

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]. These changes will be incorporated into the electronic version of the VA Handbook 5011 that is maintained on the [Office of Human Resources Management Web site](#). Significant changes include:
 - a. Allows sick leave to be granted to provide care for a family member whose presence in the community would jeopardize the health of others due to exposure of that family member to a communicable disease;
 - b. Establishes the maximum amount of advance sick leave that may be approved for general family care and bereavement purposes and for serious health conditions for employees covered by the title 5 leave system; and
 - c. Clarifies the entitlement of title 38 employees to Family and Medical Leave Act coverage.
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
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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)[,](b)[and (c)].

(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

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[6].

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

[(1) Sick leave not in excess of 13 days (104 hours) may be advanced to a full-time employee with no time limit in his or her appointment:

(a) For medical, dental or optical examination or treatment;

(b) To provide care for a family member who is incapacitated by a medical or mental condition or to attend to a family member receiving medical, dental, or optical examination or treatment;

(c) To provide care for a family member who has been exposed to a communicable disease when the family member's presence in the community would jeopardize the health of others according to the health authorities having jurisdiction or by a health care provider; or

(d) To make arrangements necessitated by the death of a family member or to attend the funeral of a family member.

(2) Sick leave not in excess of 6 weeks (240 hours) may be advanced to a full-time employee with no time limit in his or her appointment:

(a) When incapacitated for the performance of his or her duties due to physical or mental illness, injury, pregnancy, or childbirth;

(b) For a serious health condition of the employee or a family member;

(c) When the employee has been exposed to a communicable disease and the employee's presence in the community would jeopardize the health of others according to the health authorities having jurisdiction or by a health care provider;

(d) For purposes relating to the adoption of a child; or

(e) For the care of a covered servicemember with a serious injury or illness when the employee is exercising his or her Family and Medical Leave Act entitlement under 5 U.S.C. 6382(a)(3).

(3) For part-time employees and employees on uncommon tours of duty, the maximum amount of sick leave advanced shall be prorated according to the number of hours in the employee's regularly scheduled workweek.

(4) 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.

[(5)] There may not be more than 30 days (240 hours) of advanced sick leave on an employee's record at any one time [(5 CFR 630.402(b)).

(6) The amount of annual leave to an employee's credit generally will have no bearing on grants of advanced sick leave.

[(7)] It is not appropriate to approve advance sick leave to an employee when it is known, or reasonably expected, that the employee will not return to duty, e.g., when the employee has applied for disability retirement.

(8) Medical certification requirements as set forth in VA Handbook 5011, Part III, Chapter 2, paragraphs 4b and c are applicable when requesting advance sick leave.]

[d. An employee may substitute up to 26 administrative workweeks of accrued and accumulated sick leave when using FMLA under 5 U.S.C. 6382(a)(3) to provide care for a covered servicemember. Substituted sick leave will be prorated for part-time employees and employees on uncommon tours of duty (5 CFR 630.403).]

19. BONE MARROW AND ORGAN DONOR LEAVE

a. In connection with serving as a bone marrow or organ donor, an employee, in any calendar year, is entitled to authorized absence (to be coded in the ETA as donor leave – DL) without loss of or reduction in pay (5 U.S.C. 6327) as follows:

(1) Not to exceed 7 days of paid leave to serve as a bone marrow donor; and

(2) Not to exceed 30 days of paid leave to serve as an organ donor

b. Other types of approved leave may also be used in addition to organ donor leave.

20. VOLUNTARY LEAVE TRANSFER PROGRAM

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

b. Definitions

(1) **Agency.** An *Executive agency*, as defined in 5 U.S.C. 105.

(2) **Employee.** Has the meaning given that term in 5 U.S.C. 6301(2); and physicians, dentists, nurses, podiatrists, chiropractors, optometrists, nurse anesthetists, physician assistants, and expanded-function dental auxiliaries in the VHA as covered by chapter 3, this part.

(3) **Family Member.** Means the following relatives of the employee:

(a) Sons and daughters, and parents, thereof;

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

(c) Parents, and spouses thereof;

(d) Brothers and sisters, and spouses thereof;

(e) Grandparents and grandchildren, and spouses thereof;

(f) Domestic partner and parents thereof, including domestic partners of any individual in paragraphs (b) through (e) of this definition; and

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

protect the employee's health and permit such planning as may be necessary for proper staffing during the employee's prospective absence.

(2) Pregnancy and the physical condition incident thereto will ordinarily be established from medical evidence submitted by an employee's personal physician. However, in those cases when there is any question as to an employee's physical ability to perform her duties without hazard to her health, examination by the facility personnel physician or other appropriate staff physician will be conducted. The date during an employee's pregnancy on which the employee reaches the point of being incapacitated for duty will be determined medically according to the circumstances of the individual case.

(3) An employee will be granted accumulated and accrued sick leave consistent with the medical need therefore when it has been established that she is unable to perform her duties due to pregnancy. In addition, advanced sick leave, annual leave, advanced annual leave, and LWOP may be authorized consistent with the provisions of this chapter.

(4) An employee who expresses the intention to resign because of pregnancy will be informed of entitlement to accumulated and accrued sick leave, consistent with the medical need therefor.

f. Contagious Disease

(1) Sick leave will be granted:

(a) 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.

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

[(c) To provide care for a family member who has been exposed to a contagious disease when the family member's presence in the community would jeopardize the health of others according to the health authorities having jurisdiction or by a health care provider.]

(2) The use of sick leave for contagious disease is authorized in connection with quarantine, isolation, and restriction of movement by the patient or employee. The determination that the disease is contagious will be made by health authorities having jurisdiction, whether the employee or patient is at home or in some other area.

g. Involuntary Sick Leave. Employees who because of illness (mental or physical) are unable to perform their duties may be placed on involuntary sick leave. Such sick leave will be terminated when the employee presents himself or herself for duty and it is determined by competent medical authority that the individual is able to perform his/her duties.

h. Prolonged Illness

(1) Employees who are not expected to return to duty because of prolonged incapacitation will, where possible, be granted all available sick leave and such annual leave that cannot be included in a lump-sum payment.

(e) **Long Term Absences and Adoptions.** 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. [] The amount of annual leave to an employee's credit generally will have no bearing on grants of advanced sick leave [].

7. OTHER LEAVE

a. Military Leave

(1) A full-time employee appointed under authority of 38 U.S.C. 7306, 7401(1), 7405(a)(1)(A) or (d) OR 7406 not limited to 1 year or less is eligible for and shall be granted military leave in the same manner as other Federal employees. The granting and charging of military leave contained in chapter 2 of this part for title 5 employees is also applicable to title 38 employees covered under this paragraph. Administrative non-duty days that occur within the period of military service will not be charged to military leave. However, those employees on 24/7 schedules will continue to be charged military leave on a daily basis for duty days.

(2) A part-time employee appointed under authority of 38 U.S.C. 7405(a)(1)(A) or (D) or 7406 not limited to 1 year or less is entitled to leave without loss in pay, time or performance or proficiency rating for active duty or engaging in field or coast defense training under sections 502-505 of title 32, United States Code, as a member of the Reserve of the armed forces or member of the National Guard. Leave accrues for these employees at the rate of 15 days per fiscal year (to be credited at the beginning of the fiscal year) and, to the extent that it is not used in a fiscal year, accumulated for the use in the succeeding fiscal years until it totals 15 days at the beginning of a fiscal year. Scheduled workdays and intervening days for which no work is scheduled falling within a period of absence for this duty are not charged to military leave. This entitlement is provided pursuant to authority of 38 U.S.C. 7421.

b. **Court Leave.** Employees appointed under authority of 38 U.S.C. 7306, 7401(1), 7405(a)(1)(A) or (D) or 7406 are eligible for and shall be granted court leave in the same manner as other eligible Federal employees.

c. **Home Leave.** Employees shall earn and be granted home leave on the same basis as employees subject to the provisions of 5 U.S.C. chapter 63.

[d. Family and Medical Leave Act

(1) Office of Personnel Management regulations published in 5 CFR 630.1201-1211 will be used to implement the statutory requirements for administering Family and Medical Leave Act entitlements for employees appointed under 38 U.S.C. 7401(1).

(2) An employee may substitute up to 26 administrative workweeks of accrued and accumulated sick leave when using FMLA under 5 U.S.C. 6382(a)(3) to provide care for a covered servicemember. Amounts are prorated for part-time employees and employees on uncommon tours of duty (5 CFR 630.403.)

8. RELIGIOUS, STATE AND LOCAL HOLIDAYS

a. **Religious Holidays.** While there is no official observance of religious holidays, except those which may also be national holidays, it is the policy of VA to permit, when practicable, absence from work for those employees who desire to observe religious holidays. Employees may, under provisions of Public Law 95-390, and applicable regulations, elect to work compensatory overtime for the purpose of taking