

## HOURS OF DUTY AND LEAVE

- 1. REASON FOR ISSUE:** To amend Department of Veterans Affairs (VA) policy in VA Handbook 5011, Part III, Chapter 3 regarding lump sum payments.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This directive contains Hours of Duty policy for employees in executive pay levels regarding the disposition of lump sum payments for leave when transferring between positions under different leave systems or separating from Federal service. This amendment will be incorporated in the electronic version of VA Handbook 5011 located on the Office of Human Resources Management and Labor Relations Web site.
- 3. RESPONSIBLE OFFICE:** Worklife and Benefits Service (058) of the Office of the Deputy Assistant Secretary for Human Resources and Labor Relations.
- 4. RELATED HANDBOOK:** VA Handbook 5011, Hours of Duty and Leave.
- 5. RESCISSIONS:** None

**CERTIFIED BY:**

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

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

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

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provides for leave accrual, accumulated and accrued leave will be credited to the employee's account irrespective of the differences in the accrued rates. For example, an employee serving in an appointment under section 7401(l) who is converted to an appointment under section 7406 as a resident will have the leave earned under the section 7401(l) appointment credited to the leave account under the latter appointment. **NOTE:** *This example assumes the individual would be entitled to payable leave as a resident. If the individual were transferring to a nonpayable leave system, he or she would receive a lump-sum payment for the accrued annual leave.*

(b) An employee converted to a position in which no payable leave is earned will be given a lump-sum payment as provided in subparagraph (a) above.

(c) Graduate nurse technicians employed in VHA are covered by 5 U.S.C., chapter 63. If the appointment of the graduate nurse technician is converted to a full-time nurse in VHA during the biweekly pay period, the individual will be considered in a graduate nurse technician status for leave purposes until the end of such pay period. Annual leave will be credited under the leave system for nurses from the beginning of the first complete biweekly pay period under the appointment as a registered nurse.

[(d) When an employee transfers without a break in service to a position exempted from the leave system, (e.g., to a Presidential appointment in the executive pay level or a comparable position), the employees' regular annual leave is held in abeyance until it is either (a) liquidated by lump sum payment upon the employee's separation or death, (b) liquidated in one or more partial payments, or a single full payment, during the employee's service in the exempted position, or (c) re-credited upon the employee's reemployment without a break in service to a position subject to the leave provisions in this Chapter or in 5 USC Chapter 63. Any annual leave restored to the employee's credit under paragraph 6.f.(1)(d) of this Chapter must be liquidated by a lump sum payment if the employee elects not to retain his or her leave benefits. A career Senior Executive Service member accepting a Presidential appointment may elect to retain his or her leave benefits and therefore continue to accumulate and use annual leave, including restored annual leave.]

(2) **Separation for Advocating Overthrow of the Government of the United States.** When separation of an employee is for advocating or being a member of an organization that advocates the overthrow of the Government of the United States by force or violence, no lump-sum payment will be made for annual leave remaining to the employee's credit (23 Comp. Gen. 677).

(3) **Death.** On the death of an employee, compensation for all accumulated and current accrued annual leave will be paid in an amount equal to the compensation the decedent would have received had the employee remained in the service until the expiration of the period of such annual leave.

#### d. **Credit and Recredit of Sick Leave**

(1) **Changes During Employment in VHA.** An employee serving in an appointment which provides for leave accrual who is subsequently converted or appointed without a break in service to another type of appointment which also provides for leave accrual will be credited with sick leave to the employee's account irrespective of any difference in accrual rates.

## PART III

## CHAPTER 3

(2) **Recredit of Sick Leave.** Sick leave will be recredited to an employee upon reemployment after a break in service. Sick leave will also be recredited to an employee after being changed from a leave-earning to non-leave-earning status in the service and later being returned to a leave-earning status.

e. **Reemployment During Period Covered by Lump-Sum Payment.** An employee who previously served under the VHA leave system and is reemployed in VA under an appointment within the purview of the leave provisions of this chapter during the period covered by lump-sum payment will refund to VA an amount equal to the compensation covering the period between the date of reemployment and the end of the period covered by the lump-sum payment. It is the responsibility of the appointment officer to ascertain if new appointees are entering on duty prior to the expiration of leave represented by lump-sum