to which you are entitled. By signing this notice you agree that any outstanding overpayment of salary will be offset from your final paycheck, and such offset may occur without prior notification. You will receive such notification, including your right to dispute the debt or request waiver, at the time of offset or as soon thereafter as possible. If you separate prior to receiving earned payments for periods of off duty time, you will receive any payments due in lump-sum upon separation.

Upon review of this notice, please sign and date the attached notice of acknowledgement and return it the Human Resources office.

**JUNE 15, 2006**

**VA HANDBOOK 5011/9  
PART II  
APPENDIX F**

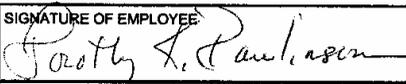
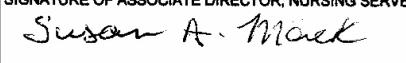
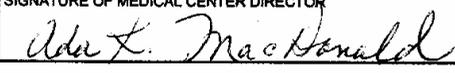
To: Chief, Human Resources Management Service (05)

I understand that my conversion to part-time employment under 38 USC 7405(a) (1) from full-time permanent under 38 USC 7401(1) will provide me with reduced employee rights, benefits and salary. Appointments under 38 U.S.C. 7405(a) (1) do not provide employees with job retention rights, grievance rights or appeal rights as it relates to separation. As a part-time employee I am employed at the will of the agency and my employment may be terminated from the Medical Center at any time without advance notice.

I hereby voluntarily, knowingly and without coercion or undue influence, waive my rights and benefits under 38 USC 7401(1) and accept conversion to part-time employment under 38 USC 7405(a) (1) effective \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

 Department of Veterans Affairs			
<b>CONSENT OF APPOINTMENT FOR 9-MONTH/3-MONTH OFF ALTERNATE WORK SCHEDULE AGREEMENT</b>			
NAME OF VA FACILITY Manning VAMC	FACILITY ADDRESS 3007 Freedom Avenue Spoonville, KS 29102	FACILITY STATION NO. 010	PROPOSED WORK DATE 1/09/06
<b>EMPLOYEE AGREEMENT/CERTIFICATION</b>			
I understand that the 9-month Alternate Work Schedule, <i>I am agreeing</i> to work part-time for nine months with 3-months off within a fiscal year; I further understand that I will be paid 75 percent of the full-time rate for such nurse's grade for each pay period of the fiscal year.			
I understand work under this schedule shall be considered part-time service for purposes of computing retirement benefits, but my health and life insurance premiums will be computed at the full-time rate. Life insurance will be computed based on the following factors: If you elected basic life insurance, your benefit will be decreased according to your annual rate of basic pay, with a minimum benefit of \$10,000 if your annual pay is \$8,000 or less. If you have elected additional optional insurance, your benefit is decreased in proportion to the new annual rate of basic pay, with no minimum benefit. The premiums for basic and additional optional insurance will be adjusted according to the decreased benefit. Standard optional and family optional insurance benefits and premiums will remain the same.			
I acknowledge receipt of a written notice of the effects that the alternate work schedule will have on my retirement, health and life insurance premiums, probationary period, tenure and other conditions of employment.			
I understand my current tenure entitlements are waived upon accepting a part-time appointment.			
<b>CERTIFICATION:</b> I hereby certify that I am voluntarily accepting conversion to the 9-month alternate work schedule.			
NAME OF EMPLOYEE <i>(Type or print name)</i> Dorothy K. Rawlinson	SIGNATURE OF EMPLOYEE 	DATE SIGNED 12/11/05	
NAME OF ASSOCIATE DIRECTOR, NURSING SERVICE <i>(Type or print name)</i> Susan A. Mack	SIGNATURE OF ASSOCIATE DIRECTOR, NURSING SERVICES 	DATE SIGNED 12/13/05	
NAME OF MEDICAL CENTER DIRECTOR <i>(Type or print name)</i> Ada K. MacDonald	SIGNATURE OF MEDICAL CENTER DIRECTOR 	DATE SIGNED 12/14/05	
START DATE 01/09/06			
COMMENTS The employee acknowledges understanding of all items listed in the "Alternate Work Schedule Agreement" for the 9-Month Work Schedule.			
NOTE: Place a copy of this completed form on the left side of the employee's Official Personnel File Folder.			

 Department of Veterans Affairs		
<b>CERTIFICATION OF COMPLIANCES WITH PROVISIONS OF THE DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PERSONNEL ENHANCEMENT ACT OF 2004</b> (Public Law 108-445)		
<p><b>INSTRUCTION FOR CERTIFICATION:</b> By signing and submitting this form, the Veterans Health Administration (VHA) facility is providing the certification set out below. The certification in this statement is a material representation of the Act upon which reliance was placed when the "Alternate Work Schedule for Nurses" was entered into by each VHA facility. The healthcare facility shall submit this signed form not later than one year after the date of the enactment of this Act and every year thereafter for the next two years. On submission of this statement the healthcare facility certifies implementation of the clause titled "Policy Against Certain Work Hours", without modification and as specified in VA Handbook 5011, Chapter 3, Part II, Section 6.</p> <p>This certification is required by the regulations implementing the Department of Veterans Affairs Healthcare Personnel Enhancement Act of 2004, PL 108-455, Section 4, Policy Against Certain Work Hours. The regulations were published as Alternate Work Schedules for Registered Nurses, 38 USC 7456A.</p>		
<p><b>CERTIFICATION:</b> I certify that the name of the facility to the right has implemented the policy to prevent nurses providing direct patient care to work (other than nurses providing emergency care) in excess of 12 consecutive hours or excess of 60 hours in any 7-day period.</p>	<p>NAME OF FACILITY Manning VAMC</p>	
<p>FACILITY ADDRESS 3007 Freedom Avenue Spoonville, KS 29102</p>	<p>FACILITY STATION NO. 010</p>	
<p>NAME OF ASSOCIATE DIRECTOR, NURSING SERVICES <i>(Type or print name clearly)</i> Susan A. Mack</p>	<p>SIGNATURE OF ASSOCIATE DIRECTOR, NURSING SERVICES <i>Susan A. Mack</i></p>	<p>DATE SIGNED 11/15/05</p>
<p>NAME OF MEDICAL CENTER DIRECTOR <i>(Type or print name clearly)</i> Ada K. MacDonald</p>	<p>SIGNATURE OF MEDICAL CENTER DIRECTOR <i>Ada K. MacDonald</i></p>	<p>DATE SIGNED 11/16/05</p>
<p>COMMENTS This facility will continue to recruit registered nurses to maintain the highest quality nursing service in order to prevent nurses from working excessive hours.</p>		



b. **Leave Charges**

(1) The minimum charge for leave shall be 1 day and multiples thereof for full-time physicians, dentists, podiatrists, chiropractors, and optometrists and a quarter hour (15 minutes) or multiples thereof for nurses, nurse anesthetists, PAs, EFDAs and part-time physicians, dentists, podiatrists, chiropractors, and optometrists.

(2) Holidays and in-lieu days granted thereof will not be charged to leave.

**4. ANNUAL LEAVE**

a. **Annual Leave.** The granting of annual leave shall be a matter of administrative discretion as to when and in what amount it may be authorized. Requests for annual leave shall be acted upon in the light of essential medical services and with due regard to the welfare and preferences of individual employees. Employees should be encouraged to take annual leave for at least 2 consecutive weeks each year for purposes of rest and relaxation.

b. **Charging Annual Leave**

(1) **Full-Time Nurses, Nurse Anesthetists, PAs, EFDAs and Part-Time Employees.** The minimum charge of annual leave for these employees is one quarter hour (15 minutes) and multiples thereof (see subparagraph (2) for the formula for computing leave for full time nurses and nurse anesthetists on the Baylor Plan). *When leave is charged because of absence from duty or tardiness, the employee will not be required to work during the period covered by the leave.*

(2) **Full-Time Nurses and Nurse Anesthetists on the Baylor Plan.** Such nurses and nurse anesthetists shall be charged 1.667 hours of annual leave for each hour of annual leave taken. Leave shall be charged only for absences from the basic workweek. (For the definition of basic workweek for these employees, see paragraph 2d of chapter 3, part II).

(3) **Full Time [Nurses and Nurse Anesthetists on 36/40 Work Schedule.** Such nurses and nurse anesthetists shall be charged leave at a rate of ten hours of leave for every nine hours of absence (charged 1.111 for each hour). Leave shall be charged only for absences from the basis workweek].

[(4)] **Full-Time Physicians, Dentists, Podiatrists, Chiropractors, and Optometrists**

(a) **Minimum Charge.** The charge of annual leave for these employees is 1 calendar day. Charges for leave in excess of 1 day will be in multiples of 1 calendar day. *When a scheduled day's work extends over portions of 2 calendar days, leave will be charged for the day on which the greater part of the day's work falls, or for the first day when the day's work is equally divided between 2 calendar days.*

(b) **Administrative Nonduty Days.** Although subject to duty 24/7, employees in this category may be granted scheduled days off during the administrative workweek. Employees are not charged annual leave on those administrative nonduty days.

for a part of a day is involved, paragraph 11b is appropriate as a guide in determining the charge to leave for excessive absence by an employee who travels by privately owned conveyance for the individual's convenience.

(2) Travel time used to transfer from one facility to another, when the transfer is arranged for reasons other than for the convenience of the Government, will be charged to annual leave or to leave without pay when annual leave is not available.

g. **Involuntary Leave.** Employees may be placed on involuntary annual leave when the needs of the service dictate. When an employee reasonably may not be regarded as ready, willing and able to work, the employee may be placed on involuntary annual leave or in a leave without pay status, as the employee's leave account and the circumstances may require.

h. **Voluntary Leave Transfer Program.** See paragraph 19 of chapter 2, this part.

## 5. SICK LEAVE

a. **Sick Leave.** Sick leave shall be granted to employees when they are incapacitated for the performance of their duties because of personal illness, disease, injury, pregnancy and confinement, for necessary medical, dental or optical examination or treatment, or when a member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee; or when through exposure to contagious disease the presence of the employee at the post of duty would jeopardize the health of others.

### b. Charging Sick Leave

(1) The minimum sick leave charge for full-time physicians, dentists, podiatrists, chiropractors, and optometrists is 1 calendar day and multiples thereof. **When a scheduled day's work extends over portions of 2 calendar days, sick leave will be charged for the day on which the greater part of the day's work falls, or for the first day when the day's work is equally divided between 2 calendar days.** No charge to sick leave will be made for absence of these employees on administrative nonduty days.

(2) Except as provided in subparagraph (3), the minimum sick leave charge for full-time nurses, nurse anesthetists, PAs, and EFDAs and part-time employees is one quarter hour (15 minutes) and multiples thereof. **Sick leave for these employees will be charged as approved and used.**

(3) Full-time nurses and nurse anesthetists on the Baylor Plan shall be charged 1.667 hours of sick leave for each hour of sick leave taken. [Full-time nurses and nurse anesthetists on a 36/40 Work Schedule shall be charged 1.111 hours of sick leave for each hour of sick leave taken.] Leave shall be charged only for absences from the basic workweek.

(4) Medical and dental residents covered by disbursement agreements shall be granted sick leave in accordance with those agreements.

(b) Sick leave shall accrue for full-time physicians, dentists, podiatrists, chiropractors, and optometrists at the rate of 13 days per leave year.

(2) **Full-Time Nurses, Nurse Anesthetists, PAs and EFDAs**

(a) Annual leave shall accrue for full-time nurses, nurse anesthetists, PAs and EFDAs at the rate of 8 hours for each full biweekly pay period.

(b) Sick leave shall accrue for full-time nurses, nurse anesthetists, PAs and EFDAs at the rate of 4 hours for each full biweekly pay period.

(3) **Part-Time Employees**

(a) Annual leave shall accrue for part-time employees at rate of 1 hour for each 10 hours in a pay status.

(b) Sick leave shall accrue for part-time employees at the rate of 1 hour for each 20 hours in a pay status.

(c) Hours in a pay status which do not equal the number necessary for a minimum annual or sick leave credit of 1 hour for part-time employees will be carried forward and combined with subsequent pay status hours.

e. **Reduction of Leave Accruals**

(1) **Full-Time Physicians, Dentists, Podiatrists, Chiropractors, and Optometrists**

(a) Annual leave accruals for full-time physicians, dentists, podiatrists, chiropractors, and optometrists shall be reduced when the individual has had [12 or more calendar days] of absence without pay in a leave year. This reduction shall be at the rate of 1 day for each full [12-calendar-day] period.

(b) Sick leave accruals for full-time physicians, dentists, podiatrists, chiropractors, and optometrists shall be reduced when the individual has had [24 or more calendar days] of absence without pay in a leave year. This reduction shall be at the rate of 1 day for each full [24-calendar-day] period.

(2) **Full-Time Nurses, Nurse Anesthetists, PAs and EFDAs.** A full-time nurse, nurse anesthetist, PA or EFDA who is in a nonpay status for the entire leave year shall not earn leave for the year. Leave accruals shall be reduced for a nonpay status of 80 hours or more in a leave year. This reduction shall be at the rate of 8 hours of annual leave and 4 hours of sick leave for each 80 hours in a nonpay status.

**NOTE:** *In making this computation each hour a full-time nurse or nurse anesthetist on the Baylor Plan is in a nonpay status shall be considered to be 1.667 hours [and on a 36/40 Work Schedule shall be considered to be 1.111 hours].* For this purpose, included shall be all hours in a nonpay status (other than nonpay status during a fractional pay period when no leave accrues) while the individual is on the rolls during the leave year in which the leave accrues; excluded shall be a period