

HOURS OF DUTY AND LEAVE

- 1. REASON FOR ISSUE:** To revise Department of Veterans Affairs (VA) procedures regarding hours of duty and leave.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook sets forth mandatory procedures previously contained in numerous other issuances. The pages in this transmittal replace the corresponding pages in VA Handbook 5011. This change establishes policy and criteria under which newly appointed or reappointed employees may receive service credit for annual leave accrual, in accordance with the Federal Workforce Flexibility Act of 2004 (Public Law 108-411). The granting of this provision is based on prior non-Federal work experience or experience in a branch of uniformed military service, during which the employee performed duties and responsibilities that are related to the duties and responsibilities of the position to which they are being appointed. This change will be incorporated into the electronic version of the 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:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/Robert N. McFarland
Assistant Secretary for
Information and Technology

/s/R. Allen Pittman
Assistant Secretary for
Human Resources and Administration

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a 60-hour schedule, etc.) should have their leave balances converted through use of the following conversion formulas:

a. (number of hours in leave balance) $\times 72 \div 40$ (when change is from 40-hour workweek to 72-hour workweek);

b. (number of hours in leave balance) $\times 40 \div 72$ (when change is from 72-hour workweek to regular 40-hour work week);

c. (number of hours in leave balance) $\times 72 \div 60$ (when change is from 60-hour workweek to 72-hour workweek);

d. (number of hours in leave balance) $\times 60 \div 72$ (when change is from 72-hour workweek to 60-hour workweek).

f. [Creditable Service for Annual Leave Accrual for Newly Appointed Employees with Prior Non-Federal Work Experience or Active Duty Uniformed Military Service

(1) **General.** Under Chapter 63 of title 5, United States Code, the Department of Veterans Affairs may grant service credit for newly appointed or reappointed employees for prior non-Federal work experience or experience in a uniformed service that otherwise would not be creditable for the purpose of determining an employee's annual leave accrual rate. This authority should be used when it is determined that the skills and experience the employee possesses are (1) essential to the new position and were acquired through performance in a non-Federal position or in the uniformed services having duties that directly relate to the duties of the position to which he or she is being appointed; and (2) that the use of this authority is necessary to achieve an important agency mission or performance goal. This authority is intended as a recruitment tool for attracting highly qualified individuals with exceptional skills and experiences. The offer of creditable service for annual leave accrual is not an entitlement.

(2) **Eligibility.** This provision applies only to:

(a) Newly appointed employees with previous non-Federal experience, employees who are reappointed following a break in service of at least 90 calendar days from the date of their last period of Federal civilian employment, and retired military employees who performed active duty uniformed service for which they did not receive service credit towards annual leave accrual.

(b) The skills and experience the employee possesses, which were acquired through performance in a non-Federal position or in the uniformed service, are essential to the new position having duties that are directly related to the position to which he or she is being appointed; and the use of this authority is necessary to achieve an important agency mission or performance goal.

(3) **Procedures for Granting Service Credit.** An employee must submit written documentation of his/her prior non-Federal or uniformed service in order to receive credit under this authority.

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(a) The following statement must be included in the Vacancy Announcement: “Selected applicants may qualify for credit toward annual leave accrual, based on prior non-Federal or military service experience.”

(b) Upon selection of the candidate from the list of best qualified applicants, if applicable, the selecting official will determine the amount of creditable service for annual leave accrual. The amount of service credited may not exceed the actual amount of service during which the employee performed the duties that are directly related to the position in which the employee is being appointed. This amount of creditable service must be specified in years and months on VA Form 0869 (See sample form in Appendix H). The *Annual Leave Accrual Rate Table with Examples* found in Appendix G illustrates how years of experience will determine the employee’s annual leave accrual category.

(c) An Employee must submit written documentation of his/her prior non-Federal or uniformed service in order to receive credit under this authority. Examples of acceptable documentation are: (a) a resume listing the beginning and ending dates of positions held and a description of the duties and responsibilities; (b) a completed and signed Optional Form 612, *Application for Federal Employment*; or (c) the document containing the required information. Retired military employees, who performed active duty uniformed service for which they were not awarded creditable service, must submit written documentation such as a Form DD 214 to receive credit for honorable active duty uniformed military service.

(d) In order to receive credit for annual leave accrual, applicants who have been determined to possess specialized work experience will be required to certify by signing the completed VA Form 0869 along with written documentation of the employee’s qualifying non-Federal civilian or military service, prior to the employee’s entrance on duty (EOD) date.

(e) Credit for non-Federal service or active duty uniformed service must be approved before the appointee’s EOD date.

(f) Credit for non-Federal service or active duty uniformed service is granted to the employee upon the effective date of his or her initial appointment or reappointment to Federal service.

(g) Once the selecting official has completed the determination of creditable service, VA Form 0869 will be submitted to the Approving Official for action (see section (4) Approval Authority).

(h) After approval, the Human Resources Manager is responsible for reviewing all documentation submitted, including information provided on VA Form 0869, to ensure compliance with all requirements prior to granting the service credit.

(i) After all signatures on VA Form 0869 have been obtained, the form is permanently filed in the employee’s Official Personnel Folder (OPF).

(4) Approval Authority

(a) In accordance with the Inspector General Act of 1978, the Inspector General has independent authority to approve/disapprove requests within the Office of Inspector General.

(b) Under Secretaries, Assistant Secretaries, Other Key Official or their designees are responsible for approving/disapproving requests in VA Central Office.

(c) Facility Directors are responsible for approving/disapproving requests for employees under their jurisdiction.

(d) The Deputy Assistant Secretary for Human Resources Management and Labor Relations will advise management and operating officials on the policies and procedures in this chapter.

(e) Selecting officials are responsible for determining the amount of creditable service for annual leave accrual.

(5) **Restrictions.** An employee may not receive dual credit for service. Once an employee is permanently credited with a period of non-Federal service or active duty uniformed service (after completion of one full continuous year of service with the appointing agency), that period of service may not be considered for further credit if the employee has a future break in service.

(6) **Retention of Creditable Service.** Once an employee completes one full year of continuous service with the Department of Veterans Affairs (VA), the period for which he/she was previously granted service credit becomes permanent and is creditable for the purpose of determining the employee's annual leave accrual rate.

(7) Withdrawal of Service Credit

(a) If an employee separates from Federal service prior to completing one full year of continuous service with the VA, the employee is not entitled to retain service credit for prior non-federal service or active duty uniformed service. However, any annual leave accrued or accumulated by an employee remains to the credit of the employee, even if he or she fails to complete one full year of continuous service with the Department of Veterans Affairs. In the case of a separation from Federal service, the employee is entitled to a lump-sum payment for any unused portion of annual leave accrued.

(b) If the employee transfers to another agency before completing one full year of service, the employee loses his/her entitlement to service credit, and the losing agency, is required to deduct the additional service credit from the employee's total creditable service prior to the transfer. A new service computation date (SCD) for leave must be established before the employee transfers. VA must transfer the annual leave balance to the new employing agency under 5 CFR 630.501, if the employee is transferring to a position to which annual leave may be transferred. Any annual leave accrued or accumulated by an employee remains to the credit of the employee

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g.] **Unscheduled Leave.** An employee who finds it necessary to be absent without having received prior approval shall request leave as early as practicable. To the extent possible, this should be done at the beginning of the tour of duty, but not later than 2 hours thereafter. For the same period of absence, daily reports will not be required. However, employees who are absent for more than 1 day on unscheduled leave may be requested to estimate the probable date of return to duty. Also, employees who are shift workers may be required to call their supervisor before returning to duty to facilitate the scheduling of all affected employees.

3. ANNUAL LEAVE

a. **Annual Leave Requests.** All requests for annual leave should be made in advance. Short periods of annual leave (3 days or less) may be approved verbally. Longer periods must be requested and approved on the Enhanced Time and Attendance (ETA) or other electronic system. There is no authority to approve annual leave from which the employee will not be returning to duty, unless such approval meets the needs of the service (34 Comp. Gen. 61). Requests for annual leave and leave without pay (LWOP) will be considered in the light of current and anticipated workloads. Employees should be encouraged to take annual leave for at least 2 consecutive weeks each year for purposes of rest and relaxation; and afforded the opportunity to use their annual leave to avoid leave forfeitures

b. **Leave for Alien Employees.** Under the discretionary provisions of 5 U.S.C. 6310, and by virtue of VA administrative action, alien employees who occupy positions outside the United States may be granted a leave of absence with pay, not in excess of the amount of annual and sick leave allowable to citizen employees.

c. **Advanced Leave.** Annual leave may be advanced only in an amount that can be earned by the end of the leave year in which it is granted. When an employee is serving under an appointment which will expire before the end of the leave year, annual leave may be advanced up to the amount the employee would otherwise earn during the term of the appointment.

d. **Annual Leave in Proximity to Overtime.** Any request for annual leave in proximity to overtime by the same employee will be scrutinized to assure that the granting of annual leave is in the interest of good administrative practice.

e. **Administrative Authority To Cancel Previously Approved Annual Leave.** The taking of annual leave is an absolute right of the employee subject to the right of the head of the department or establishment concerned to fix the time at which leave may taken (30 Comp. Gen. 611, citing 16 Comp. Gen. 481). In an unusual or emergency situation, previously approved annual leave may be canceled and the employee directed to return to duty. Generally, the authority to cancel leave will not be exercised unless there is an urgent unforeseen circumstance and it is feasible for the employee to return to duty. If an employee refuses to return to work when leave is canceled, the absence may be charged to absence without leave (AWOL). (5 U.S.C. 6302(d); 39 Comp. Gen. 611, citing 16 Comp. Gen. 481.)

f. **Administrative Approval for Restoration of Annual Leave.** Administration Heads, Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries and facility heads are authorized to

**[APPENDIX G
ANNUAL LEAVE ACCRUAL RATE TABLE WITH EXAMPLES**

	CATEGORY I	CATEGORY II	CATEGORY III
Employee Type	Accrual Rates for 1 to Less Than 3 Years of Service	Accrual Rates for 3 Years to Less Than 15 years of Service	Accrual Rates for 15 or More Years of Service
Full-time Title 5 Employees	4 hours per pay period	6 hours per pay period	8 hours (1 day) per pay period

The examples given below illustrate the application of credit awarded for non-Federal or military service. In addition to establishing proof of eligibility there must be proof that the granting of such a credit is necessary in order to achieve an agency mission or performance goal.

EXAMPLE 1

A newly appointed IT Specialist enters Federal service with a total of 4 years of experience in the IT field. According to her resume and information submitted on the Verification Form, she was Acting Help Desk Technician for two of those years. Out of the four years, she is granted 2 years of creditable service because the duties and responsibilities of that position are directly related to those in the new position. The employee is initially placed in Leave Category I and earns 4 hours of annual leave per pay period. Subsequently, upon completion of one additional year, she will advance to Leave Category II and will earn 6 hours per pay period.

Note: In one year, her prior two years of experience (2 years + 1 year = 3 years) will advance her to Leave Category II.

EXAMPLE 2

An employee, who has worked as an accountant for “ABC Company,” for 12 years, is appointed as an accountant in the Federal Government. Instead of the accountant accruing annual leave at the rate of 4 hours per pay period as a new employee, his 12 years of experience as an accountant will be approved as creditable service, thus allowing him to begin accruing annual leave at a rate of 6 hours per pay period under Leave Category II.

Note: In three years, his prior 12 years of experience (12 Years + 3 Years = 15 years) will advance him to Leave Category III.

EXAMPLE 3

A military retiree with an honorable discharge and who served in an active duty, uniformed service for 27 years, has been appointed to the position of Employee Relations Manager. He was an HR Specialist for 10 years and an HR Lead Specialist in Employee Relations for 17 years. The Selecting Official at the facility, where he has applied for the position, has certified that the military retiree has 15 years and 5 months of credible service. He will be placed in leave Category III and will accrue 8 hours of annual leave each pay period.

Note: Even though he is newly appointed to Federal Service, the credit he receives for his prior military service places him in Leave Category III.

 Department of Veterans Affairs					
VERIFICATION OF CREDITABLE SERVICE FOR NON-FEDERAL WORK EXPERIENCE OR ACTIVE DUTY UNIFORMED MILITARY SERVICE					
PART I - EMPLOYEE INFORMATION (To be completed by Selecting Official)					
PRIVACY ACT STATEMENT: Solicitation of this information is authorized by Executive Order, and 5 U.S.C., 6303, "Leave Accrual," and solicitation of the Social Security Number (SSN) is authorized by Executive Order 9397, "Using Social Security Number as Identifier." This information, including the SSN, will be used to verify periods of creditable service in all military service claimed, during campaigns and expeditions or in non-Federal service. Furnishing this information, including the SSN, is voluntary, but failure to comply may make it difficult or impossible to verify periods of creditable service for which credit for annual leave may be given.					
1. NAME OF EMPLOYEE (Include other name(s) service record might be under)			2. SOCIAL SECURITY NUMBER		
Ruby Pratt			123-45-6789		
3. JOB TITLE		4. GRADE	5. ESTIMATED APPOINTMENT DATE		
Senior IT Specialist		13	11-30-05		
6. NAME OF VA FACILITY			7. FACILITY ADDRESS		
Big Town VAMC			Any city, Nowhere 00000		
8. LIST DUTIES PERFORMED DURING MILITARY SERVICE RELATED TO THE NEW POSITION (Attach form DD214)					
	FROM	TO	DUTIES	YEARS	MONTHS
8A.	01/01/05	10/01/05	IT Specialist	0	9
8B.	01/01/05	12/30/04	Help Desk Manager	3	0
8C.					
9. LIST DUTIES PERFORMED DURING NON-FEDERAL SERVICE RELATED TO THE NEW POSITION. (Attach Optional Form (OF) 612 or resume showing dates, duties and responsibilities)					
	FROM	TO	DUTIES	YEARS	MONTHS
9A.	N/A				
9B.					
9C.					
CERTIFICATION: I certify that the above information is accurate to the best of my knowledge. I understand that I will lose any credit for prior non-Federal or active duty uniformed military service if: (1) I fail to complete one full year of continuous service with the Department of Veterans Affairs; (2) I transfer to another agency (at which time a new Service Computation Date (SCD) will be established); or (3) I separate from Federal service. I further understand that I may not receive dual credit for service nor be considered for creditable service using this same period of service once I have completed one full year in this position. However, once I complete one full year of continuous service with the Department of Veterans Affairs, the period of service for which I was granted service credit for my non-Federal or active duty uniformed service work experience becomes permanently creditable for the purpose of determining my annual leave accrual rate for the duration of my Federal career. I further understand that I may not receive dual credit for service nor be considered for creditable service using the same period of service once I have completed one full year in this position.					
10A. SIGNATURE OF EMPLOYEE			10B. DATE SIGNED		
			11/15/2005		
PART II - JUSTIFICATION/RECOMMENDATION (To be completed by Selecting Official)					
1. NAME OF POSITION CRITICAL IN THE ACHIEVEMENT OF VA'S MISSION AND PERFORMANCE GOALS					
Senior IT Specialist					
2. PLEASE IDENTIFY EFFORTS MADE TO RECRUIT FOR THIS POSITION BY RESPONDING TO THE FOLLOWING ITEMS: (Include supporting documentation to justify your recommendation)					
2A. HOW LONG WAS THIS POSITION VACANT?		2B. HOW MANY TIMES DID YOU ATTEMPT TO RECRUIT FOR THIS POSITION?		2C. NUMBER OF CANDIDATES DECLINING JOB OFFER?	
11 months		3		5	
3. IDENTIFY THE PERFORMANCE GOAL(S) TO BE ACHIEVED BY THIS POSITION (Continue on next page if needed)					
To provide the cutting edge technological expertise required to develop and analyze data as well as provide the much needed web enhancements that will enable VA to meet the needs of both internal and external customers.					

CERTIFICATION: This position is determined to be mission critical and meets the requirements for achieving the Department of Veterans Affairs performance goal(s). Accordingly, I certify that the prior non-Federal or active military duty service, as stated on this form and other supporting documentation submitted, establishes proof of acceptable and qualifying experience for granting this employee the years and months of creditable service, stated below, for the purpose of establishing his/her annual leave accrual rate. Accordingly, I certify that the prior non-Federal or active military duty service, as stated on this form and other supporting documentation submitted, establishes proof of acceptable and qualifying experience for granting this employee the years and months of creditable service stated below, for establishing his/her annual leave accrual rate.

4. GRANTED YEARS AND MONTHS OF CREDITABLE SERVICE
 3 YEARS / 9 MONTHS

5A. SIGNATURE OF SELECTING OFFICIAL <i>Judy Piscataway</i>		5B. TITLE OF SELECTING OFFICIAL Director of Information & Technology	5C. DATE SIGNED 11/11/2005
6A. ACTION <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	6B. SIGNATURE OF APPROVING OFFICIAL <i>J. R. Donno</i>	6B. TITLE OF APPROVING OFFICIAL Director, VAMC Big Town	6C. DATE SIGNED 11/11/2005

PART III - HUMAN RESOURCES REGULATORY COMPLIANCE (To be completed by Human Resources Officer)

STATEMENT: The documentation of prior work experience submitted on this form meets the criteria for awarding creditable service and is compliant with the regulations for granting creditable service for annual leave accrual.

7A. SIGNATURE OF HUMAN RESOURCES OFFICER <i>Nina Pasquale</i>	7B. DATE SIGNED 11/30/2005
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CONTINUATION SPACE FOR ADDITIONAL INFORMATION

NOTE: This form must be approved prior to the employee's entrance on duty date.