

## HOURS OF DUTY AND LEAVE

- 1. REASON FOR ISSUE:** To revise policy in Department of Veterans Affairs (VA) Handbook 5011, Hours of Duty and Leave, Part III, Chapters 2 and 3, as it relates to sick leave.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains mandatory procedures on hours of duty and leave. The pages in this handbook replace the corresponding page numbers in VA Handbook 5011. This change will be incorporated into the electronic version of the VA Handbook 5011 that is maintained on the [Office of Human Resources Management Web site](#).
  - a. Removes the requirement for employees to maintain a minimum balance in their sick leave account in order to use the maximum amount of sick leave provided for family care or bereavement purposes.
  - b. Provides a time limit for receipt of administratively acceptable medical documentation or evidence supporting an employee's need for sick leave.
- 3. RESPONSIBLE OFFICE:** Worklife and Benefits Service (058), Office of the Deputy Assistant Secretary for Human Resources Management.
- 4. RELATED HANDBOOK:** VA Handbook 5011, "Hours of Duty and Leave."
- 5. RESCISSIONS:** None

**CERTIFIED BY:**

/s/  
Robert T. Howard  
Assistant Secretary for  
Information and Technology

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

/s/  
Willie L. Hensley  
Acting Assistant Secretary  
for Human Resources and Administration

ELECTRONIC DISTRIBUTION ONLY

**PART III  
CHAPTER 2**

**NOTE:** *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.*

**(2) Sick Leave for [General] Family Care [or] Bereavement [Purposes]**

(a) An employee may use sick leave to provide care for, or otherwise attend to a family member having an illness, injury, or other condition which, if an employee had such a condition, would justify the use of sick leave by the employee [as set forth in paragraphs 4a(1)(a) and (b)].

(b) An employee may use sick leave to make arrangements necessitated by the death of a family member or attend the funeral of a family member. This includes use of sick leave to make arrangements for and attend a funeral or memorial service; necessary travel, pre-funeral and after-funeral/burial gatherings or ceremonies, memorial services; and reading of the will.

[(c) A full-time employee may use 104 hours (13 workdays) of sick leave each leave year for family care or bereavement purposes. Part-time employees and employees with uncommon tours of duty may take up to the amount of sick leave they would accrue in a leave year. The sick leave is pro-rated in proportion to the average number of hours of work in the employee's scheduled tour of duty.

(d) If an employee has already used the maximum amount of sick leave permitted to care for a family member with a serious health condition as described below, he or she cannot use additional hours in the same leave year for general family care or bereavement purposes.]

**(3) Sick Leave to Care for a Family Member with a Serious Health Condition.** An employee may use [ ] up to [480 hours (12 administrative workweeks)] of sick leave each leave year to care for a family member with a serious health condition, subject to the following limitations:

(a) If an employee previously has used any portion of the [104 hours (13 workdays)] of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the [ ] 480 hours [(12 administrative workweeks)] entitlement.

(b) If an employee has already used [480 hours (12 administrative workweeks)] of sick leave to care for a family member with a serious health condition, he or she cannot use an additional [104 hours (13 workdays)] in the same leave year for general family care [or bereavement] purposes.

(c) [Part-time employees and employees on uncommon tours of duty may take up to the amount of sick leave equal to 12 times the average number of hours in their scheduled tour of duty each week during the leave year, subject to the following limitations:

(1) If an employee has previously used any portion of sick leave for general family care or bereavement purposes, that amount must be subtracted from the total available hours.

(2) If the employee has used the maximum amount of sick leave permitted to care for a family member with a serious health condition, he or she cannot use additional hours in the same leave year for general family care or bereavement purposes.

(3) If the number of hours in the employee's tour of duty is changed during the leave year, his or her entitlement to use sick leave for the purposes described above in paragraphs 4a(2) and (3) must be recalculated based on the new tour of duty.]

(4) **Sick Leave for Adoption.** An employee may use sick leave for purposes related to the adoption of a child. This may include: appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; any periods of time the adoptive parents are ordered or required by the adoption agency or by the court to take time off from work to care for the adopted child; and any other activities necessary to allow the adoption to proceed. Sick leave may not be used by adoptive parents who voluntarily choose to be absent from work to bond with an adopted child.

#### b. Sick Leave Requests

(1) It is the responsibility of employees who are incapacitated for duty to report, or have some responsible person report, their 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 their particular case according to the circumstances of employment. Subsequent reports, if any, will be made to the immediate superior as required locally. Employees who expect to be absent more than 1 day should inform their supervisors of the approximate date that they expect to return to duty. Supervisors may ask their employees at the time to report periodically on their 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 to 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) An employee on sick leave for more than 3 workdays must enter a leave request into the ETA or other electronic system upon return to duty, and furnish satisfactory evidence of the need for sick leave during the period of absence. 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 [health care providers], 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 the ETA or other electronic 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 use of sick leave, a medical certificate may be required for any period of absence. The employee should be informed in advance, and in writing, that such a requirement has been established in his or her case. [Medical certificates or other evidence of illness will be

**PART II  
CHAPTER 2**

submitted within 15 calendar days after the employee returns to work.] Failure to furnish a medical certificate may be cause for disapproval of sick leave. Such failure will not of itself be the cause for disciplinary action.

(4) When an employee has been given notice that any sick leave request must be supported by a medical certificate, leave approving officials will review the case in not later than 6 months to determine whether the requirement for furnishing a medical certificate for approved sick leave 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 protect patients and others from certain types of communicable diseases. (See VA Handbook 5019, Occupational Health Services.)

(6) 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. Sick leave may be granted during annual leave or to become eligible for donated leave in accordance with 5 CFR 630.40[4].

c. **[Time Limitation for Medical Documentation.** All supporting documentation for use of sick leave must be submitted by the employee no later than 15 calendar days after the employee returns to work. If, due to circumstances beyond the control of the employee, he or she is unable to provide the documentation within 15 calendar days, the employee must provide the evidence or medical certification no later than 30 calendar days after returning to work. An employee who does not provide the required evidence within 30 calendar days is not entitled to sick leave].

d. **Prolonged Illness.** 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 CFR 630.909-910; and 5 CFR 630.1205) on the use of paid leave by employees while invoking their Family and Medical Leave entitlements.) 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.] **Advanced Sick Leave.** In cases of serious disability, ailments, or for adoption-related purposes, an 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 leave that 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. In the case of sick leave for family care or bereavement purposes, any or all of the first 5 days (40 hours or its equivalent for part-time employees or employees on uncommon tours of duty) used for those purposes each leave year may be advanced. The amount of annual leave to an employee's credit generally will have no bearing on grants of advanced sick leave (5 U.S.C. 6307(d); 5 CFR 630.40[1(f)].

**[f.] Liquidation of Advanced Sick Leave**

(1) As current leave is accrued it must be applied against any advanced leave.

(2) At the employee's request, advanced sick leave may be liquidated by a charge against an equivalent amount of annual leave provided[:]

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

(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.] 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, employees may not be granted sick leave due to personal illness or injury for any period during which it is known that they perform outside employment. Any exceptions to this rule must be justified and documented. An exception to the rule might be where employees confined at home because of pregnancy or recuperation from illness or injury, engage in sedentary work such as 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 employees from carrying out [their] official duties, it might not prevent them from engaging in some form of simple sedentary work.

**[i.] Involuntary Annual and Sick Leave**

(1) An employee shall not be placed on involuntary annual leave as a disciplinary measure, or during an advance notice period of proposed separation, removal, or suspension for more than 30 calendar days. (See 5 CFR 752.404 and VA Handbook 5021 – Enforced annual leave during a notice period is suspension).

(2) Other than as provided in subparagraph (1) above, an employee may be placed on involuntary annual or sick leave when the needs of the service dictate. In field facilities, such action must be approved by the facility head, and in Central Office by Administration Heads, Assistant Secretaries, Other Key Officials, and Deputy Assistant Secretaries. Such leave shall be terminated when the employee reports for duty and is determined able to perform his or her duties.

(3) Employees, who, because of illness (mental or physical) are unable to perform their duties, may be placed on involuntary sick leave. Administration Heads, Assistant Secretaries, Other Key Officials, Deputy Assistant Secretaries and field facility heads must approve such actions. Such sick leave will be terminated when the employee reports for duty and competent medical authority determines that the individual is able to perform [their] assigned duties.



(4) 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 assigned 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 LWOP status (38 Comp. Gen. 203) as leave account balances or circumstances may require. When the immediate emergency has 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 assigned duties, continuation of the enforced leave would be unauthorized. Refer to the information on excused absence in paragraph 12j for instructions about enforced absence in a pay status without charge to leave when the employee is ready and able to perform assigned duties, but it is determined not to be in the public interest to restore the employee 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 a determination whether to impose a suspension.

[j.] **Leave Accumulation for Overseas Employees.** Refer to 5 U.S.C. 6304(b) and 5 CFR 630, subpart F for information about leave for employees recruited for service outside the United States and District of Columbia.

## 5. ABSENCE FOR MATERNITY OR PATERNITY REASONS

### a. General

(1) Leave related to maternity reasons may consist of sick leave, annual leave, LWOP, or Family and Medical Leave. Statutory and regulatory procedures for implementing Family and Medical Leave entitlements are found in 5 U.S.C. 6381-6387 and 5 CFR 630.1201-1211. Pregnancy will not jeopardize an employee's job.

(2) The granting of leave for maternity reasons will take into consideration the need for protecting the mother and the infant, to avoid occupational hazards to other employees, and for maintaining work requirements. Leave for maternity reasons is not to be construed as sanctioning the use of sick leave for infant care or the conditions of pregnancy without regard to whether the employee is incapacitated for duty or undergoing medical treatment.

### b. Notice and Starting Date of Leave

(1) An employee shall be encouraged to report a pregnancy to her supervisor 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 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 each individual case. Under no circumstances will a department-wide, facility-wide, or office-wide practice be adopted of establishing such a date uniformly for all persons.

**c. Procedure for Requesting and Approving Sick Leave for All Employees**

(1) **Responsibility for Approving Sick Leave.** It is incumbent on every individual responsible for approving applications for sick leave to ascertain that the circumstances of absence justify approval, and that sick leave is available. If for any reason an employee's statement or the medical certificate furnished is not considered satisfactory, the person authorized to approve leave will take necessary steps to obtain additional evidence in support of the employee's request for sick leave.

(2) **Notification of Illness.** An employee who is absent from duty on account of sickness will notify the person authorized to approve leave or other appropriate persons as early as practicable [as set forth in Part III, Chapter 2, paragraph 4(b)(1)].

(3) **Submission of Application.** Sick leave not in excess of 3 days (two workdays for full-time nurses and nurse anesthetists on the Baylor Plan may be approved without a medical certificate. However, in cases that indicate excessive absence on account of illness or where there appears to be an abuse of the sick leave privilege, medical certificates may be required for any period of absence provided the employee has been informed in advance, in writing, that such a requirement has been established for that person. All requests for sick leave must be entered into the ETA system and will be entered within 2 days after the employee's return to duty unless the leave was requested in advance. Requests for sick leave in excess of 3 days will be supported by a medical certificate or other evidence administratively acceptable, e.g., where a doctor is not available or where the employee's illness does not require a doctor, proper certification, in writing, by the employee may be accepted instead. Medical certificates or other evidence of illness which may be required will be submitted within 15 days after the employee's return to duty. [If, due to circumstances beyond the control of the employee, he or she is unable to provide the documentation within 15 calendar days, the employee must provide the evidence or medical certification no later than 30 calendar days after returning to work. An employee who does not provide the required evidence within 30 calendar days is not entitled to sick leave.]

(4) **Medical Examination for Employees Who Are VA Claimants or Beneficiaries.** Employees who are ordered by proper authority in VA to report for physical examination or observation as claimants or beneficiaries of VA will be granted sick leave. "Authorized absence" will not be granted for this purpose. (See par. 9j for type of leave granted for medical examinations of employees who are not VA claimants or beneficiaries.)

(5) **Medical Treatment for Disabled Veteran-Employees.** On presentation by a veteran employee who has a service-connected disability or any other disability of a statement from medical authority that treatment is required, annual or sick leave will be granted, if available; otherwise, LWOP will be granted. The granting of such leave is mandatory provided that the veteran gives prior notice of definite days and hours of absence for medical treatment (Executive Order 5396, dated July 17, 1930).

(6) **Sickness During Annual Leave.** When sickness occurs during a period of annual leave of any employee, the period of illness may be charged as sick leave and the charge against annual leave reduced accordingly. Application for such substitution of sick leave for annual leave will be made promptly and will be supported by a medical certificate or other evidence determined to be acceptable.



(7) **Sick Leave During LWOP.** When sickness occurs during an approved period of LWOP and lasts 3 or more consecutive days (2 or more consecutive workdays for full-time nurses and nurse anesthetists on the Baylor Plan), the period of illness may be charged to sick leave, in accordance with provisions set

**PART III  
CHAPTER 3**

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

**i. Sick Leave for [General] Family Care [or] Bereavement [Purposes]**

(1) **Definition**[ ]. For purposes of this subparagraph, "family member" means: spouse and parents thereof; children, including adopted children and spouses thereof; parents; brothers and sisters and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

(2) **Leave for Family Care [or Bereavement Purposes]**. In addition to the reasons for granting sick leave in this paragraph, leave approving officials may grant or advance sick leave for:

(a) [Care of a family member who is incapacitated] as a result of physical or mental illness, injury, pregnancy[, or] childbirth[;]

(b) [Care of a family member as a result of] medical, dental or optical examination or treatment;

(c) [Making arrangements necessitated by the death of a family member];

(d) [Attending the funeral of a family member; or]

[(e) Adoption (this may include appointments with adoption agencies, social workers and attorneys; court proceedings; required travel; or any other activities necessary for the adoption to proceed).]

(3) **Limitations on Sick Leave for Family Care [or Bereavement Purposes]**. Leave under paragraphs (2)(a) through (2)[(d) is] limited as follows:

(a) Full-time employees charged leave on a daily basis may take up to [13] days of sick leave in a leave year[.]

(b) Full-time employees charged leave on an hourly basis may take up to [104] hours of sick leave in a leave year[.] Leave taken by employees on the Baylor Plan is [ ] multiplied by 1.667 and [employees on the 36/40 AWS is multiplied by 1.111 when] determining these limitations.

(c) Part-time employees may take up to [ ] the amount of sick leave they would accrue in [a] leave year.

(4) **Sick Leave to Care for a Family Member with a Serious Health Condition**. An employee may use up to a total of 12 administrative workweeks of sick leave each leave year to care for a family member with a serious health condition subject to the following limitations:

(a) Full-time employees charged leave on a daily basis may take up to a total of 12 administrative workweeks (60 days) of sick leave in a leave year to care for a family member with a serious health condition, subject to the following limitations:

(1) If an employee previously has used any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the 12 [workweeks] (60 days) entitlement.

(2) If an employee has already used 12 weeks (60 days) of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days in the same leave year for general family care [or bereavement] purposes.

[ ]

[(a)] Full-time employees charged leave on an hourly basis may take up to a total of [(480 hours)] 12 administrative workweeks [ ] of sick leave in a leave year to care for a family member with a serious health condition, subject to the following limitations:

(1) If an employee previously has used any portion of the 104 hours of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the [480 hours (12 workweeks)] entitlement.

(2) If an employee has already used [480 hours (12 workweeks)] of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 104 hours in the same leave year for general family care [or bereavement] purposes.

[ ]

[(a)] Part-time employees [and employees on uncommon tours of duty] are also covered and may take [up to the] amount of sick leave equal to 12 times the average number of hours in his or her scheduled tour of duty each week during a leave year, subject to the following limitations[:]

(1) If an employee previously has used any portion of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the total number of available hours.

(2) If an employee has already used the maximum amount of sick leave permitted to care for a family member with a serious health condition, he or she cannot use additional hours in the same year for [general] family care [or bereavement purposes].

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

(4) [**Relation to Family and Medical Leave Act.** Sick leave under subparagraph i(2) above does not count towards an employee's entitlement under the Family and Medical Leave Act (5 U.S.C. 6381-6387) unless the employee notifies the leave approving official in advance of intent to substitute sick leave for leave without pay taken under the Family and Medical Leave Act].



**PART III  
CHAPTER 3**

(5) [**Leave Approving Officials.** Leave approving officials may grant or advance sick leave to title 38 employees as described in subparagraph i(2); however, approvals or denials are to be consistent with the limitations in subparagraph i(3) as well as the criteria for approving or advancing sick leave].

(6) [**Record Keeping.** Title 38 employees are not covered by the "Federal Employees Family Friendly Leave Act," Pub. L. 103-388. However, to monitor use of this type of leave and to ensure consistency between payroll practices for title 5 and title 38 employees, the record keeping procedures found at [5 CFR 630.406] will be used].

[ ]

## **6. ACCRUALS OF ANNUAL AND SICK LEAVE**

a. **Accruals for Full-Time Physicians, Dentists, Podiatrists, Chiropractors, or Optometrists Appointed Under 38 U.S.C. 7401, 7405 or 7306.** Annual and sick leave shall accrue to full-time physicians, dentists, podiatrists, chiropractors, or optometrists during full biweekly pay periods while in a leave with pay status or in a combination of pay and nonpay status. Annual and sick leave will accrue for fractional pay periods as authorized by the Under Secretary for Health (see VHA Supplement to MP-4, part II, tables 1.02 and 1.02.1).

b. **Accruals for Full-Time Nurses, Nurse Anesthetists, PAs, EFDAs, 7306 Appointees in Title 5 or Hybrid Title 38 Occupations, or Part-Time Employees.** Annual and sick leave shall accrue to full-time nurses, nurse anesthetists, PAs, EFDAs, 7306 appointees **in Title 5 or Hybrid Title 38 occupations**, or part-time employees during each full biweekly pay period while in a leave with pay status or in a combination of pay and leave without pay status. Such an employee who initially enters on duty on the first workday after the beginning of the pay period shall be deemed to have been appointed at the beginning of the pay period, thereby enabling completion of a full biweekly pay period for leave accrual purposes. For example, an employee who's first workday is after a Monday holiday which occurs the first week of the pay period shall be deemed to have been appointed at the beginning of the pay period for leave accrual purposes.

c. **Accruals During Periods of Suspension.** Annual and sick leave shall accrue to full- and part-time employees during a period of suspension provided the employee is restored to duty and it is determined that the suspension was not justified.

## APPENDIX A. SAMPLE SICK LEAVE QUESTIONS AND ANSWERS

- **Sick Leave for Family Care [or] Bereavement [Purposes]**

**Q.** *Jerry[, a full-time employee,] wants to take 2 weeks off when his wife comes home from the hospital with their new baby. [Jerry used 10 hours of sick leave earlier in the leave year.] Can he use sick leave? How much?*

**A.** Full-time employees may use [104] hours of sick leave each [leave] year to provide medical care and assistance to family members. [ ] Part-time employees and employees with uncommon tours of duty are permitted to use sick leave in an amount [equal to the number of hours of sick leave he or she normally accrues during a leave year. Jerry may be granted 80 hours of sick leave to provide assistance to his wife. In conjunction with the previously used 10 hours of sick leave and the current requested 80 hours of sick leave, Jerry will use a total of 90 hours of sick leave for the leave year. Jerry may use an additional 14 hours of sick leave during the leave year for general family care or bereavement purposes.]

**Q.** *Sharon is a new employee and has a balance of 23 hours of sick leave in her account. Sharon has requested sick leave to care for her son who broke his leg falling out of a tree. How much sick leave can she use?*

**A.** Sharon may use her [current balance of] 23 hours of sick leave to care for her son. [She may also request an additional 81 hours of advance sick leave to care for her son, if necessary. Employees may use up to a maximum of 104 hours of sick leave each leave year for general family care and bereavement purposes]. [ ] However, there is no entitlement to receive advance sick leave. Advancing leave is always [at the] discretion [of management].

**Q.** *Joel has been named executor of his mother's estate. He used 20 hours of sick leave to make arrangements for and attend the funeral. It is now 3 months later. Joel has requested 32 hours of sick leave to meet with the lawyers and to appear in probate court. He has 289 hours of sick leave. Is he entitled to sick leave?*

**A.** An employee may use sick leave to "make arrangements necessitated by the death of a family member." This may include funeral arrangements and other immediate actions necessary, including the reading of the will. However, for absences necessary to settle the estate of the deceased, annual leave and leave without pay (at the [ ] discretion [of management]) are appropriate.

- **Sick Leave to Care for a Family Member with a Serious Health Condition**

**Q.** *John wants to use some of his 600 hours of sick leave to be with his wife while she is in labor and delivery and stay with her and the new baby afterwards. He has requested 12 weeks of sick leave.*

**A.** John is entitled to use [up to 12 administrative workweeks of] sick leave to care for his wife. However, the entitlement to use sick leave is limited to the period of his wife's incapacitation--generally 6 to 8 weeks for most births. There is no entitlement to use sick leave to care for a healthy newborn.

## PART III

## APPENDIX A

- **Sick Leave for [General] Family Care [or] Bereavement [Purposes] and Sick Leave to Care for a Family Member with a Serious Health Condition**

*Q. Jennifer has 500 hours of sick leave in her account and her husband Mel has more than 1,000 hours of sick leave. Their daughter has the flu. Jennifer has used 72 hours of sick leave for general family care purposes this year, and Mel has used 40 hours. They decide to alternate days off on sick leave to care for their daughter. How much leave can each of them use?*

**A.** Jennifer is limited to an additional 32 hours at this time, since she has already used 72 hours for general family care purposes[. The maximum amount of sick leave that Jennifer may use per leave year for general family care or bereavement purposes is 104 hours (13 days).] Mel may use an additional 64 hours of sick leave for general family care [or bereavement] purposes.

*Q. After 2 days, Jennifer's daughter is rushed to the hospital with a severe asthma attack as a result of complications of the flu. She will be hospitalized until the asthma is under control and her condition stabilizes (at least 2-3 days). Jennifer and Mel request additional sick leave for family care. How much sick leave can Jennifer and Mel use at this time?*

**A.** [Employees are entitled to use up to a total of 480 hours (12 administrative workweeks) of sick leave to provide care to a family member with a serious health condition. Jennifer has now used 80 hours of sick leave (she has 420 hours of sick leave remaining in her account) and Mel has used 48 hours of sick leave for family care purposes. Jennifer and Mel may each use up to a total of 480 hours of sick leave, less any sick leave previously used for family care.]

- **Sick Leave for Adoption**

*Q. Carl and his wife are in the process of adopting a child. He will need to take a number of days off from work to finalize the adoption. How much sick leave can Carl use for adoption purposes?*

**A.** Carl may use an unlimited amount of sick leave for purposes related to the adoption of a child. For example: Appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; any period of time the adoptive parents are ordered or required by the adoption agency or by the court to take time off from work to care for the adopted child; and any other activities necessary to allow the adoption to proceed. **Sick leave may not be used by adoptive parents who voluntarily choose to be absent from work to bond with an adopted child.**