

HOURS OF DUTY AND LEAVE

1. REASON FOR ISSUE: To implement provisions of the “Caregivers and Veterans Omnibus Health Service Act of 2010” (Public Law 111-163, dated May 5, 2010) as it relates to hours of duty and leave for registered nurses within the Veterans Health Administration (VHA).

2. SUMMARY OF CONTENTS/MAJOR CHANGES: This handbook contains mandatory procedures for 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]. These changes will be incorporated into the electronic version of VA Handbook 5011 that is maintained on the [Office of Human Resources Management Web site](#). Significant changes include:

- a. Replaces the 36/40 alternate work schedule for registered nurses with the 72/80 alternate work schedule. Nurses on this schedule work six 12-hour tours of duty wholly within a pay period and are considered for all purposes to have worked a full 80-hour pay period;
- b. Clarifies that nurses on 72/80 work schedules who are not scheduled to work on a holiday or the day designated as a holiday are not entitled to an in-lieu of holiday;
- c. Adds a minimum charge for annual and sick leave for nurses on this schedule of one-quarter hour (15 minutes);
- d. Eliminates outdated annual “Certification of Compliance with Provisions of Department of Veterans Affairs Health Care Personnel Enhancement Act of 2004” reporting requirement. However, facilities must still maintain a policy that prevents nurses providing direct patient care (other than nurses providing emergency care) from working in excess of 12 consecutive hours or 60 hours in any 7-day period;
- e. Requires nurses officially ordered or approved hours of service in excess of 40 hours in an administrative week, or in excess of 8 consecutive hours, shall receive overtime pay for each additional hour of service;
- f. Establishes limitations on overtime duty, weekend duty, and alternative work schedules for nurses; and
- g. Modifies the leave charge for nurses on the Baylor Plan. Instead of being charged 1.667 hours of leave for each hour of annual or sick leave taken, nurses on the Baylor Plan will be charged leave on an hourly basis.

NOTE: *Since 38 U.S.C. 7454(a) provides that physician assistants and expanded-function dental auxiliaries shall be entitled to additional pay on the same basis as provided for nurses in section 38 U.S.C. 7453, the overtime change for nurses also affects physician and expanded-function dental auxiliaries.*

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:**

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PART I

3. DEFINITIONS

- a. **Accrued Leave.** The leave earned by an employee during the current leave year that is unused at any given time in that leave year.
- b. **Accumulated Leave.** The unused leave remaining to the credit of an employee at the beginning of a leave year.
- c. **Administrative Workweek.** The calendar week, Sunday through Saturday.
- d. **Alternate Work Schedules for Registered Nurses**
- (1) **[72/80] Work Schedule.** [Six] regularly scheduled 12-hour tours of duty [wholly] within [a pay period] that is considered for all purposes to be a full [80] hour [pay period].
- (2) **9-Month Work Schedule.** Nine months part-time with three months off duty within a fiscal year, paid at 75 percent of the full-time rate for such nurse's grade and step each bi-weekly pay period of the fiscal year.
- (3) **Baylor Plan.** Two regularly scheduled 12-hour tours of duty contained entirely within the first and last day of the administrative workweek (Sunday and Saturday).
- e. **Basic Workweek**
- (1) For full-time employees (other than physicians, dentists, podiatrists, chiropractors, optometrists, nurses, nurse anesthetists, physician assistants (PAs) and expanded-function dental auxiliaries (EFDAs) appointed under 38 U.S.C. Chapters 73 or 74), basic workweek is the 40 hour workweek established in accordance with 5 CFR 610.111 and Part II, Chapter 2 of this handbook.
- (2) Full-time physicians, dentists, podiatrists, chiropractors, and optometrists to whom the provisions of Part II, Chapter 3 of this handbook apply shall be continuously subject to call unless officially excused by proper authority. This requirement as to availability exists 24 hours per day, 7 days per week.
- (3) For full-time nurses, nurse anesthetists, PAs and EFDAs, basic workweek means a 40-hour workweek established in accordance with the provisions of Part II, Chapter 3 of this handbook. A [72/80] Work Schedule and the Baylor Plan (24-hour) basic workweek [] established in accordance with the provisions of Part II, Chapter 3 of this handbook is applicable only to full-time nurses and nurse anesthetists. Employees under the 9-Month Work Schedule are considered part-time employees, except for purposes of health insurance per 38 U.S.C. 7456A(d)(4).
- f. **General Leave Terms.** In administering 5 U.S.C. ch. 63, VA will observe the definitions in 5 CFR 630.201.
- g. **Intermittent Employment.** This term refers to the employment of an individual under the provisions of 38 U.S.C. 7405 (a)(1)(A) on an intermittent basis.

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PART II. HOURS OF DUTY

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c. **Periodic Review of Schedules.** Duty schedules should be reviewed periodically to ensure that they meet the needs of the service efficiently with due consideration being given to employee needs. Particular attention should be given to tours of duty which include standby time or regular overtime.

d. **Labor Relations.** Management should meet its local labor relations responsibilities when implementing policies under this chapter.

NOTE: *The establishment of workweeks in accordance with the provisions of 5 CFR 610.111(b) is not authorized within VA.*

2. WORK SCHEDULE INFORMATION. Approved tours of duty, by Time and Leave Unit, are available electronically to all employees from the Payroll Office.

3. OVERTIME

a. **General.** Overtime work means each hour of work in excess of 40 hours in an administrative workweek or in excess of 8 hours in a day, whichever is the greater number of overtime hours. Excluded are employees on compressed work schedules or the Baylor Plan (see paragraph 11 of this chapter and VA Handbook 5007). [(Guidance for overtime requirements for hybrid employees designated to receive premium pay on the same basis as registered nurses can be found in Part II, Chapter 3, paragraph 5g(2)(a).] Overtime is considered an expedient to be used only under conditions wherein necessary operations cannot be performed through planned coverage by on-duty personnel during their regular non-overtime basic workweek. Supervisory personnel must obtain proper authorization for overtime before permitting or requiring the performance of overtime work by an employee. Administration heads and other top officials are authorized to prescribe, in their responsible areas, such limitations as are necessary to provide control and prevent abuse of the use of overtime. Each responsible official must assure that the rights of employees to compensation for overtime services are observed. Each responsible official shall also adhere to a policy of authorizing only such overtime as can be readily demonstrated as wholly supported from the standpoint of emergency and/or efficiency in carrying out his/her responsibilities, and with due regard to cost and the availability of current funds. (See also part III of this handbook regarding use of annual leave in proximity to overtime.) Any overtime duty required of employees should be equitably distributed consistent with the needs of the office. However, overtime duty should not be required of employees when it will impair their health or efficiency or cause extreme hardship to them.

NOTE: *See VA Directive 4100 regarding procedures for use of VA Form 1098, Request for and Authorization of Overtime Work (if not utilizing the Enhanced Time and Attendance (ETA) program).*

b. **Regular Scheduled Overtime.** A regularly scheduled administrative workweek consisting of a period of overtime work, either as a part of or in addition to the 40-hour basic workweek, may be established by administration heads or staff office heads, or their designees, for their respective personnel within Central Office, and by field facility heads. When a National Cemetery is involved, the Director of the appropriate National Cemetery Area Office will make this determination. If the regular overtime work is not expected to recur over an extended period of time (at least 2 consecutive administrative workweeks), it may be authorized by the officials listed above. For purposes of leave and overtime pay administration, the authorization shall specify for such employee(s), by calendar days and number of hours a day, the overtime periods included in the regularly scheduled administrative workweek. Compensatory time off in lieu of

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b. **Administrative and Non-Duty Days and Days Off.** Full-time physicians, dentists, podiatrists, chiropractors, and optometrists shall be permitted some periods of time free from official duty to the extent that this does not impair provision of essential services in patient treatment and care. Each such full day granted shall be called an “administrative non-duty day.” Full-time VA Central Office and VA outpatient clinic employees will normally perform duty Monday through Friday of each workweek. The remaining 2 days (Sunday, the first day of the workweek and Saturday, the last day of the workweek) shall be designated as the administrative non-duty days of the workweek for physicians, dentists, podiatrists, chiropractors, and optometrists or the days off for nurses, nurse anesthetists, PAs and EFDAs. Unusual circumstances may make it necessary, however, for the Under Secretary for Health, chief consultants, or facility directors, as appropriate, to alter these provisions for specific individuals or groups of individuals in the best interests of the service.

c. Establishment of Regularly Scheduled Administrative Workweeks

(1) When the official responsible for work scheduling knows in advance of an administrative workweek that the specific days and/or hours of a day actually required of an employee in that administrative workweek will differ from those required in the current administrative workweek, that official shall reschedule the employee’s regularly scheduled administrative workweek to correspond with those specific days and hours. The official shall inform the employee of the change and shall be responsible for ensuring that the change is recorded on the employee’s time card or its electronic equivalent.

(2) In the exercise of this authority, officials shall prescribe individual hours of duty and changes to such hours as far in advance as possible. Such officials are also to give employees consideration in arranging schedules so long as such consideration is compatible with VA work requirements.

(3) Full-time nurses, nurse anesthetists, PAs, and EFDAs shall be scheduled in advance for a 40-hour basic workweek in each administrative workweek, except that full-time nurses and nurse anesthetists on [] Alternate Work Schedules such as a [72/80] Work Schedule and the Baylor Plan shall be scheduled in advance in each administrative workweek.

(a) The basic workweek for a registered nurse working a [72/80] Alternate Work Schedule will consist of [six] regularly scheduled 12-hour tours of duty [wholly] within a [pay period]. Under this work schedule the registered nurse is considered for all purposes to have worked a full [80] hour [pay period].

(b) The basic workweek for a registered nurse working the 9-Month Alternate Work Schedule will consist of five 8-hour days, exclusive of the meal period, with 3 months off duty within a fiscal year.

(c) The basic workweek for registered nurses working the Baylor Plan work schedule will consist of two regularly scheduled 12-hour tours of duty contained entirely within the first and last day of the administrative workweek (Sunday and Saturday).

(d) The normal tour of duty within the 40-hour basic workweek shall consist of five 8-hour days, exclusive of the meal period. A full-time nurse or nurse anesthetist shall be placed on an Alternate Work Schedule only at the beginning of the administrative workweek and taken off at the end of the administrative workweek.

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h. **Accountability.** Timekeeping documents shall reflect actual hours worked by full-time, part-time, and intermittent employees. Failure to appropriately monitor compliance with the policies and procedures in this handbook, or failure to properly account for time and attendance may result in appropriate disciplinary and/or legal action.

3. HOLIDAYS. Employees shall be excused to the extent possible for observance of the following holidays and non-workdays designated by Federal Statute or Executive Order: January 1, the third Monday in January, the third Monday in February, the last Monday in May, July 4, the first Monday in September, the second Monday in October, November 11, the fourth Thursday in November, December 25, and any other calendar day designated as a holiday or non-workday by Federal Statute or Executive Order. However, notwithstanding the preceding provisions of this subparagraph, full-time nurses and nurse anesthetists on the Baylor Plan shall not be entitled to holidays.

a. Full-Time Employees (Except Nurses and Nurse Anesthetists on the Baylor Plan)

(1) For employees whose basic workweek is Monday through Friday, holidays falling on a Sunday shall be observed the following Monday; holidays falling on Saturday shall be observed on the preceding Friday; and all other holidays shall be observed on the day they occur.

(2) For employees whose basic workweek is other than Monday through Friday, the employee's first day off in the calendar week is designated as the day off in lieu of Sunday and the employee's second day off in the calendar week is designated as the day off in lieu of Saturday.

(a) When a holiday falls on the day designated as a day off in lieu of Sunday, the employee's next workday shall be the day observed as the holiday for that employee.

(b) When a holiday falls on the day designated as a day off in lieu of Saturday, the employee's preceding workday shall be the day observed as the holiday for that employee.

b. Part-Time Employees. Part-time employees who are excused from duty on a holiday are entitled to their regular pay for that day. Otherwise eligible part-time employees required to work on holidays are not entitled to holiday premium pay for such service. However, employees whose absence is not authorized will be considered absent without leave and shall lose pay for the day.

c. In-Lieu Non-workday. An in-lieu non-workday may be granted to full-time physicians, dentists, podiatrists, chiropractors, and optometrists, for work performed on a holiday or the day observed as a holiday, provided the full-time employee's services can be spared without detriment to patient care. Such in-lieu day if authorized must be taken within 90 days by the full-time employee concerned. Full-time employees who are assigned to work on holidays and whose absences were not authorized will be reported as being on unauthorized absence and will lose pay for that day.

NOTE: *An in-lieu non-workday shall not be authorized for a nurse, nurse anesthetist, PA or EFDA who works on a holiday. [Nurses working on 72/80 work schedules who are not scheduled to work on a holiday shall not be entitled to an in-lieu of holiday.]*

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(b) In the case of a part-time employee, a biweekly basic work requirement which is scheduled for less than 10 workdays.

(6) **Core Time Band.** Those designated hours and days during the biweekly pay period when an employee on a flexible schedule must be present for work.

(7) **Flexible Time Band.** That part of the schedule of working hours during which, under procedures contained herein, employees may choose their time of arrival and departure from the worksite, within limits consistent with the duties and responsibilities of their positions.

(8) **Flexitime.** A system of work scheduling which splits the workday into two distinct kinds of time: the core time band and the flexible time band.

(9) **Flexitour.** A flexible schedule in which an employee, having once selected starting and stopping times within the flexible time bands, continues to adhere to these times. Employees may request different starting and stopping times. Such tours, and changes to such tours, however, must be approved by the employee's supervisor and documented in accordance with the procedures contained herein.

(10) **Modified Flexitour.** A type of flexitime where the employee selects a starting time and stopping time within the established flexible time band and, once selected, this becomes the employee's assigned schedule. The employee, however, is given 15 minutes of flexibility on either side of the selected arrival time. The actual time of arrival becomes the employee's starting time for the day. For example, an employee selecting 7:30 a.m. as a starting time under the modified flexitour may report for work anytime between 7:15 a.m. and 7:45 a.m. If the employee arrives at 7:20 a.m., this becomes the employee's starting time for that day. Assuming a half-hour lunch period, the departure time would be 3:50 p.m. If the same employee reports at 7:05 a.m., his or her starting time would not begin until 7:15 a.m. The same employee arriving at 7:50 a.m. is 5 minutes tardy. Under the modified flexitour, the starting time, and changes in the starting time, must be approved by the supervisor and documented in accordance with the procedures contained herein.

(11) Overtime Work

(a) For the purpose of flexitime, overtime means all hours of work in excess of 8 [consecutive] hours [] or 40 hours in a week which are officially ordered or approved in advance.

(b) For the purposes of compressed work schedules, overtime work means:

1. For full-time employees, the term "overtime hours" refers to officially ordered or approved hours of work performed in excess of the employee's basic work requirement.

2. For part-time employees, overtime hours are those hours of work performed in excess of the basic work requirement for a [scheduled period of service] (but must be in excess of 8 [consecutive] hours) or for a week (but must be in excess of 40 hours)[, or in excess of 80 hours in the pay period].

(a) **Overtime Hours.** Paragraph 5c of this chapter contains a definition of overtime hours for employees on flexible schedules. Such employees, however, are also eligible for callback overtime if they meet the conditions outlined in VA Handbook 5007.

(b) **Additional Pay for Night Work**[. [An employee on a flexible schedule, who performs work within the period commencing at 6 p.m. and ending at 6 a.m., shall be entitled to additional pay for such work under the provisions of VA Handbook 5007.]

(c) **Additional Pay for Holiday Work**

1. A full-time employee on a flexible schedule, who performs non-overtime work on a day designated as his or her holiday, is entitled to his or her rate of basic pay, plus the applicable amount of additional pay for holiday work authorized under VA Handbook 5007, Pay Administration, for each hour of non-overtime holiday worked.

2. A part-time employee on a flexible schedule is entitled to the applicable amount of additional pay for holiday work, authorized under VA Handbook 5007 and chapter 2 of this part, for the number of hours he or she was scheduled to work that day, up to a maximum of 8 hours. Part-time employees are not entitled to a day off in lieu of the holiday. (See subparagraph (6) below.)

(d) **Additional Pay for Saturday or Sunday Work.** An employee on a flexible schedule, who performs work on a Saturday or Sunday, shall be entitled to additional pay for such work under the provisions of VA Handbook 5007.

(5) **Absence and Leave**

(a) For employees on flexible schedules, time off during the flexible and core time bands must be charged to the appropriate leave category, compensatory time off or excused absence, if appropriate.

(b) The maximum amount of sick or annual leave an employee may apply to his or her basic work requirement for any given day is the number of hours the employee is scheduled to work that day.

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c. For which the employee is qualified: and

d. Which is acceptable to the employee.

3. Determinations under this subparagraph shall be made no later than 10 days after the written request is received by the appropriate deciding official.

(1) The approving official may exclude from compressed workweeks any employee or group of employees whose inclusion would create an adverse impact (see chapter 2, paragraph 11g(5)).

(2) **Computation of Additional Pay**

(a) **Overtime Hours.** The term “overtime hours” refers to hours of work officially ordered or approved and performed in excess of the basic work requirement [for the scheduled period of service (but must be in excess of 8 consecutive hours) or the administrative workweek (but must be in excess of 40 hours), or in excess of 80 hours for the pay period]. [] In order to qualify for callback overtime on a compressed tour, the period of callback must be outside of and unconnected with the employee’s basic work requirement and must qualify as overtime as stated above.

(b) **Night Differential**

1. [An employee who performs service within the period commencing at 6 p.m. and ending at 6 a.m. shall receive additional pay for each hour of service provided 4 or more hours] fall between 6 p.m. and 6 a.m.

2. If less than 4 hours of [service] fall between 6 p.m. and 6 a.m., the employee will be entitled to night differential for each hour of service performed between those hours.

(c) **Additional Pay for Holiday Work.** Employees on compressed work schedules who perform non-overtime work on the day designated as their holiday are entitled to their basic rate of pay, plus premium pay equal to basic pay for that holiday work.

(d) **Saturday Pay.** Employee on compressed schedules are entitled to additional pay for Saturday work if they perform work for which such additional pay is authorized (see part V, chapter 6 of VA Handbook 5007).

(e) **Sunday Pay.** Employees on compressed schedules who perform work during a period of service, a part of which is performed on Sunday, are entitled to Sunday premium pay for the entire period of service (see part V, chapter 6 of VA Handbook 5007).

(3) Absence and Leave**(a) Holidays****1. Full-Time Employees**

a. When a holiday falls on a workday in the employees' compressed workweek that workday shall be designated as their holiday.

b. When a full-time employee on a compressed schedule has 2 non-workdays in the administrative workweek, the first day off shall be considered the employee's "Sunday" and the second day off shall be considered the employee's "Saturday." If the holiday falls on the employee's "Sunday," the first workday following that day shall be designated as the employee's day off in lieu of the holiday. If the holiday falls on the employee's "Saturday," the first workday preceding that day shall be designated as the employee's day off in lieu of the holiday. These rules shall apply whether or not the employee's days off actually fall on Saturday or Sunday.

c. When a full-time employee on a compressed workweek has 3 days off in the administrative workweek and the holiday falls on one of these non-workdays, the following rules shall apply:

(1) When the holiday falls on the first or second day off of the administrative workweek, the following workday should be designated as the day off in lieu of the holiday.

(2) When the holiday falls on the third day off of the administrative workweek, the preceding workday shall be designated as the day off in lieu of the holiday.

2. Part-time Employees. If a holiday falls on a day during a compressed workweek for part-time employees, and if the employees are prevented from working, they are entitled to pay for the number of hours they were scheduled to work that day. Part-time employees are not entitled to a day off in lieu of the holiday.

(b) Leave. Time off from an employee's basic work requirement must be charged to the appropriate leave category unless the employee is authorized compensatory time off or excused absence.

(c) Excused and Unexcused Absences. The amount of excused or unexcused absence shall be based on the employee's established compressed work schedule in effect for the period of the absence.

(4) Criteria and Review. See chapter 2, paragraph 11g(5).

(5) Prohibition of Coercion. See chapter 2, paragraph 11g(8).

[7.] ALTERNATE WORK SCHEDULES FOR REGISTERED NURSES

a. General. This section provides mandatory hours of duty and leave policies and procedures related to a [72/80] Work Schedule and the Baylor Plan and applies to nurses and nurse anesthetists appointed at VA health-care facilities under 38 U.S.C. 7401(1) or 7405a(1)(A). This section also provides procedures

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related to the 9-Month Work Schedule for certain nurses and nurse anesthetists appointed under 7405a(1)(A). This section applies to all such nurses who are providing direct patient care services. The use of Alternate Work Schedules is authorized by the Secretary in order to obtain or retain the services of registered nurses at any Department health-care facility.

b. References

(1) 38 U.S.C. 7401(1), 7405(a)(1)(A) and 7456A.

c. Definitions. The following definitions shall apply:

(1) **Administrative Workweek.** A period of seven consecutive calendar days, which coincide with the calendar week, Sunday through Saturday.

(2) Alternate Work Schedules for Registered Nurses.

(a) **[72/80] Work Schedule.** [Six] regularly scheduled 12-hour tours of duty [wholly] within [a pay period] that is considered for all purposes to be a full [80] hour [pay period].

(b) **9-Month Work Schedule.** Nine months full-time with three months off duty within a fiscal year, paid at 75 percent of the full-time rate for such nurse's grade and step each bi-weekly pay period of the fiscal year.

(c) **Baylor Plan.** Two regularly scheduled 12-hour tours of duty contained entirely within the first and last day of the administrative workweek (Sunday and Saturday).

(3) **Basic Work Requirement.** The number of hours during a bi-weekly pay period, excluding overtime hours which an employee is required to work or required to account for by taking official leave.

(4) **Bi-weekly Pay Period.** The pay period covering two administrative workweeks.

(5) **Overtime Work.** For full-time Alternate Work Schedule employees the term overtime hours refer to hours of work officially ordered or approved and performed outside of and in addition to the basic work requirements.

(6) **Nurses.** A registered nurse (RN) or nurse anesthetist appointed under 38 U.S.C. 7401(1) or 7405a(1)(A), but does not include graduate nurse technicians, nurse technicians, student nurse technicians, or the Chief Nursing Officer of the Nursing Services in VA Central Office, who is appointed under 38 U.S.C. 7306.

(7) **Tour of Duty.** Under Alternate Work Schedules, an employee's tour of duty is synonymous with the employee's basic work requirement set by the authorizing official.

(8) **Work Unit.** An entity located in one place with a specific mission and with homogeneous procedures or technology and headed by a supervisor or manager authorized to certify the employee's

VA Form 4-5631, Time and Attendance Report, or other applicable agency documents for reporting employees' work schedules.

d. **Planning Alternate Work Schedules.** A [72/80], 9-Month, and/or the Baylor Plan Alternate Work Schedule require advanced planning and effective employee communication. The positive and negative effects of such Alternate Work Schedules must be carefully considered. If employees affected are in an exclusive unit of recognition the employee involvement will be provided by or coordinated with their exclusively recognized labor organization (only to the extent that Section 7422 does not apply). Questions in this regard should be referred to the Labor Relations staff. A comprehensive analysis of the work requirements in the work unit and evaluating the potential impact on the three types of Alternate Work Schedules on the functions of the work unit should be made. This includes special attention to the following:

(1) Workload Characteristics

(a) Tasks which must be performed within a specific period or according to a predetermined schedule;

(b) How workflow can be adjusted to accommodate a system of a [72/80], 9-Month, or the Baylor Plan work schedules;

(c) The coordination required between work units and functions and employee scheduling;

(d) The period of daily or weekly peak workloads where all or most of the employees in the work unit must be present;

(e) The employee coverage required during public service hours; and

(f) The effect of such schedules on efficiency and productivity of the workload.

(2) **Criteria to Implement the Alternate Work Schedules for Registered Nurses**

(a) **VA Nurses Who May Request a [72/80] Work Schedule.** All full-time or part-time registered nurses and nurse anesthetists under 7401(1) and 7405 appointed to title 38 positions are eligible to request a [72/80] Work Schedule authorized by PL 108-445, except the following:

(1) Graduate nurse technicians

(2) Nurse technicians pending graduation

(b) **Justification.** To maximize the recruiting and retention benefits authorized under PL 108-445 all title 38 RNs except those noted above may request the [72/80] Work Schedule.

(c) **VA Nurses Who May Request a 9-Month Work Schedule.** All full-time or part-time registered nurses and nurse anesthetists under 7401(1) and 7405 appointed to title 38 positions are eligible to request a 9-Month Work Schedule authorized by PL 108-445, except the following:

(1) Graduate nurse technicians.

(1) **[72/80] Work Schedule.** Nurses on a [72/80] Work Schedule are considered a 0.90 full-time equivalent employee [] for the purposes of determining compliance with personnel ceilings. The use of this Alternate Work Schedule is authorized by the Secretary in order to obtain or retain the services of registered nurses at any Department health-care facility.

(2) **9-Month Work Schedule.** Nurses on a 9-Month Work Schedule with 3 months off shall be considered a 0.75 full-time equivalent employee in computing full-time equivalent employees for the purposes of determining compliance with personnel ceilings. An appointment under Section 7405 requires the employee's written consent to work full-time for nine months with 3 months off duty within a fiscal year. The use of this Alternate Work Schedule is authorized by the Secretary in order to obtain or retain the services of registered nurses at any Department health-care facility.

(3) **Baylor Plan.** Nurses on the Baylor Plan are considered to be serving on a full-time basis for all personnel management purposes, except for the computation of full-time equivalent employees for the purposes of determining compliance with personnel ceilings. Therefore, employees serving on less than a full-time basis must be converted to a full-time appointment in accordance with VA Handbook 5005, upon or before being placed on the Baylor Plan. When selecting nurses to be placed on the Baylor Plan, preference shall be given to current employees appointed under 38 U.S.C. 7401(1). Temporary nurses may only be used as a last resort in order to obtain adequate nurse staffing.

g. **Benefits**

(1) Nurses appointed under the Alternate Work Schedule will receive a written notice of the effect, if any, that the Alternate Work Schedule will have on the employee's health and life insurance premiums, retirement, probationary status, or other benefits or condition of employment. Part-time nurses have no tenure or appeal rights related to tenure. The notice shall be provided not later than 14 days (work days) before the employee consents to the Alternate Work Schedule.

(2) **[72/80] Work Schedule.** Nurses on a [72/80] Work Schedules are considered to be full-time employees for all purposes related to benefits.

(3) **9-Month Work Schedule.** Nurses on a 9-Month Work Schedule are considered part-time employees (0.75 full-time equivalent) for purposes of computing benefits under Chapters 83 and 84 of title 5 and are considered full-time employees for purposes of Chapter 89.

(4) **Baylor Plan.** Nurses on the Baylor Plan are considered to be serving as full-time employees for all purposes related to benefits.

h. **Implementation Procedures**

(1) Nurses requesting the [72/80] Work Schedule or the Baylor Plan must complete VA Form 0870a, Request for Alternate Work Schedule. The completed form is to be submitted to the employee's servicing Human Resources (HR) office.

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(2) Nurses requesting the 9-Month Work Schedule must complete VA Form 0870a, Request for Alternate Work Schedule and VA Form 0870b, Consent of Appointment for 9-Month/3-Month Off Alternate Work Schedule. The completed forms are to be submitted to the employee's servicing HR office.

(a) The employee will initiate the process by completing VA Form 0870a, Request for Alternate Work Schedule. Once this schedule has been approved, HR will contact the employee and provide them with either the Notice on the 9-Month Work Schedule Regarding the Impact on Benefits and Other Conditions of Employees for New Hires **or** the Notice on the 9 Month Work Schedule Regarding the Impact on Benefits, Probationary Status and Other Conditions of Employment – Conversion from Full-Time to Part-Time/Current Part-time to 9-Month Work Schedule, as appropriate. Employees must be provided a copy of the appropriate Notice at least 14 days (work days) prior to completion and signing of VA Form 0870b, Consent of Appointment for 9- Month/3-Month Off Alternate Work Schedule. Employees will be responsible for submitting this form to their servicing HR office. A copy of the approved VA Form 0870a must be given to the employee and the original filed on the left side of the employee's Official Personnel Folder (OPF). HR staff should annotate that this form should not be removed from the OPF until the employee is no longer on a 9-Month Work Schedule.

(b) A sample copy of the Notices for new hires and conversion to a 9-Month/3-Month Off Work Schedule are respectively located in Appendix E and F. A copy of the Notice, signed and dated by the employee, should be filed on the left side of the employee's OPF. HR staff should annotate that the Notice should not be removed from the OPF until the employee is no longer on a 9-Month Work Schedule.

(c) Although a 9-Month Work Schedule is based on the fiscal year, it is permissible for an RN to start a 9-Month Work Schedule anytime during the fiscal year, as long as the effective date is the beginning of a pay period.

(d) Employees approved to work a 9-Month/3-Month Off Alternate Work Schedules are expected to fulfill their work schedule obligations. The scheduling of off duty days must have supervisory approval and need to be made in advance at the time of initial appointment and at the beginning of each fiscal year thereafter as long as the schedule is in effect. If an employee receives pay for off- duty days prior to earning the entitlement and subsequently separates from VA for personal reasons, (e.g., life event situation, retirement, resignation) or for cause (e.g. unacceptable performance or conduct), the employee may be subject to debt collection actions for any salary overpayments. Salary overpayments will be subtracted from the employee's final pay. Employees who separate prior to receiving pay for off duty time earned will receive a lump sum payment of the total pay due upon separation.

[]

[i.] **Time and Attendance Records.** (see chapter 2, paragraph 11f(3)) of this part.

[j.] **Computation of Pay for Registered Nurses on Alternate Work Schedules.** Policies concerning pay administration for nurses on Alternate Work Schedules such as a [72/80], 9-Month and the Baylor Plan are contained in VA Handbook 5007, Pay Administration.

[k.] **Computation of Additional Pay for Registered Nurses on [] Alternate Work Schedules.** Policies concerning pay administration for nurses on Alternate Work Schedules such as a [72/80], 9-Month and the Baylor Plan are contained in VA Handbook 5007, Pay Administration.

[l.] **Overtime Hours.** Paragraph 6(c) of this chapter contains a definition of overtime hours for employees on Alternate Work Schedules. Such employees, however, are also eligible for call-back overtime if they meet the conditions outlined in VA Handbook 5007. To ensure the continuity of patient care services, and only when necessary, management can require mandatory overtime. For nurses working under the Alternate Work Schedule, overtime means:

(1) **[72/80] Work Schedule.** A registered nurse is entitled to overtime pay for performing officially ordered or approved overtime services as follows:

(a) Service in excess of [72]-hour tour of duty within a [80-hour pay period].

(b) Service in excess of 12 hour[s] for any day included in the nurse's regularly scheduled [72]-hour tour of duty.

(c) Service in excess of 8 [consecutive] hours on a day other than a day the nurse is regularly scheduled to work a 12-hour tour of duty.

(d) Service in excess of [80] hours during [a pay period].

(2) **9-Month Work Schedule.** [A] registered nurse is entitled to overtime pay for performing officially ordered or approved overtime service as follows, regardless of whether it is performed during the 9-month duty period or the 3-month off duty period:

(a) Service in excess of 40 hours in an administrative workweek.

(b) Service in excess of 8 [consecutive] hours []. For nurses on [compressed] work schedules, overtime pay is payable for service performed in excess of the employee's daily [work requirement].

(3) **Baylor Plan.** A nurse on the Baylor Plan is entitled to overtime pay under 38 U.S.C. 7453(e) or (i) for performing officially ordered and approved overtime service as follows:

(a) Service in excess of 24 hours on the weekend.

(b) Service in excess of 8 [consecutive] hours on a day other than Saturday or Sunday.

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(c) All or part of actual service performed in excess of 40 hours in an administrative workweek, provided such payments were officially authorized. NOTE: *Hours of duty during the basic workweek shall be credited on an hour-for-hour basis when computing the amount of service performed during the administrative workweek.*

[m.] **Additional Pay.** Policies concerning pay administration for registered nurses on Alternate Work Schedules such as [72/80], 9-Month and the Baylor Plan are contained in VA Handbook 5007, Pay Administration. This includes night differential, weekend pay, holiday, and on-call pay.

[n.] **Absence and Leave**

(1) **[72/80] Work Schedule.** For nurses on a [72/80] Work Schedule, time off on approved sick leave or annual leave during a regularly scheduled 12-hour tour of duty should be charged for such leave at a rate of ten hours of leave for every nine hours of absence (charged 1.111 for each hour).

(2) **9-Month Work Schedule.** For nurses on a 9-Month Work Schedule, time off on approved sick leave or annual leave during a regularly scheduled tour of duty should be charged one hour for each hour of sick or annual leave taken.

(3) **Baylor Plan.** [For n]urses on the Baylor Plan [time off on] approved sick leave or annual leave [during a regularly scheduled tour of duty should be charged one hour for each hour of sick or annual leave taken.]

[o.] **Holidays.** (See part III, chapter 3, paragraph 8(a)(b)). *An in-lieu non-workday shall not be authorized for a nurse, nurse anesthetist, PA or EFDA who works on a holiday or the day designated as a holiday.*

[p.] **Excused and Unexcused Absences.** On a [72/80] and the Baylor Plan Alternate Work Schedule, the hours unavailable during the expected tour of duty shall be used to determine the amount of excused or unexcused absence to be granted and/or charged (1.111 leave per hour for [72/80]-hour work schedule and [one hour] leave per hour for the Baylor Plan). On the 9-Month Alternate Work Schedule, the employee's selected shift start and stop time shall be used unless the employee has actually reported for work. In the latter instance, the actual time the employee reports and his or her basic work requirement for that day, shall be used in making the determination.

[q.] **Prohibition of Coercion.** See chapter 2, paragraph 11g(8).

[8. **OVERTIME DUTY FOR NURSING STAFF.** For the purpose of this paragraph “nursing staff” is defined as registered nurses (including nurse anesthetists), licensed practical or vocational nurses, and nursing assistants.

a. **Limitations**

(1) **Full-Time Nursing Staff.** Such staff may not be required to work more than 40 hours in an administrative work week or more than 8 consecutive hours in a day.

(2) **Full-Time Nurses and Nurse Anesthetists on the Baylor Plan.** Such nurses and nurse anesthetists on the Baylor Plan may not be required to work more than:

- (a) 12 hours in a day on Saturday or Sunday; or
- (b) 24 hours on the weekend.

(3) **Full-Time Nurses and Nurse Anesthetists on the 72/80 Work Schedule.** Such nurses and nurse anesthetists on the 72/80 Work Schedule may not be required to work more than:

- (a) 12 hours in a day; or
- (b) 72 hours in a pay period.

b. Voluntary Overtime

(1) Nursing staff may on a voluntary basis elect to work approved overtime hours otherwise prohibited by subparagraph a above.

(2) The refusal of nursing staff to work hours otherwise prohibited by subparagraph a may not be grounds for any adverse action.

c. Overtime Under Emergency Circumstances

(1) Full-time nursing staff may be required to work hours otherwise prohibited by subparagraph a above (mandatory overtime) if:

- (a) the work is a consequence of an emergency that could not have been reasonably anticipated;
- (b) the emergency is non-recurring and is not caused by or aggravated by inattention or lack of reasonable contingency planning;
- (c) management has exhausted all good faith and reasonable attempts to obtain voluntary workers;
- (d) the nurse staff have critical skills and expertise that are required for the work; and
- (e) the work involves work for which the standard the standard of care for a patient assignment requires continuity of care through completion of a case, treatment, or procedure.

(2) Nursing staff may not be required to work hours under this subsection after the need for a direct role by the staff responding to medical needs resulting from the emergency ends.

d. Policy Against Certain Work Hours. Registered nurses on any work schedule shall not provide direct patient care in excess of 12 consecutive hours or in excess of 60 hours in any 7-day period, except in the case of nurses providing emergency care.]

|  Department of Veterans Affairs | | REQUEST FOR ALTERNATE WORK SCHEDULE | |
|---|--|---|---------------------------|
| INSTRUCTIONS: Please check the alternative work schedule you are requesting, sign, date, and forward to your Associate Director, Nursing Services for action. | | | |
| ALTERNATE WORK SCHEDULE OPTIONS <i>(Please check appropriate box)</i> | | | |
| <input type="checkbox"/> 72/80-Hour Work Schedule - Six regularly scheduled 12-hour tours of duty wholly within a pay period that is considered for all purposes to be a full 80 hour pay period. | | | |
| <input checked="" type="checkbox"/> 9-Month Work Schedule - Nine months full-time with three months off duty, within a fiscal year, paid at 75 percent of the full-time rate for such nurse's grade and step each bi-weekly pay period of the fiscal year. See additional statement. NOTE: Employees selecting the 9-Month Work Schedule must sign VA Form 0870b, Consent of Appointment for 9-Month/3-Month off Alternate Work Schedule Agreement. | | | |
| <input type="checkbox"/> Baylor Plan - Two regularly scheduled 12-hour tours of duty contained entirely within the first and last day of the administrative work week, Sunday, and Saturday. | | | |
| NAME OF EMPLOYEE <i>(Type or print clearly)</i> Cheryl A. Thomas | | SIGNATURE OF EMPLOYEE <i>Cheryl A. Thomas</i> | DATE SIGNED 09/01/2011 |
| COMPLETED BY ASSOCIATE DIRECTOR, NURSING SERVICE | | | |
| PROPOSED ACTION <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED | NAME OF ASSOCIATE DIRECTOR, NURSING SERVICE <i>(Type or print clearly)</i> Joyce P. Lee | SIGNATURE OF ASSOCIATE DIRECTOR, NURSING SERVICE <i>Joyce P. Lee</i> | DATE SIGNED 09/06/2011 |
| COMPLETED BY MEDICAL CENTER DIRECTOR | | | |
| FINAL ACTION <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED | NAME OF MEDICAL CENTER DIRECTOR <i>(Type or print clearly)</i> Brenda M. Smith | SIGNATURE OF MEDICAL CENTER DIRECTOR <i>Brenda M. Smith</i> | DATE SIGNED 09/07/2011 |
| COMMENTS This is an excellent candidate to convert to the 9-Month/3-Month Off Alternate Work Schedule. She is a highly qualified nurse who is dedicated to her profession and will provide the necessary flexibility to make this a workable tour of duty. | | | |
| NOTE: Completed form must be submitted to your local servicing Human Resources Office. | | | |

VA FORM 0870a
AUG 2011

NOVEMBER 20, 2012

**VA HANDBOOK 5011/23
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APPENDIX H**

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**PART III
CHAPTER 3****b. Leave Charges**

(1) The minimum charge for leave shall be 1 day and multiples thereof for full-time physicians, dentists, podiatrists, chiropractors, and optometrists and a quarter hour (15 minutes) or multiples thereof for nurses, nurse anesthetists, PAs, EFDAs and part-time physicians, dentists, podiatrists, chiropractors, and optometrists. The minimum charge for leave for 7306 appointees shall be a quarter hour (15 minutes) and multiples thereof.

(2) Holidays and in-lieu days granted thereof will not be charged to leave.

4. ANNUAL LEAVE

a. **Annual Leave.** The granting of annual leave shall be a matter of administrative discretion as to when and in what amount it may be authorized. Requests for annual leave shall be acted upon in the light of essential medical services and with due regard to the welfare and preferences of individual employees. Employees should be encouraged to take annual leave for at least 2 consecutive weeks each year for purposes of rest and relaxation.

b. Charging Annual Leave

(1) **Full-Time Nurses, Nurse Anesthetists, PAs, EFDAs, 7306 Appointees in Title 5 or Hybrid Title 38 Occupations and Part-Time Employees.** The minimum charge of annual leave for these employees is one quarter hour (15 minutes) and multiples thereof []. **When leave is charged because of absence from duty or tardiness, the employee will not be required to work during the period covered by the leave.**

(2) **Full-Time Nurses and Nurse Anesthetists on the Baylor Plan.** Such nurses and nurse anesthetists shall be charged [one hour] of annual leave for each hour of annual leave taken. [The minimum charge of annual leave for these employees is one quarter hour (15 minutes) and multiples thereof. **When leave is charged because of absence from duty or tardiness, the employee will not be required to work during the period covered by the leave.**] Leave shall be charged only for absences from the basic workweek. (For the definition of basic workweek for these employees, see paragraph 2d of chapter 3, part II).

(3) **Full-Time Nurses and Nurse Anesthetists on [72/80] Work Schedule.** Such nurses and nurse anesthetists shall be charged leave at a rate of ten hours of leave for every nine hours of absence (charged 1.111 for each hour). Leave shall be charged only for absences from the basic workweek. The minimum charge of annual leave for these employees is one quarter (15 minutes) and multiples thereof.

(4) **Full-Time Physicians, Dentists, Podiatrists, Chiropractors, and Optometrists Appointed Under 38 U.S.C. 7401, 7405 or 7306**

(a) **Minimum Charge.** The charge of annual leave for these employees is 1 calendar day. Charges for leave in excess of 1 day will be in multiples of 1 calendar day. **When a scheduled day's work extends over portions of 2 calendar days, leave will be charged for the day on which the greater part of the day's work falls, or for the first day when the day's work is equally divided between 2 calendar days.**

for a part of a day is involved, paragraph 11b is appropriate as a guide in determining the charge to leave for excessive absence by an employee who travels by privately owned conveyance for the individual's convenience.

(2) Travel time used to transfer from one facility to another, when the transfer is arranged for reasons other than for the convenience of the Government, will be charged to annual leave or to leave without pay when annual leave is not available.

g. **Involuntary Leave.** Employees may be placed on involuntary annual leave when the needs of the service dictate. When an employee reasonably may not be regarded as ready, willing and able to work, the employee may be placed on involuntary annual leave or in a leave without pay status, as the employee's leave account and the circumstances may require.

h. **Voluntary Leave Transfer Program.** See paragraph 19 of chapter 2, this part.

5. SICK LEAVE

a. **Sick Leave.** Sick leave shall be granted to employees when they are incapacitated for the performance of their duties because of personal illness, disease, injury, pregnancy and confinement, for necessary medical, dental or optical examination or treatment, or when a member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee; or when through exposure to contagious disease the presence of the employee at the post of duty would jeopardize the health of others.

b. Charging Sick Leave

(1) The minimum sick leave charge for full-time physicians, dentists, podiatrists, chiropractors, and optometrists appointed under 38 U.S.C. 7401, 7405 or 7306 is 1 calendar day and multiples thereof. When a scheduled day's work extends over portions of 2 calendar days, sick leave will be charged for the day on which the greater part of the day's work falls, or for the first day when the day's work is equally divided between 2 calendar days. No charge to sick leave will be made for absence of these employees on administrative nonduty days.

(2) Except as provided in subparagraph (3), the minimum sick leave charge for full-time nurses, nurse anesthetists, [including those on the Baylor Plan,] PAs, EFDAs, 7306 appointees in Title 5 and Hybrid Title 38 occupations and part-time employees is one quarter hour (15 minutes) and multiples thereof. Sick leave for these employees will be charged as approved and used.

(3) Full-time nurses and nurse anesthetists on a [72/80] Work Schedule shall be charged 1.111 hours of sick leave for each hour of sick leave taken. Leave shall be charged only for absences from the basic workweek. [The minimum charge of annual leave for these employees is one quarter (15 minutes) and multiples thereof.]

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

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 [] 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.

(7) **Sick Leave During LWOP.** When sickness occurs during an approved period of LWOP and lasts 3 or more consecutive days [], the period of illness may be charged to sick leave, in accordance with provisions [set forth below].

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(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; sons and daughters, and spouses thereof; parents, and spouses thereof; brothers and sisters, and spouses thereof; grandparents and grandchildren, and spouses thereof; domestic partner and parents thereof, including domestic partners of sons and daughters and spouses thereof; parents, and spouses thereof; brothers and sisters, and spouses thereof; and grandparents and grandchildren, 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 [72/80] 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;

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e. Reduction of Leave Accruals

(1) Full-Time Physicians, Dentists, Podiatrists, Chiropractors, and Optometrists Appointed Under 38 U.S.C. 7401, 7405 or 7306

(a) Annual leave accruals for full-time physicians, dentists, podiatrists, chiropractors, and optometrists shall be reduced when the individual has had 1 full pay period of absence without pay in a leave year. This reduction shall be at the rate of 1 day for each full pay period.

(b) Sick leave accruals for full-time physicians, dentists, podiatrists, chiropractors, and optometrists shall be reduced when the individual has had 2 pay periods or more of absence without pay in a leave year. This reduction shall be at the rate of 1 day for each full 2 full pay periods.

(2) Full-Time Nurses, Nurse Anesthetists, PAs, EFDAs, and 7306 Appointees in Title 5 and Hybrid Title 38 Occupations. A full-time nurse, nurse anesthetist, PA, EFDA, or 7306 appointee[] in [a] Title 5 [or] Hybrid Title 38 occupation[] who is in a nonpay status for the entire leave year shall not earn leave for the year. Leave accruals shall be reduced for a nonpay status of 80 hours or more in a leave year. This reduction shall be at the rate of 8 hours of annual leave and 4 hours of sick leave for each 80 hours in a nonpay status. **NOTE:** *In making this computation each hour a full-time nurse or nurse anesthetist on the [72/80 alternate work schedule] is in a nonpay status shall be considered to be [1.111] hours.* For this purpose, included shall be all hours in a nonpay status (other than nonpay status during a fractional pay period when no leave accrues) while the individual is on the rolls during the leave year in which the leave accrues; excluded shall be a period covered by refund for unearned advance leave. If a reduction in leave credits results in a debit to the annual leave account at the end of the leave year:

(a) The debit may be carried forward as a charge against annual leave to be earned in the next leave year; or

(b) The individual may be required to refund the amount paid to the employee for the period covering the excess leave that resulted in the debit.

(3) **Part-Time Employees.** Since annual and sick leave for part-time employees will be credited only on pay status hours, no necessity exists for reducing accruals without pay absences.

f. Maximum Leave Accumulation

(1) Annual Leave

(a) **Full-Time Physicians, Dentists, Podiatrists, Chiropractors, or Optometrists Appointed Under 38 U.S.C. 7401, 7405 or 7306.** A full-time physician, dentist, podiatrist or optometrist may carry forward not more than 86 days of accumulated annual leave at the end of any leave year.

(b) **Full-Time Nurses, PAs or EFDAs.** A full-time nurse, PA, or EFDA may carry forward not more than 685 hours of accumulated annual leave at the end of any leave year.