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**CHAPTER 630, ABSENCE AND LEAVE**  
(To Be Used With 5 U.S.C. Chapter 63  
and 5 C.F.R. Part 630)

**1. SCOPE**

a. **General.** This chapter provides the policies and guidelines to be used in administering the provisions of 5 USC Chapter 63 and 5 CFR Part 630 for employees covered by this leave system. *Except for as otherwise specifically provided (Refer paragraphs 23-26), the following employees are excluded from the leave provisions of this chapter.*

(1) Physicians and dentists, including medical and dental residents, podiatrists, optometrists, nurses, nurse anesthetists, physician assistants, and expanded-function dental auxiliaries employed under authority of 38 USC 74 (There is a separate leave system for these employees. See MP-5, part II, Chapter 7, "Duty and Leave," concerning leave eligibility under 5 USC Chapter 63 for allied health trainees who are appointed under authority of 38 USC 7405(a)(1)(D).

(2) Part-time employees for whom no regular tour of duty has been established for each administrative workweek and temporary purchase and hire employees engaged on construction work at hourly rates. (These employees are specifically excluded from the provisions of the Leave Law and earn no leave.)

(3) Employees of the Veterans Canteen Service appointed under the provisions of 38 USC 78. (They are subject to 5 USC Chapter 63, but their leave policies are published in VCS-1, "Veterans Canteen Service Operating Procedures.")

b. **Alien Employees.** Paragraph 7b of this section of the manual contains VA leave policy statement concerning these employees.

c. **Excused Absences Not Covered by Leave.** Paragraph 21 of this section of the manual contains agency policies on excused absences not covered by leave which apply to all employee categories cited above except subparagraph a (1) and (3) above.

**2. OFFICE OF PERSONNEL MANAGEMENT RESPONSIBILITIES (5 USC Chapter 63 Subch I)**

The Office of Personnel Management has the over-all responsibility for administration of 5 USC Chapter 63.

**3. AGENCY AUTHORITY AND RESPONSIBILITIES (5 CFR Part 630 Subpart A)**

a. **Authority**

(1) Administration Heads, Assistant Secretaries, Other Key Officials and Deputy Assistant Secretaries and field station heads are authorized to administer the provisions of this chapter of

the manual and 5 USC Chapter 63 and 5 CFR Part 630 for employees under their respective jurisdictions.

(2) Except as otherwise specifically set out in this section, this authority may be redelegated to subordinate officials with whatever limitations deemed necessary to insure the proper exercise of authority.

**b. Responsibilities**

(1) **Human Resources Management (HRM) Office.** The Office of Human Resources Management and Field HRM Divisions are responsible for the general administration of the leave program. This includes:

(a) Interpreting leave policies and regulations for operating officials.

(b) Providing for employee orientation on leave provisions and supervisory training in leave administration.

(2) **Supervisor.** The supervisor is responsible, as authorized, for administering the leave and excused absence policies and regulations for employees under his or her supervision. This includes:

(a) Insuring that all subordinate supervisors receive appropriate training in administering leave policies and regulations; that employees are trained in proper use of leave, kept informed on leave matters and of the name or title of the leave approving supervisor.

(b) Planning, scheduling, and rescheduling the more substantial periods of annual leave on a calendar year basis to avoid forfeiture cases.

(c) Acting promptly on requests for leave and determining the necessity for or acceptability of sick leave medical certificates.

(d) Maintaining control over attendance, leave, and excused absence of employees under his or her control. Determining whether an employee's absence from regular duties constitutes official duty, approved leave, excused absence without charge to leave, or absence without leave, and insuring that the unit timekeeper is promptly notified.

(e) Assuring that certification of time and attendance reports is correct in all respects.

(f) Determining the proper leave change when an employee requests sick leave and reports being engaged in outside employment; justifying and documenting any approval of sick leave while the employee is so engaged.

(g) Assuring that an employee who has been on sick leave because of a contagious disease or other medical requirement imposed by management receives medical clearance for return to duty.

(h) Consulting with the Human Resources Management Office for advice concerning, and interpretation of, leave regulations.

(3) *Employee.* The employee is responsible for observing leave and excused absence policies and regulations which affect him or her, including:

(a) Being at the post of duty during official duty hours unless on approved leave or excused absence without change to leave.

(b) Observing the time and attendance policies and procedures and using leave for the purpose for which it is intended.

(c) Requesting advance approval of annual leave and sick leave for medical, dental, or optical examination or treatment.

(d) Making timely report of absence not previously approved.

(e) Reporting any outside employment during time for which sick leave is requested.

(f) Submitting accurate statements about absences, applications for and use of sick leave; transferred leave; family and medical leave; and furnishing medical certificates when required.

(g) Scheduling and, if necessary, rescheduling annual leave to avoid forfeiture.

#### 4. GENERAL POLICIES

a. **Uniformity of Administration.** The VA program shall be administered on a uniform and equitable basis within the scope of applicable laws and regulations.

b. **Criteria for Approving Leave.** Requests for annual leave and LWOP will be considered in the light of current and anticipated workloads. To the extent possible consideration will be given to the preference of individual employees.

c. **Two Weeks Vacation.** Employees shall be encouraged to take at least two consecutive weeks of annual leave each year for purposes of rest and relaxation.

d. **Opportunity to Use Leave.** Employees shall be afforded the opportunity to use their annual leave to avoid leave forfeitures.

e. **Reporting Absence Not Previously Approved.** 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, an employee should do this at the beginning of the tour of duty but not later than 2 hours thereafter. Daily reports will not be required for the same period of absence. 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, an employee who is absent on such leave who is a shift worker may be required to call the supervisor before returning to duty to facilitate the scheduling of all affected employees.

#### **5. ABSENCE OF DISABLED VETERAN (E.O. 5396)**

In accordance with Executive Order 5396, dated July 17, 1930, a disabled veteran must be granted sick or annual leave, as appropriate, or LWOP if necessary for medical treatment when he or she presents an official statement from a duly constituted medical authority that medical treatment is required. The veteran must be given prior notice of the period during which absence for treatment will occur.

#### **6. ABSENCE WITHOUT LEAVE (FPM Chapter 630, Sec. 1-6)**

a. Absence without leave is an absence from duty which is not authorized. The employee receives no pay for such absence. The reason or reasons for charging the unapproved absence to AWOL should be documented by the leave-approving official at the time decision is made to charge AWOL. This may be done by a written statement on the reverse of the time and attendance report, or by a memorandum filed with the time and attendance report. The leave-approving official should sign the statement. The employee should be informed that the charge to AWOL has been included in the time and attendance report. The employee shall be charged only for the actual period of unauthorized absence.

b. If AWOL is later excused because the circumstances surrounding the absence are such that the absence would have been approved, the charge should be changed to authorized absence without charge to leave if appropriate, or to sick or annual leave, or family and medical leave or LWOP as appropriate.

#### **7. COVERAGE AND EXCLUSIONS**

a. **General.** Coverage and exclusions are as outlined in paragraph 1 above and in sections 5 USC 6301-6302; 5 CFR Part 630 Subpt B.

b. **Leave for Alien Employees.** Alien employee occupying positions outside the United States are covered by the provisions of 5 USC Chapter 63 by virtue of VA's administrative action under the discretionary provisions of section 6310 of that title.

#### **8. DEFINITIONS (5 USC 6301)**

In administering 5 USC Chapter 63, the VA will observe the definitions in 5 USC 6301 and 5 CFR 630.201.

**9. LEAVE ACCRUALS AND LEAVE CHARGES (5 USC Chapter 63; 5 CFR Part 630 Subpts B and C)**

a. **General.** For information concerning leave charges, rates of accrual, maximum accumulations, and disposition of leave accounts, see MP-4, part II, chapter 1, 5 USC 6303, 6304, 6307 and 5 CFR Part 630. (*NOTE:* that part-time employees earn leave only when there has been established in advance a regular tour of duty on one or more days during each administrative workweek.)

b. **Crediting Leave.** Annual and sick leave, which will be earned during the pay period, shall be credited to an employee's leave account at the beginning of the pay period and may be used during such period (5 USC Chapter 63 Subch 1; 5 CFR Part 630 Subpt B).

c. **Accruals and Charges for Employees in Stand-by Tours of Duty.** Employees occupying positions involving regular tours of duty in excess of 40 hours a week and for whom premium compensation is paid on an annual basis shall accrue and be charged leave in accordance with the provisions of 5 CFR 630.210, on uncommon tours of duty. Employees performing standby duty in addition to their regular tour of duty do not have a special leave accrual rate. However, these employees are charged leave on holidays in accordance with 56 Comp. Gen. 551.

d. The minimum charge for any type of leave shall be a quarter hour (15 minutes). When employees are absent for less than 1 hour and request leave, they cannot be required to work the remaining portion of the hour for which the leave is charged. Separate periods of absence *in the same tour of duty*, however, may be totaled together and charged in hourly units. (See paragraph 21f for instructions concerning tardiness. 5 CFR 630.206.

e. **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.

f. **Leave Accumulation for Overseas Employees.** For information about leave for employees recruited for service outside the States and District of Columbia. ( See 5 USC 6304(b); 5 CFR Part 630 Subpart F).

**10. ANNUAL LEAVE (5 USC Chapter 63 Subch 1; 5 CFR Part 630 Subpts B-C)**

a. **General.** 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 SF 71, Application for Leave, or the Enhanced Time and Attendance (ETA) system for Central Office and field stations. 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).

b. **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 (5 USC Chapter 6302 (d)).

**c. Involuntary Annual Leave (5 CFR 75; MP-5, Pt I, Chapter 752)**

(1) An employee shall not be placed on involuntary annual as a disciplinary measure, or during an advance notice period of proposed separation, removal, or suspension for more than 30 calendar days. (Enforced annual leave during a notice period is a suspension (5 CFR 752.404 and MP-5, Part I, Chapter 752).

(2) Other than as provided in subparagraph (1) above, employees may be placed on involuntary annual leave when the needs of the service dictate. In the field, such action must be approved by the station head, and in Central Office by the Administration Heads, Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries. (See the following paragraph.)

(3) When an employee, because of vicious or intemperate conduct or illness (mental or physical) reasonably may not be regarded as ready, willing and able to perform his or her duties for the time being and such conduct or physical or mental condition creates an emergency situation constituting an immediate threat to Government property or to the well-being of the employee, other workers, or the general public, the employee may be placed on sick or annual leave, or in a leave without pay status as the state of his or her leave account or the circumstances, may require (38 Comp. Gen. 203). When the immediate emergency shall have been relieved and there has been an opportunity to evaluate the circumstances of the incident with the result that initiation of disciplinary measures (suspension without pay or removal) are decided upon, the procedural steps for suspension may follow in due course. If, in the meantime, the employee appears for duty and is determined to be ready and able to perform his or her duties, continuation of the enforced leave would be unauthorized. Also see paragraph 21 of this chapter of the manual for instructions about enforced absence in a pay status without charge to leave when the employee is ready and able to perform his or her duties, but it is determined to be not in the public interest to restore him or her to active duty after involuntary leave, or it is in the interest of the Government to have the employee off the job during investigation preliminary to determination to suspend him or her.

**d. Administrative Authority To Cancel Previously Approved Annual Leave.** In an unusual or emergency situation, previously approved annual leave may be canceled and the employee directed to return to duty ( 5 USC 6302(d); 39 Comp. Gen. 611(1960), citing 16 Comp. Gen. 481(1936 ). Generally, this 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.

**e. Carry-Over of Annual Leave.** The normal rule that requires annual leave in excess of the maximum permissible carry-over (usually 30 days) be automatically forfeited at the end of the

leave year may be suspended under the following conditions: (See 5 USC 6304 (a), (b) and 6304(1); 5 CFR 630.301-302, 304 and 308).

(1) **Administrative Error.** Annual leave lost due to an administrative error may be restored so long as it was accruable after June 30, 1960 (5 USC 6304(d)(1)(a)(A)). In addition to permitting a retroactive change, there is continuing authority to permit the future restoration of all annual leave to which an employee is entitled in correcting an administrative error. If official records are not available to substantiate the amount of annual leave to be restored, an estimate of the employee's leave account is acceptable when accompanied by official statements clearly reflecting the factors which form the basis for the estimate.

(2) **Exigencies of Public Business,** when such annual leave was scheduled in advance. Even with the best planning and scheduling of annual leave usage throughout the year, operational demands may not permit usage to avoid forfeiture of leave by some employees. The exigency, whether anticipated or unanticipated, must be of such importance to preclude the use of scheduled annual leave. It should be a case where there is no reasonable alternative to the cancellation of the scheduled leave. There is a requirement that this annual leave be scheduled for use, in writing, before the start of the third biweekly pay period prior to the end of the leave year. Normally, the decision to cancel scheduled annual leave because of exigencies should be made in advance unless a bonafide emergency precludes an advance decision (5 USC 6304)(d)(1)(B)).

(3) **Sickness,** when an employee has scheduled annual leave in advance, as stated above in paragraph 10e(2), but is prevented from taking it because of illness. Normally, an employee may substitute annual leave (or non-pay status) for sick leave. However, when separation is known in advance, the granting of annual leave is limited to cases where exigencies of service require such action (34 Comp. Gen. 61). Sickness is not in itself a basis for permitting annual leave to be forfeited and subsequently restored for later use. The supervisor still has the responsibility to schedule or reschedule the use of **annual leave to avoid forfeiture, even though an absence because of illness occurred during the year (5 USC 6304)(d)(1)(C)).**

f. **Administrative Approvals for Carry-Over of Leave.** Administration Heads, Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries and field stations heads are authorized to approve the carry-over of annual leave as warranted by civil service regulations and VA policy. The scheduling and, as necessary, rescheduling of the annual leave must be in writing. Standard Form 71, Application for Leave, or the Enhanced Time and Attendance system may be used. Documentation, which must be retained in accordance with civil service regulations, must contain:

(1) The calendar date the leave was approved by the official having authority to approve leave;

(2) The date(s) during which the leave was scheduled for actual use and the amount of leave (days/hours) that was scheduled for use;

(3) Reason(s) for subsequent canceling of approved leave (e.g., if because of an exigency of the public business, documentation must include the beginning and ending dates of the exigency and a copy of the approval action;

(4) The calendar date the canceled leave was rescheduled for use;

(5) The date(s) during which the leave was rescheduled for use and the amount of leave (days/hours) that was rescheduled for use.

**g. Separate Leave Account for Restored Leave.** Restored annual leave must be credited to a separate leave account (5 USC 6304(d)(2)). The amount of restored leave does not in any way increase or change in employee's normal maximum permissible carry-over into the new leave year. The normal annual leave ceiling remains in effect for all employees. The separate leave account will include:

(1) The date the leave was restored for use;

(2) The amount credited;

(3) The specific schedule established for use; and

(4) The amount of usage and balance.

**h. Time Limit for Use of Restored Leave.** Annual leave restored under the provisions of Public Law 93-181 (5 USC 6304 (d)(1)(B) and 5 CFR 630.309) must be used not later than the last day of the second leave year (5 CFR 630.306(a); following the year containing the date that:

(1) The annual leave was restored in correcting an administrative error (5 CFR 630.306(a)(1);

(2) The exigency terminated that resulted in forfeiture (5 CFR 630.306(a)(2); or

(3) The employee is determined to have recovered from an illness and is able to return to duty (5 CFR 630.306(a)(3).

Restored annual leave that is unused prior to the expiration of the time limit is forfeited, unless the employee separates before that time. In such a case, the lump-sum payment will include the amount of unused restored annual leave that has been credited to a separate account.

## **11. SICK LEAVE (5 USC 6307; 5 CFR Part 630 Subpt D)**

### **a. Grants of Sick Leave (5 CFR 630.401)**

(1) Sick leave shall be granted for any of the following reasons:

(a) When the employee is incapacitated for the performance of duty because of sickness, injury, or pregnancy and confinement.

(b) For medical, dental, or optical examination or treatment (including adjustment of prosthetic devices).

(c) When a member of the employee's immediate family is afflicted with a contagious disease and requires the personal care and attendance of the employee.

(d) When, through exposure to contagious disease, the presence of the employee at the place of duty would jeopardize the health of others.

(e) Sick leave is granted to provide care for a family member who is incapacitated as the result of physical or mental illness, injury, pregnancy, or childbirth or who receives medical, dental or optical examination (5 USC 6307(d); 5 CFR 630.401 (a)(3).

(f) To make arrangements necessitated by the death of a family member or attend the funeral of a family member (5 USC 6307(d)(2)(B); 5 CFR 630.401 (a)(4).

(g) When absent from duty relating to the adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed (5 USC 6307(c)and(d);(See CFR 630.409 – Substitution of sick leave for annual leave for adoption related purposes).

(2) Sick leave granted because of a contagious disease shall be limited to the period prescribed by regulations of local health authorities or certified by a physician where health regulations do not specify the period of isolation, quarantine or restricted movement.

(3) The amount of sick leave that will be granted during the leave year to provide care to family a member and for bereavement purposes will conform to statutory and regulatory limitations provided in 5 USC 6307(d)(3)(A) and (B); 5 CFR 630.401(b) through (e).

**b. Requests for Sick Leave (5CFR 630.402)**

(1) It is the responsibility of an employee who is incapacitated for duty to report, or have some responsible person report, his or his illness as early as practicable. Generally this will be at the beginning of the tour of duty but not later than 2 hours thereafter, or at the time specified in the leave policy of the installation or by prior written direction in his or her particular case according to the circumstances of employment. Subsequent reports, if any, will be made to the immediate superior as required locally. An employee who expects to be absent more than 1 day should inform the supervisor of the approximate date that he or she expects to return to duty. The supervisor may ask the employee at the time to report periodically on his progress, but daily reports will not be required. It would be reasonable for a supervisor to require that an employee who has been absent a long time call or notify the supervisor a day or so before expecting to

return to duty. This is necessary to make appropriate staffing and work adjustments, particularly in cases of shift workers.

(2) Upon return to duty, an employee on sick leave for more than 3 workdays must complete SF 71, or an ETA request. Satisfactory evidence of the need for sick leave during the period of absence should also be provided. If the medical certificate is not considered a reasonable basis for approval of sick leave, the employee may be required to furnish additional evidence. Usually the employee health physician will make any contact with the employee's physician concerning medical diagnoses. When it would be unreasonable to require a medical certificate because of shortage of physicians, remoteness of locality, or the nature of illness which did not require a physician's services, the employee's signed statement of reasons why other supporting evidence is not furnished may be accepted in lieu of a required medical certification. An employee who has been absent because of illness and who is unable to furnish a medical certificate may be referred to the employee health physician for a medical recommendation.

(3) Generally SF 71, or an ETA request for approved leave, and medical certificates, or their equivalent, should not be required for periods of sick leave of 3 days or less. Where there is reason to believe that an employee is abusing the entitlement to sick leave, a medical certificate may be

required for any period of absence (5 CFR 630.403). Ordinarily, the employee should be informed in advance, in writing, that such a requirement has been established in his or her case. The notice of requirement of a medical certificate should set a reasonable time after return to duty for submission of the certificate. Failure to furnish a medical certificate may be cause for disapproval of sick leave. Such failure will not of itself be cause of disciplinary action.

(4) In any case where an employee has been given a notice that any sick leave request must be supported by a medical certificate, it will be the responsibility of the leave approving official to review the case not later than 6 months afterward to determine whether the requirement for furnishing a medical certificate may be eliminated. If it is determined that a medical certificate is no longer required for sick leave of 3 days or less, the employee shall be so notified in writing.

(5) An employee will not routinely be required to reveal the nature of illness as a condition of approval of leave. However, food handlers must disclose certain kinds of diseases upon return to duty in order that they may be examined to exclude communicable diseases from patients and others. (See ch. 792, fig. 2, of this manual.)

c. **During Periods of Annual Leave or LWOP.** When illness occurs during a period of annual leave or LWOP, sick leave may be substituted for annual leave or LWOP, provided the illness is reported promptly to the employee's supervisor and the request is supported by medical certification or other acceptable evidence (37 Comp Gen. 354, (1957)). Sick leave may be granted during annual leave or to become eligible for donated leave in accordance with 5 CFR 630.405.

**d. Prolonged Illnesses**

(1) Employees who are not expected to return to duty because of prolonged incapacitation will, where possible, be granted all available sick leave and such annual leave that cannot be included in lump-sum payment. (Refer to the rules on the appropriate use and termination of annual leave balances for employees who are participants in the Voluntary Leave Transfer Program (5 USC 630.909-910); and 5 CFR 630.1205 on the use of paid leave by employees while invoking their Family and Medical Leave entitlements.

(2) Employees who can reasonably be expected to return to duty after a prolonged period of incapacitation may be advanced sick and annual leave or granted LWOP.

e. **Approval of Advanced Sick Leave.** In cases of serious disability or ailments, and employee with no time limit in his or her appointment may be advanced sick leave not in excess of 30 days (240 hours); an employee serving under a time limited or term appointment may be granted sick leave up to the total sick leave which would otherwise be earned during the term of the appointment. There may not be more than 30 days (240 hours) of advanced sick leave on an employee's record at any one time. The amount of annual leave to an employee's credit generally will have no bearing on grants of advanced sick leave (5 USC 6307(d); 5 CFR 630.404).

**f. Liquidation of Advanced Sick Leave**

(1) As current sick leave accrues it must be applied against any advanced sick leave.

(2) Advanced sick leave may be liquidated, at the employee's request, by a charge against an equivalent amount of annual leave provided. (See 5 CFR 630.909(d) for guidance on the use of transferred annual leave to liquidate leave indebtedness in connection with a medical emergency.)

(a) The annual leave is substituted prior to the time it would be forfeited.

(b) The approving official would have been willing to grant the annual leave had the employee requested it.

g. **Prohibition Against Substitution of Annual Leave for Sick Leave.** Annual leave cannot be retroactively substituted for regular sick leave.

h. **Involuntary Sick Leave.** An employee who because of illness (mental or physical) is unable to perform his or her duties may be placed on involuntary sick leave. Administration Heads, Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries and field stations heads must approve such actions. Such sick leave shall be terminated when the employee reports for duty and is determined able to perform the duties. (See paragraph 10c of this chapter for more information on the use and application of involuntary annual and sick leave.)

**i. Sick Leave and Outside Employment**

(1) An employee who engages in outside employment (whether self-employed or working for others) during any part of the time for which he or she requests sick leave, shall notify the supervisor of the outside employment.

(2) Normally, an employee may not be granted sick leave due to personal illness or injury for any period during which it is known that he or she performs outside employment. Any exceptions to this rule must be justified and documented. An exception to the rule might be where an employee confined at home because of pregnancy or recuperation from illness or injury, engages in telephone solicitation work, writing, or other similar activities. In some cases of injury, such as those involving broken limbs, while the nature of the injury might prevent the employee from carrying out the official duties, it might not prevent him or her from engaging in some form of simple sedentary work.

**12. LEAVE IN CONNECTION WITH RETIREMENT**

**a. General**

(1) The general rule that an employee is to be paid a lump sum for the annual leave to his or her credit at time of separation applies also in retirement cases.

(2) An employee who makes it known that he or she is contemplating optional retirement, will generally not be authorized annual leave from which he or she will not return to duty, unless it meets the needs of the service.

(3) If incapacitated for work, an employee retiring for any reason may be granted sick leave up to and including the date of retirement.

**b. Disability Retirement (Chapter 60, The CSRS and FERS Handbook for Personnel and Payroll Offices)**

(1) An employee who is incapacitated for work and who has an application pending for disability retirement may be granted all available sick leave requested. However, it would be inappropriate to grant advanced sick leave. The Comptroller General has ruled (29 Comp. Gen. 234) that there is no authority under present regulations requiring an employee to refund the amount paid for leave advanced prior to separation when the employee is retired for disability or is unable to work because of illness.

(2) The employee with a pending claim for disability retirement may also be granted annual leave pending final action by the Office of Personnel Management. When disability retirement has been approved, additional annual leave should not be granted (34 Comp. Gen. 61 (1954)). Upon request of the employee, LWOP may be granted even through the employee has a sick or annual leave balance.

(3) Upon receipt of approval of disability retirement, any sick leave remaining to the credit of the employee shall be granted as recommended in Section 60A6.1-2B-D in Chapter 60, The CSRS and FERS Handbook for Personnel and Payroll Offices.

(4) This policy will apply except when not administratively practicable because of an overriding requirement for separation as of a specific date. (See reduction-in-force procedures of this manual for VA policy about retaining an employee on the rolls on approved earned sick leave even though other employees in his or her competitive level with higher retention standing are adversely affected in a reduction-in-force.)

### 13. LEAVE FOR FIELD STATION HEADS

a. **Approval.** Heads of field stations may avail themselves of annual, sick, military or court leave without higher level approval. They, however, must obtain the approval of advanced sick or annual leave in excess of 5 days. Periods of extended sick leave (as in the case of utilization of all accrued sick leave prior to or after application for optional retirement) also must be approved by Central Office. The heads of field stations may also avail themselves of LWOP not to exceed any period of 10 workdays and authorized absence not to exceed any period of 5 workdays, without approval of their appropriate organization heads. The 5 days of an authorized absence shall be exclusive of any travel properly associated with the absence. All other leave and absences of field station heads must be approved by appropriate Administration Heads, Assistant Secretaries, Other Key Officials and Deputy Assistant Secretaries.

b. **Notice to Central Office.** For any period of absence in excess of 5 workdays, the head of the field station or the person acting on his or her behalf will notify the organization head specifying the inclusive dates and nature of absence. A field station head will keep his or her station informed of where he or she can be reached in the event of an emergency.

### 14. LEAVE IN CONNECTION WITH TRAVEL

a. Employees traveling at Government expense are in a duty status for the period required to perform the travel authorized unless the total elapsed traveltime is excessive. If travel is interrupted or delayed for the convenience of the employee, leave shall be charged for the period of interruption or delay. When an employee has been authorized to travel by privately owned conveyance for his or her convenience, leave shall be charged for traveltime during the employee's regularly scheduled basic workweek in excess of that which would have been required had travel been performed by the carrier used to determine per diem allowance, as provided in MP-1, part II, chapter 2, paragraph 91(3).

b. When use of privately owned conveyance is authorized or approved as being advantageous to the Government, and the employee uses excessive travel-time to enable him or her to be absent from assigned duties for such purposes as the taking of leave or the performance of circuitous travel, leave shall be charged for the excessive time. The period to be charged to leave will be based on the facts in each case.

**15. TRANSFER AND RECREDIT OF ANNUAL AND SICK LEAVE (5 USC Chapter 63 Subc 1; 5 CFR Part 630, Subpt E)**

Annual and sick leave shall be transferred and re-accredited as provided in 5 USC 6308 and 5 CFR 630.501-506.

**16. HOME LEAVE (5 USC Chapter 63 Subc 1; 5 CFR Part 630 Subpt F)**

a. Home leave shall be earned and administered in accordance with provisions of 5 U.S.C. 6305 and CFR 630.601-607. It is the administrative policy of this agency to grant the leave under the circumstances cited in 5 CFR Part 630. Subpt F. Home leave may be used in combination with other types of leave. (See definitions below of "home leave" and "service abroad.")

b. Home leave means leave authorized by 5 U.S.C. 6305 and earned by service abroad for use in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States. Employees in Alaska and Hawaii are excluded from home leave coverage.

c. Service abroad means service on and after September 6, 1960, by an employee at a post of duty outside the United States and outside the employee's place of residence if his or her place of residence is in the Commonwealth of Puerto Rico or a possession of the United States.

d. See civil service regulations, part 630, subpart F, for other definitions and requirements which must be applied in administering the home leave program.

**17. ABSENCE FOR MATERNITY or PATERNITY REASONS (5 USC. 63; 5 CFR Part 630)**

**a. General**

(1) Leave related to maternity reasons may consist of accrued sick leave, annual leave; Family & Medical Leave; or LWOP. Statutory and regulatory procedures for implementing Family and Medical Leave (FML) are found in 5 USC 6381-6387 and 5 CFR 630.1201-1211).

(2) The granting of leave for maternity reasons will take into consideration the need for protecting the mother and the infant, of avoiding occupational hazards to other employees, and maintaining work requirements.

(3) Pregnancy will not jeopardize an employee's job.

(4) Leave for maternity reasons is not to be construed as sanctioning the use of sick leave for infant care or for the conditions of pregnancy without regard to whether the employee is incapacitated for duty or undergoing medical examination or treatment.

**b. Notice and Starting Date of Leave**

(1) Employees shall be encouraged to report pregnancy to supervisors as soon as it is an established fact so that any necessary steps may be taken (a) to protect the employee's health or modify work or working conditions and (b) to plan for any necessary staffing adjustments during her prospective absence.

(2) The date on which an employee becomes incapacitated for duty by pregnancy and confinement will be determined according to the circumstances of her individual case. Under no circumstances will a department-wide, station-wide, or office-wide practice be adopted of establishing such a date uniformly for all persons.

**c. Review of Working Conditions**

(1) When an employee reports her pregnancy, administrative officials shall immediately determine (with advice from the employee health physician and the employee's personal physician where necessary) whether her duties and work surroundings involve exposure to health hazards peculiar to her condition. Where possible such hazards should be reduced or eliminated.

(2) Pregnant employees shall not be permitted to perform heavy lifting, continuous standing or moving about or be exposed to toxic substances or contagious diseases (as used here, the term contagious disease means any illness that can be transmitted directly or indirectly from one person to another). Where such conditions exist in an employee's regularly assigned duties, reasonable efforts shall be made to detail or temporarily reassign her to other available work that she is qualified to perform and to provide her with gainful employment as long as she is not incapacitated for duty.

(3) When there is any question as to the physical ability of the employee to perform her job without hazard to her health, the employee health physician shall consult the employee's personal physician concerning her health before making a determination as to her fitness for continuing in a duty status.

**d. Granting Leave.** Employees who are incapacitated for duty or who require medical examination or treatment because of pregnancy or confinement will be granted leave as indicated below, provided a medical certificate or other acceptable evidence of such is submitted:

(1) When an employee is not expected to return to duty following pregnancy and confinement, she will be granted accumulated and accrued sick leave, consistent with medical needs. Where resignation or separation occurs the action will be taken at the expiration of leave, except that action will be taken at an earlier date where required for the purpose of terminating limited employment or reduction-in-force.

(2) Where the employee expects to return to duty following pregnancy and confinement, she may be granted such accumulated and accrued annual leave as is required. Advance sick leave in

cases of serious disability and annual leave and LWOP may be granted under conditions meeting the criteria for such leave.

e. **Absence for Paternity Reasons.** A male employee may request annual and sick leave, family and medical leave, or leave with-out pay (LWOP) for purposes of assisting or caring for his minor children or the mother of his newborn child while she is incapacitated for maternity reasons. (See CFR Part 630 Subpts C, D, I, and L for appropriate guidance and application).

## 18. MILITARY LEAVE (FPM, Subch.9)

a. **Kinds of Military Leave.** There are three kinds of military leave for VA employees who are members of the Reserve components of the Armed Forces or National Guard, as follows:

(1) Not to exceed 15 days in a fiscal year authorized by 5 U.S.C. 6323(a) for regular military duty or military training duty.

(2) Not to exceed 22 workdays in a calendar year authorized by section 6323(c) for the purpose of providing military aid to enforce the law. This section covers National Guardsmen whether the State or the President calls them to duty.

(3) All days (no limit) of parade or encampment ordered for members of the National Guard of the District of Columbia under the provisions of section 6323(c). This leave is in addition to 15 days leave for active duty or active training duty and 22 workdays for law enforcement.

b. **Effect of Military Leave on Civilian Pay.** There is no reduction in an employee's civilian pay while he or she is on approved military leave. However, when an employee is on military leave authorized by 5 U.S.C. 6323(c) for law enforcement purposes, the military pay (excluding travel, transportation, or per diem allowance) must be credited against the pay payable to the employee with respect to his or her civilian position.

c. **Eligibility.** Regular full-time employees (permanent, intermittent, temporary indefinite, temporary pending the establishment of a register, or term appointment for more than 1 year) who are members of the National Guard or a Reserve component of the Armed Forces are eligible for military leave when ordered to perform military duty. Part-time, intermittent, or temporary (time limited to 1 year or less) employees are not eligible for military leave. (5 U.S.C. 6323 (a)(1)-2 and (b)(See 18 Comp. Gen.538).

d. **Granting and Charging Military Leave.** Military leave to the extent authorized by law shall be granted when military orders are presented to the leave-approving official. Information on military leave in 5 U.S.C. 63, Subchapter II, should be reviewed in any case where there is a question concerning eligibility for amount, or charging of military leave. *Section 6323(a)(1) authorizes the maximum accumulation of 30 days of military leave.* Employees who have more than 15 calendar days of unused military leave must use the excess amount of leave before the end of the fiscal year in order to avoid forfeiture. Non-workdays falling *within* a period of absence for military leave authorized by 5 U.S.C. 6323(a) will be charged to military leave.

However, non-workdays occurring at the beginning or end of the period will not be charged to military leave. If military orders are written so those non-workdays are not included in the period of military duty, no charge will be made to military leave for the non-workdays (27 Comp. Gen. 245; id 353 at page 357; unpub. dec. B-133674, December 30, 1957; and unpublished Comp. Gen. B-149951, November 23, 1962). Thus, if orders are for Monday through Friday, for the following Monday through Friday, and the next Monday through Friday, the weekends will not be charged to military leave. Military leave authorized by 5 U.S.C. 6323(c) is limited to 22 workdays in a calendar year (49 Comp. Gen. 233.)

e. **Final Approval.** Final approval of military leave shall be contingent upon the employee furnishing certification from the military authorities confirming that active duty was performed for the period that military leave was granted.

f. **Advance Notice.** All eligible employees will be encouraged to notify approving officials as far in advance as possible of their need for military leave so that arrangements can be made to compensate for their absences while on leave.

## 19. COURT LEAVE (FPM Chapter 630, Subch 10; 5 USC 6322)

a. **General.** The legal citations and decisions and interpretations of the Comptroller General contained in FPM Chapter 630, subchapter 10, and Supplement 990-2, book 630, subchapter 10, will follow in:

- (1) Granting court leave;
- (2) Advising employees when jury and witness fees must be collected and turned over to the payroll office; when it is permissible to retain fees; when no jury or witness fee should be collected;
- (3) Continuing an employee on official duty for the time required to testify in his or her official capacity whether on behalf of the Federal Government, that of the District of Columbia, State or local government, or a private party;
- (4) Continuing and employee on official duty for the time required to testify in an unofficial capacity on behalf of the Federal Government or that of the District of Columbia;
- (5) Determining entitlement to compensation when performing jury or witness service.

b. **Agency Policy as to Jury Service.** The VA considers jury duty a civic responsibility. Requests for release of employees from jury duty shall be made only in exceptional situations, such as, (1) to provide critically necessary patient care, or (2) where the services of the employees are absolutely necessary to meet important deadlines. In such cases, the head of the field installation concerned or the Administration Head, Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries for Central Office employees under their jurisdiction may direct a

letter to the court which has requested the services, explaining the facts and requesting that the employees be released from duty.

c. **Return to Duty After Court Leave.** An employee who is granted court leave and is excused or released by the court for any day or substantial portion of a day is expected to return to his or her regular VA duties, except when:

(1) Only a small portion of the workday would be involved and thus no appreciable amount of VA service would be rendered, or

(2) The distance from the court to the place of duty is such that this would be an unreasonable requirement, or

(3) The regular tour of duty occurs at night. (See Comp. Gen. 26 413(1946).

d. **Witnesses.** The following VA interpretations are given as guides in answering certain questions on testimony of employees in courts of law. 5 USC 6322 authorizes court leave to Federal employees who are summoned as witnesses.

(1) **Testimony for the Government in an Official or Unofficial Capacity (28 USC 1823).**

(a) When a VA employee's testimony is required in an official or unofficial capacity, or when he or she is producing official records in litigation in which the *Federal Government or District of Columbia is a party*, the employee is to be considered in an official duty and pay status, not court leave (5 USC 6322(b); 38 Comp. Gen. 142 (1958); and 5C7d CPLM 2-21 (1990).

(b) When a VA employee's testimony is required in an official capacity on behalf of a State or local government, he or she is to be considered in an official duty and pay status. If testimony is in an unofficial capacity on behalf of a State or local government, the employee will be carried on court leave (Comp Gen. 83, 84 (1947).

(c) For a discussion of fees when testifying for the Federal Government, District of Columbia, State or local governments, see MP-1, pt. II. ch. 2, par. 12b for instructions about authorizing travel and per diem at Government expense.

(2) **Testimony in Private Litigation in an Official and Unofficial Capacity**

(a) When the value of the witness' testimony in *private litigation* arises from the employee's official capacity and he or she is subpoenaed to testify in that capacity, or to produce official records, the employee will be carried in an official duty and pay status during the period of necessary absence in responding to such subpoena. No charge will be made to court leave (15 Comp. Gen. 196; 27 Comp. Gen. 86) In these circumstances where the employee testifies in a State Court, the employee should be instructed to collect authorized witness fees and allowances for expenses of travel and subsistence. All amounts authorized over and above the amount of

actual expenses will be accounted for and deposited as miscellaneous receipts (15 Comp. Gen. 196).

(b) In any case where the value of the witness' testimony arose while serving in an *official capacity* as an officer or employee of another Government agency or the District of Columbia Government, the employee may be regarded as having been in an official duty status while testifying in court and may be paid the regular compensation for the period involved (Comp. Gen. B-160343 (1966)). The employee will be instructed to collect authorized witness fees and allowances for expenses of travel and subsistence. All amounts authorized over and above the amount of the actual expenses will be paid into miscellaneous receipts.

(c) Court leave will be granted to employees who appear as witnesses in a nonofficial capacity on behalf of a private 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*. In these cases, the employee is not entitled to retain fees received as an unofficial witness in a judicial proceeding involving only private parties, the employee is required to take annual leave or leave without pay to appear in such a proceeding and is entitled to retain any fees paid for the witness service (15 Comp. Gen. 196 (1932)).

## 20. LEAVE FOR OFFICE OF WORKERS' COMPENSATION PROGRAMS CASES

a. **Retention on Rolls.** An employee who has a claim pending with the OWCP (Office of Workers' Compensation Programs) and who is incapacitated for work shall be granted any leave or LWOP necessary to retain him or her in an employment status until such time as the claim is acted upon, except in case of an overriding requirement for separation, such as reduction-in-force or removal for cause. If the OWCP determines that the employee is permanently and totally disabled, the employee should be separated. (An employee's election between retirement and employees' compensation is discussed in The CSRS and FERS Handbook for Personnel and Payroll Offices, Chapter 60 Pt. 60A8 and Chapter and Chapter 102.)

b. **Substitution of Annual or Sick Leave for LWOP.** An employee who requests LWOP pending adjudication of his or her claim may, if the claim is disallowed, and he or she is still employed, be retroactively granted annual or sick leave.

c. **Substitution of LWOP for Annual or Sick Leave.** (1) An employee who has used sick leave or annual leave pending adjudication of an Office of Workers' Compensation Programs claim, which is later approved, should be informed by the HRM office about procedures for "buying back" the leave. This can be accomplished by the employee's election to be placed in a non-pay status for the period and by his or her authorization for the OWCP to reimburse the agency for leave used based on compensation entitlement (with the employee receiving or paying the difference).

(1) The substitution should be made promptly, and the OWCP will be notified of the employee's last day in pay status. For leave record purposes, the request for substitution should be made within 1 year of approval of the OWCP claim, unless it is administratively determined

that the employee was prevented from exercising this option because of the disability which gave rise to the claim. In such case, the employee may make the election within 1 year of the time it is determined that he or she has sufficiently recovered from the disability to be able to make a reasoned decision. The employee's election should be in writing and is not subject to revocation.

d. **Extended LWOP.** In a case where an employee's condition requires extended absence because of duty-connected illness or injury, the length of LWOP granted will be determined on the basis of the nature of the disability and the LWOP criteria in paragraph 22 of this chapter. If the OWCP accepts the employee's claim, but does not determine that the employee is permanently and totally disabled, the granting of leave without pay should be in accordance with current leave procedures.

## 21. EXCUSED ABSENCES

a. **General.** Employees may be authorized to be absent from duty without charge to leave when:

(1) The activity is considered to be of substantial benefit to the VA in accomplishing its general mission or one of its specific functions, or

(2) The activity will clearly enhance an employee's ability to perform the duties of the position he or she presently occupies or may be expected to prospectively occupy, or

(3) The basis for excusing the employee is fairly consistent with prevailing practices of other Federal establishments in the area concerning the same or similar activities.

### b. Voting and Registration

(1) Approving officials may excuse employees without charge to leave for voting and registration (32 Comp. Gen. 3361).

(2) Officials responsible for administering the leave program shall assemble information concerning hours during which polls are open in areas in which their employees reside and make administrative determinations as to the amount of absence that may be authorized without charge of leave.

(3) All employees shall be notified of these determinations and of the local procedure to be followed.

### c. Civil Defense and Disaster Activities (Executive Order 10529)

(1) *VA Programs.* Employees required to be absent from their normal duties because of planning, training, or other similar responsibilities in VA's own disaster and civil defense program will be considered as being in an official duty status.

(2) *Community Programs.* Responsible officials in Central Office and heads of field stations may, from year to year, authorize employees under their jurisdiction who have volunteered and been selected for civil defense assignments to participate in preemergency training programs and test exercises conducted by any State or political subdivision thereof. Employees may be authorized to participate in these programs or exercises without charge to leave up to a total of 40 hours during a calendar year.

(3) *State Guard or Civil Air Patrol.* Employees called by State or local authorities to emergency duty for protective or rescue work in the State Guard (any State military organization which is not a part of the National Guard) or Civil Air Patrol shall be excused by the installation head without charge to leave for such duty for a period of not more than 3 workdays for any one incident. Administration Heads, Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries may approve such absence in excess of 3 days but not to exceed 5 workdays. Absence for this purpose beyond 5 days for one incident must be charged to annual leave or to LWOP if annual leave is not available. (See par. 18 for instruction on granting military leave to a National Guardsman who is called to duty for law enforcement.)

**d. Participation in Military Funerals (5 USC 6321).** Employees who are veterans of any war, campaign, or expedition (for which a campaign badge has been authorized) or members of honor or ceremonial groups of organizations of such veterans may be excused from duty without

loss of pay or deduction from their annual leave, for such time as may be necessary, but not in excess of 4 hours in any one day, to enable them to participate as active pallbearers or as members or firing squads or guards of honor in funeral ceremonies for members of the Armed Forces of the United States whose remains are returned from abroad for final interment in the United States. Where a national cemetery is on or adjacent to VA grounds, employees may be excused without charge to leave to participate in any military funeral.

**e. Blood Donor Programs (Comp. Gen. 521).** Employees who give blood without compensation to the Red Cross (or any similar organization), to any VA patient or employee, or to replace blood required by any VA employee, may be excused without charge to leave for any portion of the day blood is donated which may be desirable for rest and recuperation.

**f. Tardiness or Brief Periods of Absence (5 CFR 630.206).** An unavoidable or necessary absence from duty and tardiness of less than 1 hour may be excused when the reasons for the absence appear to be adequate to the leave approving official. Unexcused absences or tardiness may be handled by either:

(1) Allowing the employee to use earned compensatory time, annual leave, or LWOP to cover the period of the absence. However, in this case, if the leave charge exceeds the period of absence, the employee will not be required to work during the period covered by leave.

(2) Charging the time absent to AWOL. (NOTE: In order for tardiness to be a basis for disciplinary action, the time lost must be charged to AWOL; any prior tardiness that had been

excused, or charged to leave or compensatory time, may be used merely to cite a pattern of tardiness.)

**g. Taking Examinations**

(1) *Civil Examinations.* Employees required to take civil service examinations in connection with a pending placement action within the VA shall be excused without charge to leave for the time necessary for this purpose. Absence of employees taking open competitive civil service examinations on their own initiative shall be charged to leave.

(2) *VA Placement Matters.* Employees required to report for placement interviews or examinations in connection with placement within the VA will be authorized absence for the time involved when such matters are conducted during the employee's regular work-hours.

(3) *Medical Examination and Treatment.* Employees who are examined or treated in agency facilities for illness or minor non-duty-connected injury, or who are ordered for VA employment or civil service medical examinations, vaccinations, X-rays, etc., or who are authorized to participate in any VA or civic health or immunization program, will be excused without charge to leave for the time necessary to be examined, treated, or vaccinated. This authority to excuse employees for medical examinations or treatment is limited to brief periods, usually not to exceed 1 day. (44 Comp. Gen. 333).

(4) *Duty Connected Injury or Illness*

(a) An employee who suffers a duty-connected injury or illness will be excused without charge to leave to absence during a workday (including local travel time) required for initial examination or outpatient treatment by a United States medical officer or hospital, or any duly qualified physician or hospital of the employee's choice. Additional excused absence may be approved for brief periods of less than an hour.

(b) When disability starts, employees having leave credits may elect to use such leave to cover all or any part of the absence. In such cases, compensation for disability will not begin and the time periods specified in OWCP regulations will not begin to run until leave has ceased.

(c) An employee who sustains a disabling job-related traumatic injury may elect continuation of regular pay for a period not to exceed 45 days, instead of using leave credits. In these cases, the employee will be excused without charge to leave for any fraction of a day or shift on the day of the injury with no charge to the 45-day period. This 45-day period starts on the first full calendar day or first full shift when disability begins.

(d) An employee who chooses to take LWOP instead of leave while securing examination and treatment as outlined in subparagraph (b) above, may receive OWCP compensation payments for this time if the case meets the criteria for such payment under the OWCP rules and regulations.

(5) **Armed Forces Examinations.** Employees will be excused without charge to leave, generally not to exceed 1 day, to obtain physical examination to determine fitness for entry on extended active duty or assignment to active duty with the Armed Forces, or to determine qualifications for retention in reserve components provided no military pay is received for the period.

#### **h. Conferences or Conventions**

(1) *Attendance at National Conventions of Service Organizations.* Prior approval of the Secretary or Deputy Secretary is required for attendance at National Conventions of veterans' service organizations as a representative of the VA. When approved, such absence will be without charge to leave.

#### *(2) Attendance at Meetings*

(a) The opportunity for development afforded by participation in professional, administrative, or technical meetings is a significant factor in creating the kind of working atmosphere which helps to attract and retain competent personnel, and improve the work of the agency. Attendance at gatherings of scientists or other professional, technical, or administrative persons is a positive means of facilitating effective communication of ideas and information in areas of significant agency need. Therefore, a scientist, or other professional or administrative, or technical employee of any kind who desires to attend a professional, technical, or administrative meeting is encouraged to request approved absence for this purpose. Such requests will be handled as expeditiously as possible and reasonable efforts will be made to distribute opportunities for attendance widely among those who are eligible.

(b) Employees may be excused without charge to leave to attend meetings which are concerned with the functions or activities of the VA, or which will contribute to improved conduct, supervision, or management of those functions or activities. This will include meetings, conventions (religious retreats in the case of Chaplains) or conferences of recognized professional technical, or administrative organizations and of private organizations if attendance at the meetings will contribute to improved conduct, supervision, or management of the functions or activities of the VA. However, representatives of labor organizations may not be granted excused absence for meetings concerning internal labor organization matters.

(c) Excused absence may be approved for attendance at meetings even if travel at Government expense is not approved. However, the period of authorized absence without charge to leave for travel at the employee's expense will not exceed the time for which per diem would have been paid had travel been authorized at Government expense.

#### **i. Training**

(1) **General.** Employees may be excused to attend educational lectures, seminars, courses of instruction, etc., in the VA in-service training programs and to participate in other training as

defined in 5 U.S.C. 4104. While absent from the usual work-site for such activity, the employee is considered to be on official duty during normal work-hours.

**(2) Representing Labor Organizations**

(a) Administration Heads, Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries and field station heads may excuse labor organization representatives without charge to leave for training sponsored by labor organizations or the agency where the training will be of benefit to both the agency and the labor organization within the purposes of Title VII of Public Law 95-454.

(b) Normally attendance at labor organization conventions is considered internal organization business unless there is clear and unequivocal information to the contrary.

(c) Requests for excused absence for training of a labor organization representative should be submitted by the employee in writing together with information supplied by the exclusive organization setting forth the content of training, its duration, a statement of how the training is related to the employee's performance of his or her organization duties and a statement that the training is required. In addition, the employee's request should be submitted sufficiently in advance so that the station can review the matter and make a decision.

**j. Pending Suspension (38 Comp. Gen. 203)**

(1) When an employee who has been on involuntary sick leave or annual leave or in a LWOP status under authority contained in paragraph 10c of this section of the manual reports for duty and is determined to be ready and able to perform his or her duties, but it is determined to be not in the public interest to restore the employee to active duty, that person may be continued off duty in a pay status without charge to leave for the short time necessary to effect suspension with citation of reasons therefore, in accordance with Office of Personnel Management and VA instructions.

(2) During investigation of employees for wrong-doing, such as suspected theft or fraud, when it is in the interest of the Government to have the employee off the job preliminary to determination to suspend him or her or initiate removal action, but when the employee is ready and able to perform duties and his or her conduct or physical or mental condition does not create an emergency situation, the employee may be relieved from duty and continued in a pay status without charge to leave for such time as is necessary to effect suspension. (See par. 10c of this chapter of the manual for instructions concerning involuntary absence in a leave status.)

**k. Participation in Hearings, Appeals**

(1) VA employees required or authorized to be present at VA or other Federal hearings or boards will be authorized absence from normal duties without charge to leave for that purpose.

(2) The responsible supervisor, with the advice of the Human Resources Management Office, will grant the employee, and designated representative if he or she is a VA employee, a reasonable amount of time during regular working hours without charge to leave for preparation of reply to charges, preparation of a case for presentation in a hearing, or preparation of an appeal either with the VA or to the designated Federal agency. Generally 1 day will be sufficient for any of these absences. However, the supervisor will take into consideration the complexity of the case and length of the charges or hearing record in determining what may be considered a reasonable amount of time for this.

l. **Participation in Civic Organizations.** The absence of a field station head is authorized and he or she may authorize other responsible officials to attend periodic meetings of local civic organizations without charge to leave.

m. **Absence for Congressional Medal of Honor Holders.** When all Congressional Medal of Honor holders are invited, employees who are Medal of Honor holders shall be excused without charge to leave for sufficient time to attend or participate in events such as:

- (1) Inaugurations of the President of the United States.
- (2) Conventions of the Congressional Medal of Honor Society.
- (3) Memorial Day or Veterans Day services.

n. **Meetings With Labor Organizations and Other Groups.** Employees representing labor organizations may be excused in accordance with the provisions of Title VII of Public Law 95-454. See Section 7131 regarding official time.

o. **Rest Periods**

(1) Heads of VA establishments may authorize brief periods during which employees may interrupt their work to obtain refreshments, or relief from fatigue or constant attending to duty. There may not be more than two such periods during any single 8-hour period and they should normally not exceed 10 minutes each and should be regulated to maintain adequate coverage of essential functions at all times.

(2) Employees may be permitted to partake of refreshments at their desks or other workspace during such periods, except where good taste would indicate otherwise.

p. **Securing Government Equipment, Supplies, Records, or Property.** An employee shall be allowed reasonable time as determined by management without charge to leave during the tour of duty to pick up and return equipment, records, or property of any kind used in the performance of official duties.

q. **Wash-up Time.** Where necessary, employees shall be excused without charge to leave for a reasonable time as determined by management before the end of a tour of duty to wash up.

r. **Change of Uniforms.** An employee who is required to wear a uniform and who is not permitted to wear it home, shall be excused without charge to leave for reasonable time as determined by management after the beginning of a tour of duty to change to a uniform and before the end of a tour of duty to change to street clothes. For instructions in those cases where administrative necessity requires the changing into and out of uniforms outside the employee's tour of duty, with compensation under the overtime pay regulations when appropriate (see chapter 610 paragraph 15, of this manual).

s. **Change in Station**

(1) An employee who is being transferred for the convenience of the Government from one VA station to another may be excused without charge to leave for the time required, not exceeding 2 workdays, to make arrangements for moving. If the employee is authorized absence not to exceed 10 calendar days to make a round trip in an official travel and duty status to find housing at the new location, time required for getting settled at the new location, not to exceed 1 workday, may be granted as excused absence without charge to leave. Where no advance round trip is made to the new location, the employee may be authorized absence not to exceed 5 workdays with no charge to leave to find housing and move into it within one year after the change in station.

(2) If a VA employee transfers to another Federal agency and that agency authorizes a round trip to find housing, the VA will maintain the employee in a duty status during the authorized round trip of absence (See MP-I, pt. II, ch. 2, par. 13h).

t. **Funerals**

(1) An employee is entitled to not more than 3 days of excused absence (funeral leave) under the provisions of 5 U.S.C. 6326. This excused absence is authorized for the employee to make arrangements for or attend the funeral of, or memorial service for an immediate relative who died under conditions specified in the law (5 CFR 630.801-804).

(2) While the leave authorized by section 6326 is a matter of right and must be granted when appropriate, for reasons indicated below, the VA is continuing a previously established administrative policy that an employee will be granted excused absence without charge to leave or loss of pay to attend the funeral of an immediate member of his or her family who while serving in the Armed Forces died as the result of wounds, disease or injury incurred in line of duty. Normally, the amount of this excused absence will be limited to a maximum of 8 hours. Under unusual circumstances, however, additional excused absence as considered reasonable may be granted. This excused absence will not be in addition to that authorized under 5 U.S.C. 6326. However, it may be appropriate to approve excused absence under this administrative policy when it would not be a right under section 6326, such as when a member of the Armed Forces is killed in line of duty when not in a combat zone.

**u. Weather and Emergency Situations (FPM Chapter 630, Sec. 11-6; 5 CFR 610)**

(1) **Definition.** An emergency situation may be caused by heavy snow, severe icing, flooding, earthquakes, hurricanes, massive power failures, fuel shortages, major fires, strikes, public transportation crises, riots, mass demonstrations, etc. The emergency must be general rather than personal in scope and impact. It should be severe enough to prevent employees in significant numbers from reporting for work, or may necessitate the closing of Federal facilities in whole or in-part. Usually, an emergency of this type will be the subject of a public declaration of emergency by appropriate Governmental authority.

(2) **Employees Providing "Critical" Services.** There are certain critical VA operations, which cannot be curtailed even though it may be generally necessary to excuse employees for all or part of a day.

(a) **VA Medical Centers, Domiciliaries, and Outpatient Clinics.** All employees of these facilities are deemed to be providing critical services. Incumbents of these positions are required to be at work regardless of emergency situations or any general dismissal authorization.

(b) **Other VA Facilities.** Heads of other types of VA facilities should identify positions, which are also deemed to be providing a critical service. Except for office closings, incumbents of these critical positions are also required to be at work regardless of emergency situations or any general dismissal authorization. Employees so designated should be made aware, preferably in writing, of the special requirements placed on them for reporting to, or remaining at, their work-sites in emergency situations.

(c) **Identification.** It may be necessary to provide employees of critical positions with some identification that would enable them to commute at times when only emergency travel is allowed on the highways.

(3) **Absences Due to Emergency Situations.** Where it is determined that an employee in a non-critical position made every reasonable effort to get to work and was unable to do so, excused absence without charge to leave may be authorized. These excused absences do not generally apply to employees who provide critical services as discussed in paragraph (2) above, because of the need to assure continuity of essential VA operations. However, in a rare instance, where certain employees who provide critical services make every reasonable effort to get to work and are unable to do so, the facility Director may approve excused absence without charge to leave as provided in paragraph (8)(a).

**(4) Early Dismissals**

(a) When early dismissal is authorized, excused absence without charge to leave may be granted to employees who are in duty status. This includes employees deemed to be providing critical services. For this purpose, employees are considered to be in duty status if they are:

1. Actually on duty at time of dismissal;

2. Excused from duty (or on approved leave) at the time of dismissal with the expectation that they will return to duty before the close of the business day; or

3. On duty when the office issues formal notification of the scheduled early dismissal, but request and are granted leave between notification and actual dismissal.

(b) Employees who are not in a duty status as described above when notification of dismissal occurs after opening hours will be charged appropriate leave for the entire period of absence.

(5) **Tardiness.** Under emergency situations, some tardiness may be excused without charge to leave if it is determined on an individual or general basis that the tardiness was not reasonable avoidable. This includes employees deemed to be providing critical services.

(6) **Coordinated Group Actions.** Except for VA employees providing critical services, where there are two or more Federal installations in the community, there should be a coordinated effort in group dismissals or in excusing groups or employees from reporting for duty. In this regard, facility Directors are advised to coordinate actions with other local VA installations, Federal Executive Boards and other Federal agencies. Where it appears that consistent action cannot be obtained locally, facilities should seek advice and coordination through appropriate Departmental channels.

(7) **Unusable Workspace.** Where an emergency situation makes the workspace unusable and no other suitable space can be provided as a work-site, employees may be excused from duty without charge to leave. This includes employees deemed to be providing critical services.

(8) **Authority for Excusing Employees From Duty**

(a) Field Facilities

(1) Field facility heads are authorized to excuse employees from duty and from reporting to duty up to two consecutive days under the policy outlined in paragraphs 1 through 7 above.

(2) The appropriate Administration Heads, Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries must approve any period of excused absence for field facility employees in excess of 3 consecutive workdays. Administration Heads, Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries will notify the Secretary when this authority is used.

(b) Central Office

(1) Only the Secretary may issue orders excusing all employees from duty or excusing groups of employees.

(2) Administration Heads, Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries or designee may excuse an individual employee for any tardiness and for absence, not to exceed 1 workday, due to weather or public emergency situations.

(9) **Emergencies of Indefinite Duration.** Where it is necessary to close operations for some prolonged or regularly recurring period (such as during a fuel crisis), the use of excused absence is inappropriate. Other options, which should be considered, are as follows:

(a) **Maximum Use of Details or Temporary Relocation.** Every effort should be made to keep employees at work at affected facilities. Therefore, employees could possibly be detailed or relocated for useful work to facilities where operations have not been curtailed.

(b) **Extended Work Day and Use of compensatory Time.** General Schedule employees may be granted compensatory time off where overtime worked is either irregular or occasional in nature. It should be noted, however, that in accordance with the provisions of Section 5543 of Title 5 U.S.C., employees whose rate of basic pay is at or below the maximum rate of GS-10 must voluntarily request compensatory time for it to be authorized. Under these emergency circumstances discussed herein, employees could be offered the opportunity to work 2 additional hours on each of 4 days with the overtime to be taken as compensatory time off on the 5th days within the same workweek. However, under the law, agency heads have authority to prescribe that employees whose rate of basic pay is in excess of the maximum rate of basic pay of GS-10 shall be granted compensatory time off for irregular or occasional overtime. The Federal Wage System makes no provision for granting compensatory time off to employees in lieu of overtime and, therefore, employees covered by that system could not use this option.

(c) **Use of Annual Leave.** General Schedule employees who do not wish to work overtime hours for compensatory time and Federal Wage System employees may use any annual leave which is available to them. While the taking of annual leave can be at the request of any employee, agencies have the authority to place employees with sufficient annual leave to their credit (including any annual leave that will accrue to the employees during the year) on annual leave at times considered appropriate by management. In exercising the authority to place employees on annual leave, agencies must comply with the provisions in negotiated agreements.

(d) **Use of Leave Without Pay.** In the absence of earned leave that will accrue during the year, or if an employee prefers not to disturb accumulated leave, an employee can be placed on leave without pay, but only at the employee's request.

(e) **Furlough.** Furlough, while not precluded, should generally be used as a last resort.

v. **State or Local Holidays.** If an office is closed on a State or local holiday because it is determined that Federal work may not be properly performed, as provided in chapter 610, absence on such day is not chargeable to leave for any employee of the office. This is so even if such absence occurs within a period of approved leave, or at the beginning or end of approved leave. Such approved time off is considered authorized absence without charge to leave.

w. **Parades, Ceremonies and Civic Activities.** Employees may be excused to attend officially authorized parades and ceremonies, or civic activities consistent with the prevailing practice among all Federal agencies in the local area. Employees in a leave status immediately prior to or following such a period will be charged leave for the entire Chapter 60, The CSRS and FERS Handbook for Personnel and Payroll Offices period.

x. **Federal Wage System Operations**

(1) All members of local wage survey committees, while performing committee duties and all data collectors, while performing duties connected with the data collection function are to be considered as on official assignments to the interagency function, not on leave.

(2) For testifying at hearings provided by the local wage survey committee, administrative leave (excused absence without charge to leave) may be granted for a limited number of representatives of local labor organizations which have exclusive recognition for wage employees in the wage area and which wish to present facts or views on the wage survey. Unless otherwise provided in a negotiated agreement, a limit of one representative for each such labor organization at a given installation normally will be considered adequate to present the views of that organization. Additional representatives of the organization may be permitted to testify but normally will not be granted excused absence without charge to leave in order to do so, unless the wage survey committee requests their presence as witnesses. Time off for testifying by employees as individuals will be charged to annual leave, or LWOP if no annual leave is available.

(3) So as to permit the training and indoctrination of labor organization representatives, including local organization principal officers, labor organization members of local wage survey committees and organization nominated data collectors, on Federal Wage System policies, administrative leave (excused absence without charge to leave) for a short period of time (ordinarily not to exceed 8 hours) for such purpose may be granted.

y. **Status of Employees on Leave When Work Force is Excused**

(1) *Workday.* If an employee is on approved leave or in an AWOL or LWOP status on a day when employees are excused from duty or from reporting for duty and there is no administrative order declaring the day a non-workday, the employee shall continue in a leave, AWOL or LWOP status during the period of excused absence, or until he or she was otherwise expected to return, or until he or she becomes available for work in the case of an employee who is AWOL or on LWOP.

(2) *Non-workday.* If a day is declared a non-workday by Federal statute or by Executive Order or by administrative order, no leave will be charged for absence on that day. This is true even though the non-workday may occur at the beginning or end of or within a period of approved leave. An exception to this is the case of an employee who works an uncommon tour of duty, e.g., firefighter, and receives premium pay on an annual basis (See 5 CFR 630.210 and 42 Comp. Gen. 426 ). An employee who has been scheduled for duty on a workday which is declared to be a non-workday and who is not excused from duty because of his or her presence is

essential will be charged AWOL for any period he or she fails to work during the scheduled tour of duty.

## **22. LEAVE WITHOUT PAY (FPM Chapter 630, Subch. 12)**

### **a. General**

(1) "Leave Without Pay" is a temporary non-pay status and absence from duty.

(2) Approval of LWOP is a matter of administrative discretion. Employees cannot demand LWOP as a matter of right, except in the case of disabled veterans who are entitled to LWOP if necessary for medical treatment under Executive Order 5396, and reservists and National Guardsmen who are entitled to LWOP if necessary to perform military training duties.

(3) *Involuntary Leave Without Pay.* See paragraph 10c of this chapter of the manual regarding involuntary sick and annual leave, or LWOP status, when an employee is unable to perform duties because of intemperate conduct or illness, mental or physical.

### **b. Criteria for Granting LWOP**

(1) Circumstances, which justify approval of sick or annual leave, will generally be sufficient basis for approving LWOP for a like period. Leave without pay may be granted even though the employee has a sick or annual leave balance.

(2) LWOP in excess of 30 calendar days should not be granted unless there is reasonable expectation that the employee will return to duty, except as provided for disability retirement and Office of Workers' Compensation Programs cases. Examples of purposes for which approval of LWOP is proper are:

(a) *Educational Purposes.* When the course of study or research is in line with a type of work, which is being performed by the agency, and the employee might reasonably expect assignment to such work.

(b) *Temporary Service With Non-Federal Public or Private Enterprise.* Where the experience to be gained by the employee will serve the interests of the VA.

(c) *Recovery From Illness or Disability Not of a Permanent Nature.* When continued employment would threaten impairment of the employee's health, or the health of other employees.

(d) *Protection of an Employee's Status During Any Period*

1. Pending final action by the Office of Personnel Management on a claim for disability retirement, whether or not sick and annual leave have been exhausted, or

2. Pending action by the Office of Workers' Compensation Programs, U.S. Department of Labor, on a claim resulting from employment-connected injury or disease, or pending determination by the OWCP that the injured employee is permanently and totally disabled.

3. Pending return to duty from working in a program in which the Federal Government is participating or encouraging (e.g., Peace Corps volunteers), or

4. Pending return to duty from serving on a temporary basis as an officer or representative of an employee organization.

**c. Approval of LWOP**

(1) Administration Heads, Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries, or their designees for field station employees may approve LWOP for any period of time.

(2) Field station heads, or their designees, may approve LWOP for any period of time for occupants of noncentralized positions. They may approve LWOP for 30 days or less for employees at their stations who occupy centralized positions.

(3) The appropriate Central Office official must approve requests for LWOP or extensions of LWOP, which exceed the above authority. However, exceptions, which may be approved locally, include Office of Workers' Compensation Programs and disability retirement claimants.

**d. Notice to Employee.** Employees granted LWOP for more than 30 calendar days must be notified that:

(1) They can usually expect to return to their former position. However, it may become necessary in the interest of the service to reassign them to other positions during their absence or upon their return;

(2) In the event of reduction-in-force during their absence, which affects their position, they will be given the same consideration as employees in a duty status;

(3) If they are reached for reduction-in-force reassignment to a position in another organizational element, their LWOP will be subject to termination if their active services are required by the organizational element; and

(4) They should communicate with their supervisor at least 2 calendar weeks before the expiration of their LWOP to arrange for their return to duty.

**e. Human Resources Management (HRM) Office Records.** LWOP in excess of 30 consecutive calendar days will be documented on Personnel Action Request, forwarded to the HRM office for appropriate action and filed in the employee's official personnel folder.

**23. Voluntary Leave Transfer Program (5 USC 6331 and 5 CFR Part 630, Subpt. I)**

**a. General.** Under this program, the unused accrued annual leave of a Department of Veteran Affairs (VA) employee, or an employee of another Federal agency, may be transferred for use by a VA or other Federal employee who needs the leave because of a medical emergency.

**b. Definitions**

(1) **Agency** means an *Executive agency*, as defined in 5 USC 105.

(2) **Employee** has the meaning given that term in 5 USC 6301(2); and physicians, dentists, nurses, podiatrists, optometrists, nurse anesthetists, physician assistants, and expanded-function dental auxiliaries in the Veterans Health Administration.

(3) Family member means the following relatives of the employee:

(a) Spouse, and parents thereof;

(b) Children, including adopted children, and spouses thereof;

(c) Parents;

(d) Brothers and sisters, and spouses thereof; and

(e) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

(4) **Leave donor** means an employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by the donor's employing facility.

(5) **Leave recipient** means a current employee for whom the designated VA official, or in the case of a non-VA employee, employing agency, has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.

(6) **Medical emergency** means a medical condition of an employee or a family member of such employee that is likely to 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.

(7) **Approving official** means the official designated in paragraph 23.c.(3) below.

(8) **Uncommon tour of duty** means any tour of duty in excess of 40 hours per week, for example, the tour of duty of firefighters.

**c. RESPONSIBILITIES**

(1) **The Deputy Assistant Secretary for Human Resources Management** is responsible for developing Departmental policies and procedures related to the administration of the voluntary leave transfer program and for evaluating the effectiveness of this program.

(2) **The Deputy Assistant Secretary for Financial Management** is responsible for payroll policies and record keeping related to the voluntary leave transfer program.

(3) **Administration Heads, Assistant Secretaries, Other Key Officials and Deputy Assistant Secretaries** are responsible for approving or disapproving in accordance with this policy applications to become a leave recipient from employees under their jurisdiction.

(4) **Human Resources Management Officers (HRMOs) are responsible for the following actions:**

(a) Developing local policy and procedures in coordination with Fiscal Officers, to ensure that employees are promptly and properly informed of their rights and responsibilities under this program;

(b) Notifying employees about this program (see sample in Attachment A);

(c) Reviewing applications from potential leave recipients to ensure that the application meets the criteria of this program and that all required information has been provided before forwarding such applications to the approving official for final decision;

(d) Preparing appropriate letters for the approving official to issue to applicants informing them of their approval as a participant, or their ineligibility for the program (see sample Attachment A);

(e) Monitoring, in conjunction with the employee's supervisor, the status of a leave recipient to ensure that a medical emergency continues to exist;

(f) Notifying the Fiscal Officer of the approval of an employee to be a leave recipient and termination of that leave recipient's medical emergency;

(g) Reviewing the written requests of potential leave donors to ensure compliance with paragraph 23f.; and

(h) Establishing and maintaining records on the administration of this program, in conjunction with the Fiscal Officer, as required under paragraph 23.o..

**(5) Fiscal Officers are responsible for:**

(a) Developing local policy and procedures in coordination with Human Resources Management Officers to ensure that employees are promptly and properly informed of their rights and responsibilities under this program;

(b) Reviewing the written requests of employees who wish to donate annual leave to a specified leave recipient to ensure that the potential leave donor's request is in compliance with paragraph 23.g below;

(c) Administering and monitoring the actual transfer of annual leave from the leave donor(s) to the specified leave recipients(s);

(d) Monitoring and controlling the accrual of leave by leave recipients while in a leave transfer status to ensure compliance with limitations in paragraph 23.k.;

(e) Effecting the transfer of leave between the VA facility and other VA facilities or Federal agencies, when appropriate;

(f) Notifying the leave recipient and leave donor(s) of the transfer of annual leave to the account of the leave recipient;

(g) Ensuring prompt cessation of the transfer of annual leave to a leave recipient upon termination of that individual's medical emergency;

(h) Determining the amount and distribution of any annual leave to be restored to leave donors and effecting the restoration of such annual leave; and

(i) Establishing and maintaining necessary leave and other records for the administration of this program (see paragraph 23.o. and Attachment B).

**(6) Supervisors are responsible for:**

(a) Ensuring that employees under their supervision are aware of information published in connection with this program.

(b) Monitoring, in conjunction with the Human Resources Management Officer, the status of a leave recipient under their supervision to ensure that a medical emergency continues to exist; and

(c) Promptly notifying the Personnel Officer of the termination of a leave recipient's medical emergency.

**d. APPLICATION TO BECOME A LEAVE RECIPIENT**

(1) An employee affected by a medical emergency may make written application to the designated approving official through the Human Resources Management Officer to become a leave recipient. If such employee is not capable of making application on his or her own behalf, a personal representative of the potential leave recipient may make written application on his or her behalf.

(2) Each application shall contain the following information concerning the potential leave recipient;

(a) The name, position, title, and grade or pay level of the potential leave recipient;

(b) The reasons why transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency, and if it is a recurring one, the approximate frequency of the medical emergency;

(c) Certification from one physician, or other appropriate expert, with respect to the medical emergency;

(d) Any additional information that may be requested by the Human Resources Management Officer to support the application, including additional certifications from other physicians or appropriate experts with regard to the medical emergency.

(3) The Human Resources Management Officer will make requests for additional medical certifications with the advice of the Employee Health Physician and concurrence of the approving official. If a potential leave recipient is required to obtain certification from two or more sources, the employing facility shall ensure, either by direct payment to the expert involved or by reimbursement to the employee, that the potential leave recipient will not have to pay those expenses resulting from obtaining certification from more than one source. Actual payment/reimbursement will be charged to the appropriation from which the employee is paid.

(4) Concurrent with the submission of the application, the employee may also submit the applications of potential leave donors (leave donor applications will be completed in accordance with paragraph 23f. If the application to become a leave recipient is approved, this may expedite the actual transfer of leave.

**e. APPROVAL OF APPLICATION TO BECOME A LEAVE RECIPIENT**

(1) Human Resources Management Officers shall expeditiously review all applications to determine that the potential leave recipient meets the criteria of a “*medical emergency*”, as defined in paragraph 23b.

(2) Before forwarding the application to the approving official, the Human Resources Management Officer shall determine that the absence from duty without available leave

(disregarding any advanced leave) because of the medical emergency has been (or is expected to be) at least 24 hours (3 calendar days for certain Title 38 employees and 14.5 hours for nurses on the Baylor Plan, or, in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours in the employee's biweekly scheduled tour of duty). A leave recipient may use annual leave transferred to the recipient's annual leave account under this program only for the purpose of a medical emergency for which the leave recipient was approved.

(3) In making a determination as to whether a "*medical emergency*" is likely to result in a substantial loss of income, no factors will be considered other than whether the absence from duty without available paid leave has been, or is expected to be at least 24 hours (3 calendar days for certain Title 38 employees and 14.5 hours for nurses on the Baylor Plan, or, in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's biweekly scheduled tour of duty).

(4) If the application is approved, the leave recipient (or the personal representative who made application on behalf of the leave recipient) will be advised, in writing, within 10 days (excluding Saturday, Sundays, and legal public holidays) after the date the application was received that:

(a) The application has been approved;

(b) Other employees of the leave recipient's facility or other VA facilities may request the transfer of annual leave to the annual leave account of the leave recipient and requests to donate annual leave from employees of other Federal agencies will be considered; and

(c) The leave recipient (or the personal representative who made application on behalf of the leave recipient) is responsible for notifying those employees who may wish to be leave donors of the approval of the application (see sample in Attachment A).

(5) If the application is not approved, the applicant (or the personal representative who made application on behalf of the leave recipient), will be advised, in writing, within 10 days (excluding Saturdays, and Sundays, and legal public holidays) after the date the application was received that the application has not been approved and of the reasons for its disapproval (see sample in Attachment A).

(6) For bargaining unit employees, prior to forwarding a denial letter to the approving official, the Human Resources Management Officer will discuss the case with the union and provide them with a 48-hour comment period. Approval letters for bargaining unit employees will be simultaneously sent to the union and the employee.

#### f. **TRANSFER OF ANNUAL LEAVE**

(1) An employee may submit a voluntary written request to transfer a specified number of hours (or days, as appropriate for certain Title 38 employees) from his or her annual leave account to the annual leave account of a specified VA leave recipient. This request will be

submitted on VA Form 0239, Leave Transfer Authorization, through the Human Resources Management Officer to the Fiscal Officer. If all or part of the leave may not be transferred in accordance with provisions in subparagraphs (2) through (5) below or in paragraph 23.g., the employee will be so advised by either the Human Resources Management Officer or the Fiscal Officer. Otherwise, the Fiscal Officer, in writing will advise the employee, that his/her annual leave account has been reduced and leave credited to the designated recipient. The Fiscal Officer will provide a copy of the written notice to the designated leave recipient.

(2) The minimum amount of annual leave that may be transferred from a Title 5 employee, or Title 38 employee who is charged leave in hours, is 4 hours. The minimum amount of annual leave that may be transferred from a Title 38 employee who is charged leave in whole day increments is one day. Title 5 employees may transfer to Title 38 employees and vice-versa, provided the transfer is in accordance with subparagraph 5 below. The Fiscal Officer is responsible for making the necessary conversions for transfers of annual leave between leave systems in accordance with the VHA Supplement to MP-4, Part II.

(3) Transfers of annual leave from a VA employee of one facility to a leave recipient of another VA facility are subject to all the provisions of this policy and will be coordinated between the fiscal offices of the facilities involved. The leave donor's fiscal office shall reduce the amount of annual leave credited to the leave donor's leave account, as appropriate, and the Fiscal Officer will notify the leave recipient's Fiscal Officer in writing of the amount of annual leave to be credited to the leave recipient's annual leave account.

(4) Except as provided in 23.h., annual leave may be transferred only from a leave donor employed by VA. Annual leave of VA employees may be transferred to approve leave recipients employed at other Federal agencies in accordance with paragraph 23i.

(5) Annual leave may not be transferred to an employee's immediate supervisor. The Human Resources Management Officer is responsible for verifying this information on Part II of VA Form 0239.

(6) Transferred annual leave may be substituted retroactively for periods of leave without pay (LWOP) or used to liquidate an indebtedness for advanced annual or sick leave granted on or after a date established by the leave recipient's Human Resources Management Office at the beginning of the period of medical emergency for which LWOP or advanced annual or sick leave was granted.

**g. LIMITATIONS ON DONATIONS OF ANNUAL LEAVE**

(1) In any 1 leave year, no leave donor may donate an amount of annual leave that is more than a total of one-half of the amount of annual leave the donor would be entitled to accrue during the leave year in which the donation is made.

(2) A leave donor who is projected to have annual leave that otherwise would be subjected to forfeiture at the end of the leave year under 5 USC 6304(a) or under the provisions of MP-5, part II, chapter 7, may donate no more than the lesser of:

(a) 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

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

(3) The Fiscal Officer is responsible for verifying that the above criteria are met on Part III of VA Form 0239.

(4) The approving official may waive the limitations on donations of annual leave under paragraphs (1) and (2) above. The Human Resources Management Officer and Fiscal Officer may certify in writing that the available donations are insufficient to remedy the income loss of the employee experiencing a medical emergency, before consideration of a waiver may be made. Such waivers must be in writing. If a waiver is granted, the Fiscal Officer will so note in Part III of VA Form 0239 for each donor affected and attach a copy of the written authorization.

#### **h. TRANSFER OF ANNUAL LEAVE FROM EMPLOYEES OF OTHER FEDERAL AGENCIES**

(1) The VA facility employing the leave recipient shall accept the transfer of annual leave from leave donors employed by one or more Federal agencies if:

(a) The leave donor is a family member of the leave recipient, as defined in paragraph 23b. of this policy; or

(b) The Human Resources Management Officer with the advice of the Fiscal Officer determines that the amount of annual leave donated to the leave recipient within the department may not be sufficient to meet the needs of the leave recipient; or

(c) The Human Resources Management Officer determines that the acceptance of leave transferred from another Federal agency would further the purpose of the voluntary leave transfer program.

(2) Before accepting the transfer of annual leave from a leave donor employed by another Federal agency, the VA Human Resources Management Officer shall verify that the potential leave donor's employing agency has approved the leave donor's request to transfer annual leave to the specified leave recipient. If approved, the Fiscal Officer of the VA facility will coordinate the transfer of annual leave with the Fiscal Officer of the other Federal agency.

**i. TRANSFER OF ANNUAL LEAVE TO EMPLOYEES OF OTHER FEDERAL AGENCIES**

(1) VA employees who wish to donate annual leave to a leave recipient in another Federal agency shall forward their request to their own Human Resources Management office on VA Form 0239. In addition to the name of the leave recipient, the donating employee shall indicate the name and address of the Federal agency employing the leave recipient.

(2) The Human Resources Management office shall ascertain that the leave recipient's employing agency has made any determination that may be required under 5 CFR 630.906(f) (see paragraph 23h.).

(3) If the recipient's employing agency will accept the leave donation, the fiscal office shall verify the availability of annual leave in the leave donor's annual leave account and determine that the amount of annual leave to be donated does not exceed the limitations under paragraph 23g. above.

(4) Upon satisfying these requirements, the VA donor's fiscal office shall reduce the amount of annual leave credited to the leave donor's leave account, as appropriate, and the Fiscal Officer will notify the leave recipient's employing agency in writing of the amount of annual leave to be credited to the leave recipient's annual leave account.

**j. USE OF TRANSFERRED ANNUAL LEAVE**

(1) A leave recipient may use annual leave transferred to the recipient's annual leave account under this program only for the purpose of a medical emergency for which the leave recipient was approved. Any annual leave or sick leave accrued or accumulated and available for use during the medical emergency, except as provided in paragraph 23.k. below, must be exhausted before any transferred annual leave may be used.

(2) The approval and the use of transferred annual leave shall be subject to all of the conditions and requirements imposed by chapter 63 of Title 5, United States Code, the provisions of this chapter, MP-5, part I, chapter 630, or MP-5, part II, chapter 7, except that transferred annual leave may accumulate without regard to the limitation imposed by 5 U.S.C. 6304(a), or the provisions of MP-5, part II, chapter 7, as appropriate.

(3) Annual leave transferred to a specified leave recipient may not be:

(a) Transferred to other leave recipient, except as provided in paragraph 23.m.(5)(c) below.

(b) Included in a lump-sum payment under 5 U.S.C.5551 or 5552; or

(c) Made available for re-credit under 5 U.S.C. 6306 or the provisions of MP-5, part II, chapter 7, as appropriate, upon reemployment by a Federal agency.

**k. ACCRUAL OF LEAVE WHILE IN A TRANSFERRED LEAVE STATUS**

(1) Except as otherwise provided in this paragraph, while an employee is in a shared leave status, annual and sick leave shall accrue to the credit of the employee at the same rate as if the employee were then in a paid leave status under subchapter I of chapter 63 of Title 5 USC or MP-5, part II, chapter 7, as appropriate, except that:

(a) The maximum amount of annual leave that may be accrued by an employee while in a shared leave status in connection with any particular medical emergency may not exceed 40 hours (or, in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's weekly scheduled tour of duty); and

(b) The maximum amount of sick leave that may be accrued by an employee while in a shared leave status in connection with any particular medical emergency may not exceed 40 hours (or, in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's weekly scheduled tour of duty).

(2) Any annual or sick leave accrued by an employee under this paragraph:

(a) Shall be credited to an annual leave or sick leave account, as appropriate, separate from any leave account of the employee under subchapter I of chapter 63 or Title 5, U.S.C. or MP-5, part II, chapter 7, as appropriate; and

(b) Shall not become available for use by the employee, and may not otherwise be taken into account under subchapter I of chapter 63 of Title 5, USC or MP-5, Part II, Chapter 7, as appropriate, until, under subparagraph (3) below, it is transferred to the appropriate leave account of the employee under subchapter I of chapter 63 of Title 5, USC or MP-5, part II, chapter 7, as appropriate.

(3) Any annual or sick leave accrued by an employee under this section shall be transferred to the appropriate leave account of the employee under 5 USC Chapter 63, subchapter I, or MP-5, part II, chapter 7, as appropriate when the employee exhausts all donated leave, or effective as of the beginning of the first pay period beginning after the date on which the employee's medical emergency terminates as described in paragraph 23 l. below.

(4) If the employee's medical emergency terminates as described in paragraph 23 l.(1)(a), no leave shall be credited to the employee. under subparagraph (3) above.

**l. TERMINATION OF MEDICAL EMERGENCY**

(1) The medical emergency affecting a leave recipient terminates:

(a) When the leave recipient's Federal service is terminated;

(b) At the end of the biweekly pay period in which the leave recipient or a personal representative provides the HRM office with a written notice that the leave recipient is no longer affected by a medical emergency;

(c) At the end of the biweekly pay period determined by the Human Resources Management Officer, after written notice and opportunity for the leave recipient (or personal representative) to answer orally or in writing, that the leave recipient is no longer affected by a medical emergency;

(d) At the end of the biweekly pay period in which the leave recipient's Human Resources Management office receives notice that the Office of Personnel Management (OPM) has approved the leave recipient's application for disability retirement under the Civil Service Retirement System or the Federal Employees Retirement System.

(2) The Human Resources Management office, in coordination with the employee's supervisor, shall continuously monitor the status of the leave recipient's medical emergency to ensure that he or she is still affected by it.

(3) Upon termination of the leave recipient's medical emergency, the Human Resources Management Officer shall notify the Fiscal Officer immediately. No further requests for transfer of annual leave to the leave recipient may be granted, and any unused-transferred annual leave remaining to the credit of the leave recipient shall be restored to the leave donors, in accordance with paragraph 23m.

**m. RESTORATION OF TRANSFERRED ANNUAL LEAVE**

(1) Any transferred annual leave remaining to the credit of a leave recipient when the individual's medical emergency terminates shall be restored, as provided below and to the extent administratively feasible, by transfer to the annual leave accounts of the leave donors, who, on the date leave restoration is made, are employed by a Federal agency and subject to chapter 63 of Title 5, USC or MP-5, part II, chapter 7, as appropriate.

(2) The amount of unused transferred annual leave to be restored to each leave donor shall be determined by fiscal office as follows:

(a) Divide the number of hours or, when applicable, for certain Title 38 employees, the calendar days of unused transferred annual leave by the total number of hours of annual leave transferred to the leave recipient;

(b) Multiply the ratio obtained in (2)(a) above, by the number of hours of annual leave transferred by each leave donor eligible for restoration under subparagraph (1) above; and

(c) Apply the formula for proration (VHA Supplement to MP-4, Part II, paragraph 1D.05) for any cases in which donor and recipient were under different leave systems; and

(d) Round the result obtained in (2)(b) above to the nearest 15-minute increment of time established by the leave donor's leave system to account for annual leave.

(3) If the total number of eligible leave donors exceeds the total number of hours or, for certain Title 38 employees, days of annual leave to be restored, no unused transferred annual leave shall be restored. In no case shall the amount of annual leave restored to a leave donor exceed the amount transferred to the leave recipient by the leave donor.

(4) If the leave donor retires from Federal service, dies, or is otherwise separated from Federal service before the date unused transferred annual leave can be restored, the employing facility of the leave recipient shall not restore the unused transferred annual leave.

(5) At the election of the leave donor, unused transferred annual leave restored to the leave donor under subparagraph (1) above may be restored by:

(a) Crediting the restored annual leave to the leave donor's annual leave account in the current leave year;

(b) Crediting the restored annual leave to the leave donor's annual leave account effective as of the first day of the first year beginning after the date of election; or

(c) Donating such leave in whole or part to another leave recipient.

(6) If a leave donor elects to donate only part of his or her restored leave to another leave recipient under paragraph 5(c) above, the donor may elect to have the remaining leave credited to the leave donor's annual leave account under paragraph 5(a) or (b) above.

(7) Transferred annual leave restored to the account of a leave donor under paragraph 5(a) or (b) above shall be subject to the limitation imposed by 5 USC 6304(a) for Title 5 employees or by MP-5, part II, chapter 7, for Title 38 employees under the Title 38 leave system at the end of the leave year in which the restored leave is credited to the leave donor's annual leave account.

**n. PROHIBITION OF COERCION**

(1) An employee, to include a supervisor, may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using annual leave.

(2) For the purpose of subparagraph (1) of this paragraph, the term "intimidate, threaten, or coerce" includes promising to confer or conferring any benefit (such as an appointment or promotion or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion or compensation).

(3) Management and supervisory officials should not take any actions to solicit or to encourage or discourage employees under their supervision to donate leave under this program. This does not preclude these officials from making a personal decision to donate their leave in accordance with this chapter.

**o. RECORDS AND REPORTS**

(1) The Office of Personnel Management requires agencies to maintain records and may require periodic reports concerning the administration of the voluntary leave transfer program for the purpose of evaluating the desirability, feasibility, and the cost of a voluntary leave transfer program.

(2) In order to comply with any requests from OPM, the Human Resources Management Officer and Fiscal Officer, as appropriate, will establish and maintain records relating to the local administration of the voluntary leave transfer program. The information maintained shall include:

(a) The number of applications approved for medical emergencies affecting the employee and the number of applications approved for medical emergencies affecting an employee's family member;

(b) The grade and pay level of each leave recipient and leave donor;

(c) The total amount of annual leave transferred to each leave recipient's annual leave account;

(d) The total number of transferred annual leave used by each leave recipient;

(e) The estimated direct and indirect costs of processing leave transfer requests, transferring leave between the accounts of leave donors and leave recipients, monitoring the use of transferred leave, restoring unused leave to the accounts of leave donors, and other activities related to administering the voluntary leave transfer program; and

(f) Any additional information OPM or VA Central Office may require.

(3) When requested, each facility will provide specific information to Central Office regarding the program.

**24. Family and Medical Leave (5 USC 6381 and 5 CFR Part 630, Subpt L)**

a. Title II of the Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3, February 5, 1993) provides covered Federal employees a total of 12 administrative workweeks during any 12-month period for specified family and medical reasons.

b. The 12 weeks of FMLA leave is in addition to any annual leave, sick leave, or other leave or compensatory time off available to the employee. An employee may choose to take FMLA leave in combination with any other available leave.

c. In implementing the statutory requirements for administering FMLA leave, VA will follow regulations published in 5 CFR 630.1201-1213 by the Office of Personnel Management. The regulations have been permanently effective since December 5, 1996.

**25. LEAVE FOR BONE-MARROW OR ORGAN DONATION (5 USC 6327)**

a. Public Law 103-329 Section 629(a), dated September 30, 1994, provides that employees are entitled to use 7 days of leave without loss to pay, leave to which otherwise entitled, credit each calendar year to serve as a bone-marrow or organ donor (5 USC 6327). Such leave is in addition the use of other approved leave as appropriate.

**26. SICK LEAVE FOR ADOPTION ( 5 CFR Part 630 Subpt. D)**

a. Public Law 103-329, Section 629(b), dated September 30, 1994, provides that employees are entitled to use sick leave for purposes related to the adoption of a child. In addition, employees may substitute sick leave retroactively for all or any portion of annual leave used for adoption-related purposes between September 30, 1991 - September 30, 1994. (See paragraph 11g).



**SAMPLE MEMORANDUM TO ALL EMPLOYEES  
VOLUNTARY LEAVE TRANSFER PROGRAM**

**TO:** All Employees

**FROM:** Director

**SUBJ:** Voluntary Leave Transfer Program

1. The voluntary leave transfer program permits Federal employees to donate annual leave to other Federal employees who are experiencing a medical emergency. For the purpose of this program, a medical emergency is a medical condition of an employee or a family member of the employee that is likely to require the employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

2. Any employee who has experienced or is experiencing a medical emergency, as described above, may make a written request to become a participant in the voluntary leave transfer program. The request must contain the following information: (a) name, position title, and grade or pay level of the potential leave recipient; (b) the reasons why transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency, and if it is a recurring one, the approximate frequency of the emergency; and (c) certification from one physician, or other appropriate expert, with regard to the medical emergency. Additional information may be requested to support the application.

3. Completed requests in memorandum form should be forwarded to me through the Human Resources Management Officer. Applicants will be notified within 10 workdays of their eligibility to participate in the program as leave recipients.

4. In order to ensure the privacy of those who wish to participate in the program, employees who are eligible and are approved as leave recipients will have the discretion of determining their own means of informing potential leave donors from within VA. Potential donors from other Federal agencies may be considered in accordance with the regulations governing the program.

5. The donation of leave is entirely voluntary. However, employees may not donate leave to their immediate supervisor. There are also minimum requirements and limitations on the amount of leave that can be donated. Employees who are interested in donating annual leave to a specific recipient may contact the Human Resources Management office for additional information.

6. Annual leave donations will be transferred from the accounts of donors to the leave recipient's account. These leave donations will be used for the recipient's current leave charges and to liquidate any advance leave indebtedness. When the leave recipient's medical emergency no longer meets the criteria of this policy (for example, the employee is able to return to duty), the remaining annual leave in that person's account will be re-credited to donors on a prorated basis in accordance with OPM regulations and VA policy.

7. VA supports the concept of the leave transfer program. However, the decision to apply to become a leave recipient, or to donate leave, is personal and must be made on a completely voluntary basis.

(SIGNATURE)

**SAMPLE APPLICATION MEMORANDUM/  
VOLUNTARY LEAVE TRANSFER PROGRAM**

**TO:** Director ( )

**THRU:** Human Resources Management Officer ( )

**FROM:** John L. Doe

**SUBJ:** Voluntary Leave Transfer Program

1. I, John L. Doe, Clerk-Typist, GS 312-3, am applying to become a leave recipient under the voluntary leave transfer program.

2. On January 1, 1989, I was involved in an automobile accident and suffered multiple injuries. At present I am undergoing therapy for both my wrists and one leg, all of which were broken in the accident. My physician, Dr. John A. Smith, anticipates that I will not be able to return to duty until approximately August 1, 1989. Attached is a copy of his medical report which indicates the treatment I have received, current therapy plans, and the prognosis of my case.

3. Due to this accident, I have used all of my accrued annual and sick leave. I have also been granted 30 days of advance sick leave, and I am currently on leave without pay (LWOP).

4. If I am approved for this program, I understand that it will be my responsibility to inform employees who may wish to donate annual leave on my behalf.

5. Thank you for considering this application.

(NAME)

Attachment



**SAMPLE MEMORANDUM TO APPROVED LEAVE RECIPIENT/  
VOLUNTARY LEAVE TRANSFER PROGRAM**

**TO:** Name of Applicant

**FROM:** Decision Official

**SUBJ:** Voluntary Leave Transfer Program

1. I am pleased to inform you that you meet the requirements for participation in the voluntary leave transfer program and have been approved as a leave recipient for the period of your medical emergency.

2. At your discretion, you may inform other employees that you have been approved as a leave recipient and they may request the transfer of annual leave to your account to be used in connection with your medical emergency. Leave donations from employees of other Federal agencies may be accepted in some circumstances, in accordance with the regulations governing the program. All donations are voluntary, and the minimum amount of leave that may be transferred from a donor is four hours or, for certain Title 38 employees, one day. Employees you supervise may not donate leave to you.

3. Please contact (Human Resources Management Officer) on (Telephone Number) in the near future for additional information about this program and your responsibilities as a leave recipient.

4. We sincerely hope that this program will be of assistance to you during your medical emergency.

(Signature)

cc: Human Resources Management Office  
Payroll



**SAMPLE MEMORANDUM OF DISAPPROVAL AS LEAVE RECIPIENT/  
VOLUNTARY LEAVE TRANSFER PROGRAM**

**TO:** Name of Applicant

**FROM:** Decision Official

**SUBJ:** Voluntary Leave Transfer Program

1. We have carefully reviewed your request to become a leave recipient under the voluntary leave transfer program and the circumstances of your request. However, based on our evaluation, you do not meet the criteria established for participation in the program. Specifically, you have not presented evidence that your medical emergency will require that you be absent from duty without available paid leave for a least 24 hours.\* Therefore, we are unable to approve your request.

2. You may contact Name \_\_\_\_\_, ( Title of Human Resources Management Official), (Telephone Number) if you desire additional information related to the program and your application.

(Signature)

\***Another example:** the reasons for your absence are not associated with a medical emergency you or a family member are experiencing.



**SAMPLE MEMORANDUM FOR RESTORATION OF LEAVE/  
VOLUNTARY LEAVE TRANSFER PROGRAM**

**TO:** Name of Donor

**FROM:** Human Resources Management Officer

**SUBJ:** Restoration of Transferred Annual Leave

1. You donated annual leave to John Doe to help him during his medical emergency. Mr. Doe's emergency has ended. Five hours of annual leave will be restored to you on November 19, 1989.
2. Any transferred annual leave remaining to the credit of a leave recipient when that individual's medical emergency terminates is restored, in accordance with VA policy in MP-5, Part I, Chapter 630, paragraph 23, and to the extent administratively feasible, by transfer to the annual leave accounts of the leave donors who, on the date leave restoration is made, are employed by a Federal agency and subject to chapter 63 of Title 5, U.S.C. or MP-5, part II, chapter 7, as appropriate. The amount of annual leave to be restored to each leave donor is determined by the fiscal office in accordance with provisions in the above policy.
3. If you retire from Federal service, die, or are otherwise separated from Federal service before the date unused transferred annual leave can be restored, the unused transferred annual leave will not be restored.
4. You may elect to have your portion of the unused-transferred annual leave restored by:
  - (a) crediting the restored annual leave to your annual leave account in the current leave year;
  - (b) crediting the restored annual leave to your annual leave account effective as of the first day of the first leave year beginning after the date of election; or
  - (c) donating such leave in whole or part to another leave recipient.
5. If you elect to donate only part of your restored leave to another leave recipient under paragraph 4(c) above, then you may elect to have the remaining leave credited to your annual leave account under paragraph 4(a) or (b) above.
6. Transferred annual leave restored to your account under paragraph 4(a) or (b) above shall be subject to the limitation imposed by 5 U.S.C. 6304(a) for Title 5 employees or by MP-5, part II, chapter 7, for Title 38 employees under the Title 38 leave system at the end of the leave year in which the restored leave is credited to your annual leave account.

**December 31, 1998**

**MP-5, Part I  
Chapter 630  
Appendix E**

7. Please indicate your election on the attached memorandum and return it to the Human Resources Management Office within 2 workdays. Contact (name of personnel official) on (telephone number) if you would like to know the names of currently approved leave recipients, or have any other questions.

(Name)

Attachment

December 31, 1998

MP-5, Part I  
Chapter 630  
Appendix F

**SAMPLE MEMORANDUM – RESTORATION OF ANNUAL LEAVE ELECTION/  
VOLUNTARY LEAVE TRANSFER PROGRAM**

**TO:** Human Resources Management Officer

**FROM:** Name of Leave Donor

**SUBJ:** Restoration of Annual Leave Election

I would like the annual leave restored as indicated below:

**CHECK ONLY ONE:**

- Credit the restored annual leave to my annual leave account in the current leave year.
- Credit the restored annual leave to my annual leave account effective as of the first day of the first leave year beginning after the date of election.
- Donate all the restored annual leave to (name of leave recipient).
- Donate (number of hours) of restored annual leave to (name of leave recipient) and credit the remaining hours to my annual leave account in the current leave year.
- Donate (number of hours) of restored annual leave to (name of leave recipient) and credit the remaining hours to my annual leave account effective as of the first day of the first leave year beginning after the date of election.

(Name)



**PAYROLL AND TIMEKEEPING OPERATING PROCEDURES/VOLUNTARY LEAVE  
TRANSFER PROGRAM**

Pending completion of necessary modifications to the PAID System, manual recordkeeping will be required utilizing VA Form 0240, Record of Annual Leave Donations and Charges, and VA 0239, Leave Transfer Authorization. A blank copy of each of these forms is attached to these procedures and they should be reproduced locally as needed. The following paragraphs set forth the payroll and timekeeping operating procedures applicable to the Voluntary Leave Transfer Program.

**1. Maintenance of VA Form 0240, Record of Annual Leave Donations and Charges.**

When notified by the Human Resources Management Office that an employee's application to become a leave recipient has been approved, the Payroll Office will open a leave account for the recipient on VA Form 0240. This will be accomplished by completing items 1 through 4 on the form. The form will be completed to reflect each donation of annual leave by an eligible employee as well as the use of such donated leave by the recipient. The payroll clerk/technician who makes a particular line entry (items 6 through 10) will record his/her initials in the "Initials" column (item 11). At the end of the medical emergency, the disposition of any unused donated annual leave will be documented in item 12 and the form will be filed in a central location in the Payroll Office. This will facilitate preparation of any reports that may be required by the Office of Personnel Management or VA Central Office.

**2. Recording Donations of Annual Leave.**

Upon receipt of an approved VA Form 0239, Leave Transfer Authorization, which authorizes the transfer of a specified amount of annual leave to an approved recipient, the Payroll Office must first ensure that the amount of annual leave being donated does not exceed the maximum permitted by paragraph 23g. Except as provided in paragraph 23.g.(4), a leave donor may donate no more than the lesser of one-half of the amount of annual leave he/she would be entitled to accrue during the leave year in which the donation is made or the number of hours or calendar days remaining in the leave year (as of the date of transfer) for which the leave donor is scheduled to work and receive pay. If the amount of annual leave being donated exceeds this limitation; the Payroll Office must contact the leave donor who must then adjust the amount of annual leave being donated.

The donor may accomplish such adjustments by lining through the incorrect amount, inserting the adjusted annual leave amount, and initialing the change. At this time the Payroll Office will complete Part III on VA Form 0239. Thereafter, the Payroll Office will prepare a TT 31 to reduce the donor's annual leave balance by the amount of annual leave being donated. The TT 31 must be submitted to the Austin DPC in the next regular scheduled submission of master record updating transactions. At this time, an entry will be made on the recipient's VA Form 0240 to record the transfer of annual leave to the recipient and to update the available leave balance. The

employee making the entry will enter his/her initials in the "Initial" block on that line. (Entries of this type are illustrated on page B-4). The original copy of VA Form 0239 will be attached to the VA Form 0240 established for the recipient. In addition, a copy of VA 0239 will be forwarded to both the leave donor and recipient for their information. Upon notification by the Human resources Management Office that the leave recipient's medical emergency has ended, the Payroll Office will complete Part IV on VA Form 0239 after which it will be filed in the leave donor's payroll file to support adjustment to his/her annual leave account.

### 3. Maintenance of Time and Attendance Reports (VA Form 4-5631 for Leave Recipients).

As previously indicated, all donated annual leave will be recorded on the VA Form 0240 established for the recipient. Under no circumstances will donated annual leave be combined with the recipient's annual leave balance in the PAID System. As a recipient uses donated annual leave, such usage will be recorded in the "A/L" column in the "time absent" portion of the T&A Report and coded in the "A/L" fields for week 1 or week 2, as appropriate. This action will cause the recipient's annual leave balance in the PAID System to be in a minus condition at the end of the particular pay period. On a biweekly basis, the Payroll Office will make an appropriate reduction to the recipient's donated annual leave account on VA Form 0240 while at the same time preparing a TT 31 to enter the amount of annual leave that is required in order to eliminate the minus annual leave condition from the recipient's PAID leave account. For example, if the recipient's annual leave account reflects a minus balance of 45 hours at the end of a pay period, the TT 31 entry will be 45 hours at the end of a pay period, the TT 31 entry will be 45 hours which will then be deducted from the recipient's annual leave account on VA Form 0240. This procedure will ensure the accuracy of leave usage and cost data that is captured each pay period by the PAID System for the Man Years and Cost Report that is provided annually to the Office of Personnel Management.

### 4. **Limitation on Leave Accruals While in a Transferred Leave Status.**

Paragraph 23k of this chapter limits the amount of annual and sick leave that an employee may accrue while being carried in a transferred leave status. In this respect, such leave accruals may not exceed 40 hours or, in the case of a part-time employee or an employee with an uncommon tour of duty (such as a firefighter with a 60 hour workweek), the average number of hours of work in the employee's weekly scheduled tour of duty. Pending automation of the required changes to the PAID System, this limitation must be controlled manually.

### 5. **Use of Annual Leave Donated by Employees from Other Federal Agencies.**

Leave donated by employees of other Federal agencies which has been accepted in accordance with paragraph 23.h. of this chapter, will be credited for use by the leave recipient in the same way that leave donated by VA donors is credited (see paragraph 2 above). When the medical emergency of the leave recipients ends, leave donors from other Federal agencies are entitled to restoration in accordance with paragraph 23.m. of this chapter.

**6. Transfer of Annual Leave Between Different Leave Systems.**

When the annual leave donor and recipient are in different leave systems, the amount of annual leave donated must be converted so as to permit leave crediting and charging under the recipient's leave system. This will be accomplished by use of the formula set forth in the VHA Supplement to VA Manual MP-4, Part II, Paragraph 1D.05. In addition, if an employee with a regular 80 hour biweekly tour of duty donates annual leave to an employee who has 120 hour biweekly tour of duty (or vice versa), the donated leave must be converted to reflect the recipient's expanded tour of duty. For example, an employee with an 80 hour biweekly tour of duty donates 8 hours of annual leave to an employee with a 120 hour biweekly tour of duty. The donated leave must be converted using the following formula:

$$\frac{\text{Hours of donated A/L} \times \text{leave recipient's tour of duty}}{\text{leave donor's biweekly tour of duty}} = \text{Amount of leave to be credited to recipient}$$

$$\frac{8 \times 120}{80} = \frac{120 \text{ hours}}{10} = 12 \text{ hours}$$

**7. Transfer of Approved Leave Recipient to Another Employing Agency**

Standard Form (SF) 1150-A (June 1989) must be attached to SF 1150, Record of Leave Data, when a current leave recipient transfers to another employing agency without a break in service.

**8. Disposition of Unused Donated Annual Leave.**

Disposition of unused donated annual leave that remains to the credit of a leave recipient at the end of his/her medical emergency must be disposed of in accordance with the provisions of paragraph 23.m. of this Circular. Actual restoration should be accomplished in accordance with the leave donor's written election as provided for in subparagraph 23.m.5. The names of employees who donated leave to the recipient and who are to have a portion of that donated annual leave restored to their leave accounts must be recorded in item 12 on VA Form 0240. In addition, the amount of annual leave restored to each such employee must be identified as well as the pay period in which actual restoration (TT 31 input) was submitted to the PAID System. This information must also be entered in Part IV on VA Form 0239.