HOURS OF DUTY AND LEAVE

- 1. **REASON FOR ISSUE:** To revise Department of Veterans Affairs (VA) policy regarding 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. Revised text is contained in [brackets]. This revision removes the provision that annual leave, sick leave or leave without pay must be granted for medical treatment of disabled veteran employees under Executive Order 5396 for disabilities that are not service-connected. This change will be incorporated into the electronic version of VA Handbook 5011 that is maintained on the Office of Human Resources Management Web site.
- **3. RESPONSIBLE OFFICE:** Worklife and Benefits Service (058), Office of the Deputy Assistant Secretary for Human Resources Management.
- **4. RELATED DIRECTIVE:** VA Directive 5011, Hours of Duty and Leave.

5. **RESCISSIONS:** None.

CERTIFIED BY:

BY DIRECTION OF THE SECRETARY OF VETERANS AFFAIRS:

/s/Roger W. Baker Assistant Secretary for Information and Technology /s/Rafael A. Torres Acting Assistant Secretary for Human Resources and Administration

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- 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.** [In accordance with Executive Order 5396, dated July 17, 1930, a disabled veteran must be granted sick or annual, or LWOP if necessary, for medical treatment when presenting an official statement from a duly-constituted medical authority that medical treatment is required. The veteran must give prior notice of the period during which absence for treatment will occur].
- (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.