

ARS □ CSREES □ ERS □ NASS

Policies and Procedures

Title: Leave

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This P&P provides the legal and regulatory policy and procedures applicable to granting, approving, crediting, recording, or restoring leave. **Regulatory changes were made to Section 4, Sick Leave on 6/22/2007 concerning the timeliness of medical documentation and the modification of Sick Leave for Family Care leave requirements on maintaining leave balances and advancing leave.**

Table of Contents

1. Introduction.....	4
2. Annual Leave	4
Eligibility	4
Accrual Rates	5
Part-Time Carryover	6
Leave Accruals for the First and Last Pay Periods of Employment	6
Reduction of Accrued Leave Due to Nonpay Status	6
Maximum Accumulation	6
Cancellation and Restoration of Annual Leave	7
Advanced Annual Leave	9
Terminal Annual Leave	9
Disposition of Annual Leave upon Separation or Transfer	9
Acceptance of Leave upon Transfer	10
3. Leave Transfer Program	10
Recipients	11
Donors	11
Waiver of Hour Limitations	12
Use of Transferred Leave	12
Leave Transfer from/to Other Federal Departments	12
Emergency Leave Transfer	13
Status Reports	13
Recrediting of Transferred Annual Leave	13
Accrual Limitation Under the Program	13
4. Sick Leave	14
Eligibility and Accrual	14
Advanced Sick Leave	14
Recredit of Sick Leave Balance	15
Administration of Sick Leave	15
Time Spent in Health Unit	16
Sick Leave for Family Care and Bereavement	16
Sick Leave for Adoption	17
5. Leave Without Pay (LWOP)	18
Requesting and Administering LWOP	18
6. Family and Medical Leave	19
Using Leave	19
Definition of Family Relationship.....	20
Approving Leave.....	20

Recording Leave.....	21
7. Home Leave	21
Eligibility	21
Accrual Rate - Maximum Accumulation	22
Tour Renewal Agreement Travel	23
8. Military Leave	23
Types of Military Leave.....	23
Days Eligibility and Entitlement of Leave.....	23
Pay.....	24
Note to Timekeepers.....	24
9. Other Leave.....	25
Funeral Leave.....	25
Court Leave.....	25
Excused Absence.....	26
Tardiness or Brief Absence.....	27
Emergency Dismissal or Closure.....	27
Holidays.....	29
Officially Sponsored Functions and Programs.....	30
Excused Absence in Conjunction with Official Travel.....	31
Voting.....	31
Examination.....	31
Blood, Bone Marrow, and Organ Donation.....	32
Preventive Health Services at the Federal Workplace.....	32
10. Absence for Religious Observances.....	32
11. Time Off Award.....	32
12. Other Categories of Leave.....	33
13. Absence Without Leave.....	33
14. Correcting Leave Errors / Balances.....	34
15. Summary of Responsibilities.....	35
16. Glossary.....	36
Appendix A.....	40
Appendix B.....	42

1. Introduction

Of the many benefits available to Federal employees, leave is one of the most valuable, and it promises to become increasingly so as the needs of individuals in the work place and the desire to accommodate those needs gain more attention and acceptance. Because of its importance--and its growing complexity--leave administration requires some care on the part of both managers and employees.

While the head of each agency is ultimately responsible for administering the leave program and for maintaining a leave account for each employee, leave administration is not a responsibility that can be left to others; everyone is involved in the process and has a role to play. This document addresses the most common types of leave and absence available to Federal employees, focusing primarily on who is eligible for which type of leave and under what circumstances. The discussion is not exhaustive. For situations that are not addressed here contact a specialist on the Pay and Leave Team of the Human Resources Division (HRD).

2. Annual Leave

Annual leave is a paid absence from duty that provides Federal employees time off for rest and recreation, leisure travel, and personal business. Employees may also use annual leave when sick, to attend to family matters and to handle emergency situations.

The use of annual leave is subject to the right of the supervisor to schedule the time at which annual leave may be used. Considerations in this decision are:

- To maintain the necessary work force.
- Minimize absences during peak workload periods.
- Permit employees to make adjustments in their plans in order to meet work requirements.
- Allow employees to schedule annual leave so as to prevent forfeiture of leave in excess of their annual leave ceiling.

Eligibility

To earn annual leave, full-time, part-time, and many temporary employees must (1) be appointed to a position for 90 calendar days or longer and (2) serve a regularly scheduled tour of duty. Intermittent employees can not earn annual leave. Part- Time and Full-Time employees with temporary appointments of 89 calendar days or less are not entitled to annual leave. However, if their employment is extended without a break in service to equal or exceed 90 days, the employee is credited with leave retroactive to the time when they started the initial appointment. When an employee's continuity of service is interrupted by a non-leave-earning period (e.g.,

change in tour of duty from full-time to intermittent), that employee will earn leave on a pro-rated basis for that fraction of that pay period which does qualify for leave.

Accrual Rates

Full-Time employees earn leave during each full biweekly pay period while in pay status, or in a combination of pay status and nonpay status. Changes from one leave category to another will take effect at the beginning of the next full pay period following the pay period in which the service computation date falls. The exception is when the date falls on the first day of the pay period, then the leave category change is effective in the same pay period.

The amount of leave accrued is based solely on years of service:

Years of Service	Hours Earned per Pay Period
Fewer than 3	4
at least 3, but less than 15	6 <i>See below *</i>
15 or more	8

* There is a single exception to this rule. An employee in the 6-hour leave category earns 10 hours of annual leave for the last full pay period in the leave year.

When Part-Time employees earn LWOP, it does not affect their accrual rate. Thus, Part-Time employees earn leave **only** while in pay status. The amount of leave accrued is based on the number of hours worked (this includes hours in pay status e.g., sick leave, annual leave, etc.) **and** their leave category:

Years of Service	1 Hour Earned per Number of Hours in Pay Status
Fewer than 3	20
At least 3, but less than 15	13
15 or more	10

Part-Time Carryover

Part-time employees may carry over into the next pay period any “left over”(carry-over) hours of qualifying service that fall short of the minimum needed to earn an hour of leave (e.g., employees with 5 years of service who work 64 hours per pay period will earn 4 hours leave and carry over the 12 remaining hours into the next pay period).

Carryover hours (i.e., those hours insufficient to earn the minimum of one hour of leave) are lost or dropped whenever a Part-Time employee changes from Part-Time to full-time or is terminated. Carryover hours may not be carried forward if the employee is rehired or changes back to Part-Time. In these cases, the agency will need to remove the employee’s Part-Time annual/sick leave carryover hours through TINQ.

Leave Accruals for the First and Last Pay Periods of Employment

To earn annual leave, the employee must be employed (does not have to work the entire pay period) for their entire biweekly tour of duty. An employee who is not on the rolls for that complete period, excluding holidays and non-workdays, does not accrue leave. The system cannot determine if a new or separating employee is employed for the full pay period because the daily tour of duty is not recorded in the database. Therefore, the personnel office must indicate on the personnel action whether or not the employee is entitled to leave accruals for the pay period. To avoid leave errors, it is important for the timekeeper to coordinate with the personnel office concerning leave accruals for the first and last pay periods of an employee’s Federal Government service.

Reduction of Accrued Leave Due to Non-Pay Status

When Full-Time employees are absent in a nonpay status for 80 hours during a leave year (i.e., the equivalent of a full pay period), they will forfeit the leave that was earned for those 80 hours. This same provision applies to each subsequent 80-hour increment (i.e., for every additional 80 hours in a nonpay status, employees will lose 4, 6, 8 **or 10*** hours of leave. This is based on the employee’s leave category. Since Part-Time employees do not earn leave while in a nonpay status, this provision does not apply to them.

* This refers to the last full pay period of the calendar year for the employee’s in the 6 hour leave category when they earn 10 hours of annual leave.

Maximum Accumulation

Most Federal employees, both Full-Time and Part-Time, may carry an accumulation of **240 hours** of annual leave forward into the next leave year. Employees stationed outside the United States may carry forward **360 hours** of accumulated leave. Employees whose leave balance exceed the authorized ceiling will forfeit the excess hours at the beginning of the new leave year. Senior Executive Service (SES) employees may carry forward **720 hours** of accumulated leave.

When an employee moves to SES, any annual leave in their account (on the pay period prior to their move to SES) exceeding their prior leave ceiling, must be used by the end of that leave year or be forfeited. Any leave earned while in SES status is accrued toward the SES ceiling of 720 hours. When employees in the 360 or 720 hour end of year annual leave ceiling category move to a position in the 240 hour end of year category, any annual leave accumulated that is in excess of 240 hours shall remain to the employees' credit until used (i.e., whatever balance they have above 240 at the end of the leave year becomes their new personal leave ceiling. This continues until their end of year leave balance takes them to, or below 240 hours).

Cancellation and Restoration of Annual Leave

Forfeited annual leave may be restored only if it was forfeited because of: (1) exigency of public business; (2) employee illness; (3) administrative error or (4) Employee essential in a national emergency. In addition, before restoration can be considered, the leave must be canceled.

CRITERIA FOR CANCELLATION BECAUSE OF:

EXIGENCY TO PUBLIC BUSINESS:

The agency head or Chief, REE Policy Branch, has to agree with and state that an exigency does exist and that leave must be canceled (this statement must pre-date or be concurrent with the actual cancellation of employee's leave.) Therefore, it should not be sent after the new leave year but before, so that there is a chance for rescheduling.

EMPLOYEE ILLNESS:

The employee becomes ill at a time when annual leave had been planned and scheduled in advance, and the illness occurred so late in the leave year or was of such duration that leave could not be rescheduled.

There are two separate steps:

- (1) Cancellation of Annual Leave and
- (2) Restoration of Annual Leave.

CANCELLATION OF LEAVE:

ARS - The leave must be scheduled in writing before the start of the third bi-weekly pay period prior to the end of the leave year. The supervisor must approve such leave either at the time of the request, or if that is not possible because of workload, and to avoid forfeiture of the leave, the supervisor and employee must try to reschedule the leave before the end of the year.

To request official cancellation of the leave, a memorandum must be sent to the Chief, REE Policy Branch. All requests must include:

- employee's name, title, grade, social security number, duty station, and internet address:
- timekeeper's and supervisor's name, telephone number, and internet address:
- details of the specific circumstances causing cancellation of leave:
- a copy of the approved forms or documents used to schedule or reschedule canceled annual leave and the total number of hours that may be forfeited:
- an explanation as to why employee could not reschedule and use the annual leave during the leave year; and

The Chief, REE Policy Branch has to agree that the leave meets one of the above criteria and will send a memo to the employee stating that the leave has been canceled.

ERS, CSREES and NASS - Same as above except the leave is officially canceled by the Agency Head.

RESTORATION OF LEAVE:

ARS, ERS, CSREES and NASS - To request the restoration of forfeited leave, supervisors must forward a memorandum, via normal channels, to the Chief, RPB, **no earlier than the second pay period, but no later than April 1** of the new year. All requests must include:

- employee's name, title, grade, social security number, and duty station, internet address:
- details of the specific circumstances causing cancellation of leave:
- a copy of the approved forms or documents used to schedule or reschedule forfeited annual leave and the total number of hours forfeited:
- A copy of the employee's time and attendance (T&A) reports for pay period 26 of the applicable leave year and for pay period 1 of the new leave year.
- an explanation as to why employee could not reschedule and use the annual leave during the leave year; and
- a copy of the paperwork documenting the reason for cancellation of the leave and its approval by the agency head or Chief, RPB.

HRD will:

- Review the documentation and process those requests which meet the necessary criteria.

- Via a memorandum:
 - (1) notify employees and timekeepers of the amount of any restored leave and the time limitation for its use.
 - (2) give processing T&A instructions for the timekeeper.

Leave restored under:

- Exigency of Public Business - must be used by the end of the second leave year following the termination date of the exigency of public business.
- Employee Illness - must be used by the end of the second year following the employee's return to duty.
- Administrative Error - must be used by the end of the second year following the date the leave was restored
- National Emergency

Leave not used by these closing dates is lost and may not be restored. If and employee resigns before the closing date the any remaining restored hours will be included in their lump sum payment.

Advanced Annual Leave

For employees with appointments of **90 calendar days** or longer and who are not intermittent, the amount of annual leave that may be advanced may not exceed the amount the employee will accrue in the remainder of the leave year or their appointment. The granting of such leave is at the discretion of the supervisor. In no way is advanced leave to be construed as an employee right.

Terminal Annual Leave

Terminal annual leave is an approved absence immediately before an employee separates, when it is known an employee will not return to duty before the date of separation. Usually terminal annual leave may **not** be granted unless it occurs near the end of the fiscal year and the lump sum payment (see below) cannot be made from the current appropriation. Or, terminal annual leave may be granted to retain an employee on the rolls until the final date of separation where such date is set by regulatory requirements (e.g., a court order). In such cases the timekeeper will note in the Remarks block of the time sheet, "Terminal leave, employee accrues leave." This prohibition does not apply to sick or credit leave hours.

Disposition of Annual Leave upon Separation of Transfer

Separation. When employees separate, follow the procedures in **Appendix A.**

Employees who are separated from the service are entitled to receive a lump sum payment for accrued **and accumulated annual** leave. Such separation includes death, separation for one or more workdays, transfer to a Public International Organization if employees request payment, and a grant of military furlough unless the employees elect to retain leave credit until they return. This lump sum payment shall equal the pay the employees would have received had they remained in the service until expiration of the period of the leave. A lump-sum payment is considered pay for taxation purposes only. The period of leave used for calculating the lump-sum payment may not be extended due to any holiday occurring after separation (in other words, count the holiday as part of the period). An employee may not earn leave for the period covered by the lump-sum payment. When an employee who received a lump-sum payment for annual leave is reemployed in the Federal service prior to the expiration of the lump-sum period, he or she must refund an amount equal to the pay covering the period between the date of reemployment and the expiration of the lump-sum period. An amount of annual leave equal to the leave represented by the refund is recredited to the employee.

Transfer. When employees transfer (or are separated and reemployed without a break in service) to a position under the same or a different Federal leave system, the leave is certified to the receiving agency for credit and charge. In cases where the employee will serve without a regularly scheduled tour of duty, a lump sum payment will be made. Concerning credit hours, if the gaining agency does not recognize or accept transferred credit hours, the losing agency will pay in a lump sum the amount of credit hours at the employee's regular pay rate.

Acceptance of Leave upon Transfer

Agencies will accept a leave audit from the losing agency of the employee's leave balances until such time as the SF-1150, Record of Leave Data, is transferred by the losing Personnel Office to HRD, REE. Timekeepers and their TINQ personnel or servicing Personnel Assistant (if it is the employees' first pay period with REE) need to communicate leave balances so that the employee's leave balances will be the same on the agencies and the NFC T&A databases.

3. Leave Transfer Program

Employees with unused annual leave may donate part of that leave to Federal employees (however, not to their immediate supervisor) who are experiencing a personal or family medical emergency and are facing serious financial hardship because of the unavailability of paid leave. Family as defined for this program is so interpreted as to include "any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship." Supervisors should determine if an employee intends to invoke the entitlement of up to 12 weeks of leave without pay (LWOP) under The Family and Medical Leave Act (See Chapter 4). A consideration in the supervisor's concurrence in the leave transfer program request should be the total of the leave transfer time as documented by medical certification, plus the LWOP time requested. Another consideration would be whether the employee was ever put on leave restriction for abuse of sick leave.

Recipients

To be eligible for assistance via this program, current Federal employees must be experiencing a medical emergency that will require their absence from duty for at least **24 work hours without pay** (i.e., all available annual and sick leave has been utilized, forcing the employees to take leave without pay [LWOP] or advanced leave). In addition, potential leave recipients are subject to the following requirements and limitations:

- For a **personal** medical emergency, employees must have exhausted all annual and sick leave before becoming eligible as a recipient. Employees can however be placed in the program in anticipation of their leave balances being exhausted.
- For a medical emergency affecting a **family member**, employees must have exhausted all annual leave and the amount of sick leave available under “**Sick Leave for Family Care and Bereavement**” before becoming eligible as recipients.
- Full-time employees may not receive more than **1 year** (i.e., 2087 hours) of donated leave for any given emergency. Part-Time employees may receive an amount of leave equal to the number of hours scheduled to be worked in a year. After 1 year of absence, the supervisor should consider other alternatives, i.e., return to work, disability retirement, etc.

Prospective leave recipients may apply for acceptance into the program by submitting to the leave transfer coordinator (LTC) a form REE-3, Leave Transfer Program - Recipient Application, a medical certificate, and a leave audit (from the start of the year). This should go through the immediate supervisor--no later than **90 days** after the beginning of the medical emergency. If the employee is incapacitated and therefore unable to apply in person, a personal representative may forward an application on behalf of the employee.

Donors

Employees may voluntarily donate no more than one half of the annual leave that will be earned during the leave year. Employees may only donate currently available annual or restored leave. Other types of leave, (e.g., sick, comp-time, credit hours, etc.) may not be donated. Full-time Federal employees who have been employed for the full leave year may donate the following, depending on their leave earning category:

Leave Hour Category	Maximum Donation (Hours)
4	52
6	80
8	104

Part-Time employee donations are limited on a prorated basis. The end of the leave year, when employees may be in a “use or lose” situation, is frequently a popular time to donate leave. However, employees must bear in mind that as the year winds down, the amount of leave that may be donated is limited to the number of hours left in the leave year. For example, with 2 weeks left in the year, employees wishing to donate 104 hours of “use or lose” leave will only be allowed to donate 80 hours, since 80 hours are all that remain in the leave year. Prospective leave donors should submit form REE-4, Leave Transfer Program - Donor Application, to the LTC, specifying the number of hours to be credited to another employee's leave account.

Waiver of Hour Limitations

The limitations on the number of hours that may be transferred in a given situation (see preceding section) may be waived if: (1) the donated leave does not exceed the number of hours needed by the intended recipient **and** (2) it appears unlikely that the needed leave will be available from other donors. Employees seeking a waiver must indicate the reason for the waiver, plus, sign the waiver portion of the donor application form.

Use of Transferred Leave

Leave recipients may use transferred annual leave in the same way, but only for purposes relating to the recipient's or family member's serious health condition, subject, of course, to supervisory approval. The recipients may use the leave to cover current absence, retroactively substitute it for LWOP, or use it to liquidate an indebtedness for advanced annual or sick leave associated with the medical emergency. Donated leave may **not**, on the other hand, be transferred to anyone other than the named recipients. Should the recipients leave the Federal service, any unused transferred leave remaining in the employees' account will **not** be included in a lump sum leave payment but will be recredited to the donor or donors' account(s), this includes the set aside account.

Leave Transfer from/to Other Federal Departments

USDA employees may donate leave to and receive leave from Federal employees outside the Department, providing the leave recipients in each case have been screened and approved by the recipients' own personnel office. The attached REE-5, Temporary Leave Transfer Program - External Transactions, may be used for these purposes. The crucial information is the name of the outside LTC, the approval signature and date by the donors' personnel office. This form or a similar Federal Department form must be processed through the LTC.

Forms for the Leave Transfer Program, REE-3A, 3B, 4, and 5 can be found through the ARS Homepage: www.ars.usda.gov from there to Offices and Programs, to Human Resources Information, then to Topical Index, then to the letter W, then Word Perfect Forms, and then scroll down to the needed form.

Emergency Leave Transfer

The emergency leave transfer program allows Federal employees to donate annual leave to assist other Federal employees, in their agency or other Federal agencies, who are adversely affected by a major disaster or emergency and who need additional time off from work without having to use their own paid leave.

A leave donor may not contribute less than 1 hour of annual leave, nor more than 80 hours (or, in the case of a part-time employee or an employee with an uncommon tour of duty, an amount equal to twice the average number of hours in the employee's scheduled tour of duty each week).

Status Reports

The recipients or the recipients' personal representatives must:

- submit a monthly report on the status of the medical emergency to the leave recipient's immediate supervisor; and
- notify the recipient's supervisor and the LTC (1) when unemployment benefits or workers' compensation is first received by the recipient as a result of the medical emergency or (2) when the medical emergency ends.

Recrediting of Transferred Annual Leave

When the medical emergency ends or when the recipients leave the Federal service, any transferred annual leave remaining in the recipients' accounts must be recredited to the annual leave balance of eligible donors, providing the number of donors does not exceed the number of hours to be recredited. If there are, in fact, fewer hours than there are donors, the unused transferred leave will not be recredited but will simply be dropped from the recipients' accounts. The LTC will calculate this pro-rata restoration in accordance with the Code of Federal Regulations.

Accrual Limitation Under the Program

Leave accrual is limited to 40 hours of annual leave and 40 hours of sick leave for use after the emergency terminates. Part-Time employees' accrual limitations are the average number of hours in the weekly scheduled work requirement. These leave accruals must be maintained by the timekeepers as a set-aside account similar to that mentioned in the Introduction section of this P&P. Once the recipients have exhausted all donated leave, they may use leave from this set-aside account of accruals with supervisory approval.

If a recipient returns to work after the emergency terminates, the recipient may remain in the program up to 3 pay periods in order to receive donations to cover any unpaid time during the emergency.

If a recipient returns to work Part-Time, the leave accruals will be based on the hours actually worked. These accruals will be used for the medical emergency under current regulations.

NOTE: Timekeepers must inform the LTC of these hours being used so they can change the NFC data base.

4. Sick Leave

Sick leave gives employees time off:

- to recover from incapacitation resulting from illness, injury, or pregnancy;
- to receive dental or medical examination and/or treatment;
- to attend to purposes relating to the adoption of a child; or
- to provide care for family members. Sick leave also provides for paid absence should an employee's own exposure to communicable diseases threaten the health of coworkers. The determination of this threat is made by a health authority or health care provider that the employee would jeopardize the health of others by his or her presence on the job.

Eligibility and Accrual

Eligibility. Employees with scheduled tours of duty, be it full-time or part-time, permanent or temporary, accrue sick leave beginning with the first full biweekly pay period of employment. Employees on an Intermittent Appointment will not earn sick leave.

Accrual. Full-time employees earn 4 hours of sick leave for each full pay period. Part-time employees earn 1 hour of sick leave for each 20 hours in a pay status, up to a maximum of 4 hours per pay period. Normally when moving from part-time to full-time employment, employees lose all carry-over or fractional parts of 1 hour of leave. There is no credit of leave for fractional parts of the biweekly pay periods either at the beginning or end of an employees' period of service. During the leave year, whenever a full-time employee's absence in a non pay status total 80 hours (or a multiple thereof) in a pay period, the sick leave accruals will be reduced by 4 hours. Employees may accrue sick leave without limitation.

Advanced Sick Leave

In the event of serious disability or illness, supervisors may grant a maximum of **30 days (240 hours)** of advanced sick leave to full time employees. An employee serving under a limited appointment may be granted advanced sick leave not to exceed the amount of sick leave they will earn in the remaining period of employment. For a part-time employee, the maximum amount of sick leave that may be advanced must be prorated according to the number of hours in

the employee's regularly scheduled administrative workweek (e.g., an employee who is scheduled to work 20 hours per week would be eligible to be advanced up to 120 hours of sick leave). Advanced sick leave may not be authorized when it is known or reasonably expected that an employee will not return to duty (e.g., the employee has applied for disability retirement, a removal action is pending or the employee has submitted a resignation). When an employee who is indebted for unearned (advanced) leave separates from Federal service, he or she is required to refund the dollar amount paid for unearned leave for which he or she is indebted, or the agency may deduct that amount from any pay due the employee upon separation. However, if the employee dies, retires on disability, resigns or separates as the result of a disability, the requirement to repay may be waived.

Recredit of Sick Leave Balance

For employees who separate from the Federal service, but subsequently return on or after December 2, 1994, all unused sick leave earned during the previous appointment(s) will be restored to their accounts.

Administration of Sick Leave

Minimum Charge

Sick leave is charged in quarter hour increments.

Requesting Sick Leave

When the need for sick leave can be anticipated (e.g., scheduled medical or dental appointments), employees should submit the request for leave as far in advance as possible. When such absence cannot be anticipated, employees must notify their immediate supervisor as early as possible on the first day of absence from the office. Any leave of **over 3 consecutive workdays** must be supported by a medical certificate or other acceptable documentation. The supervisor may request such documentation for absences of shorter duration providing the supervisor has a legitimate management reason for doing so (e.g., a concern about possible leave abuse). Since issues concerning leave can, and generally do, elicit strong emotions, supervisors are encouraged to discuss any problem situations, either existing or potential, with an employee relations specialist.

When a period of "standby" service has been declared as a result of emergency conditions such as floods, strikes, etc., employees may request sick leave only for absence on days when work was scheduled.

Medical Documentation

As of October 1, 2006, employees are required to provide medical documentation of sick leave no later than 15 calendar days after the date his or her agency requests such documentation. Since any sick leave of over 3 consecutive workdays requires medical documentation as stated in

P&P 402.6, the implied management request date for documentation is the day the employee returns to work. This would also apply where management is requiring in individual cases that documentation is necessary for an employee's absence of 3 days or less. If it is not practicable to provide the requested documentation in the 15 days requested, despite the employee's diligent good faith efforts, the employee must provide such certification within a reasonable period of time, but no later than 30 calendar days from the agency's initial request. An employee who does not provide the required evidence or medical certification within the specified time period is not entitled to sick leave for the period of absence in question.

Time Spent in Health Unit

An employee who is injured (of short duration, not OWCP) or becomes ill while on duty and reports to the health unit may remain there for up to **1 hour** without charge to leave or loss of pay. The hour of uncharged leave is viewed as an excused absence. After 1 hour, the absence must be charged to sick leave, or, if the employee prefers and the supervisor approves, to some other type of leave.

Sick Leave for Family Care and Bereavement

Full-time employees are permitted to use sick leave to provide care for those of a family relationship who are incapacitated or require attention in conjunction with any of the following situations or conditions:

1. physical or mental illness;
2. injury;
3. pregnancy and childbirth;
4. medical, dental, or optical examination or treatment; or
5. make arrangements necessitated by the death of those of a family relationship or to attend the funeral.

An employee may use his or her accrued sick leave to give 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. In other words, if the family member was an employee, and his or her condition would justify the use of sick leave, the employee's use of sick leave to care for the family member is justified.

The care of attending to a family member is divided into two categories. When the care is short term (i.e., a few days or less, for taking someone to doctor's appointment, or for bereavement purposes) it is referred to as caring for someone with a general medical condition. For this type of care, the employee is entitled to use up to 104 hours of such sick leave each leave year

When an employee is caring for a family member with a serious medical condition, 480 hours (12 weeks) of sick leave may be used each leave year.

Employees may be advanced sick leave up to a balance of minus 240 hours to care for a family member with a serious medical condition or for adoption purposes as long as the leave used does not exceed the 480 hour limitation. Part-time employees and employees with uncommon tours of duty may use sick leave for the above purposes in amounts equal to the average number of hours of work scheduled per week (e.g., an employee who works 20 hours per week would be able to use up to 240 hours of sick leave each year to take care of a family member with a serious medical condition or up to 52 hours of sick leave for a general medical condition or up to 240 hours for a combination of the two medical conditions). Approval of advanced leave must be done in accordance with agency policy and is at the discretion of the supervisor. Advancement of leave is not an employee entitlement and supervisors should discuss other options with the employee such as flexible work schedules and the leave transfer program. General guidelines on advancing sick leave can be found in P&P 402.6 "Leave".

If an employee has already used 480 hours 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 a family member with a general medical condition. An employee is only entitled to a total of 480 hours of sick leave each leave year for all family care purposes.

Definition of Family Member:

1. Spouse, and parents thereof;
2. Children, including adopted children, and spouses thereof;
3. Parents;
4. Brothers and sisters, and spouses thereof; and
5. Any individual related by blood or affinity whose close association with the employee has been the equivalent of a family relationship.

Definition of a Serious Health Condition:

The term "serious health condition" has the same meaning as used in OPM's regulations for administering the Family and Medical Leave Act of 1993 (FMLA). That definition includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth. The term "serious health condition" is not intended to cover short-term conditions for which treatment and recovery are very brief. The common cold, the flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., are not serious health conditions unless complications arise.

Sick Leave for Adoption

An employee may use his or her accrued sick leave for purposes related to the adoption of a child. Examples:

- 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.

Sick leave used for adoption does not count against the 12 workweeks during the leave year which can be used for Sick Leave for Family Care and Bereavement.

5. Leave Without Pay (LWOP)

LWOP is a temporary, unpaid absence from work granted at the employees' request.

Requesting and Administering LWOP

Employees must request LWOP and have it approved in advance, except in the case of emergencies. Supervisors may grant **30 days** of LWOP **for any justifiable reason**. REE employees may schedule and be granted up to 24 hours of leave without pay each leave year for the following activities:

School and Early Childhood Educational Activities. To allow employees to participate in school activities directly related to the educational advancement of a child. This would include parent-teacher conferences or meetings with child care providers, interviewing for a new school or child care facility, or participating in volunteer activities supporting the child's educational advancement. In this policy and procedure, "school" refers to an elementary school, secondary school, Head Start Program, or a child care facility.

Routine Family Medical Purposes. To allow parents to accompany children to routine medical or dental appointments, such as annual checkups or vaccinations. Although these activities are not currently covered by the "Family Medical Leave Act", the provisions of "Sick Leave for Family Care and Bereavement" does permit employees to use up to 13 (104 hours) days of sick leave each leave year for such purposes. Agencies should assure that employees are able to use up to 24 hours of leave without pay for these purposes in cases when no additional sick leave is available to employees.

Elderly Relatives' Health or Care Needs. To allow employees to accompany an elderly relative to routine medical or dental appointments or other professional services related to the care of the elderly relative such as making arrangements for housing, meals, phones, banking services, and other similar activities.

LWOP in excess of 30 continuous days is regarded as **extended** LWOP and is subject to the following provisions:

- a form SF-52, Request for Personnel Action, must be completed in order to request, authorize, and process extended LWOP;
- initial grants of extended LWOP (and any subsequent extensions) are limited to 1 calendar year;
- supervisors must be reasonably sure that any employees taking extended LWOP will return to duty once the LWOP has expired (except in the case of disabled veterans and employees applying for disability compensation or retirement); and
- extended LWOP may be granted **only** if such leave will benefit USDA and advance the welfare of the employees.

6. Family and Medical Leave

Key Provisions. Full-time employees who have completed 1 year of Federal service are entitled to 12 administrative workweeks (480 hours) of leave without pay during any 12-month period for one or more of the following reasons:

- (a) birth of a child and care of the newborn (within 1 year of birth);
- (b) placement of a child with the employee for adoption or foster care (within 1 year after placement);
- (c) care for those of a family relationship with a serious health condition; or
- (d) a serious health condition that prevents the employee from performing essential duties.

For part-time employees, entitlement to FMLA leave is pro-rated, based on the employees' scheduled workweek (i.e., the number of hours scheduled per week).

Using Leave

Employees must obtain agreement from their supervisors to take leave intermittently or on a “reduced leave schedule” under (a) and (b) above. (On a “reduced leave schedule,” the usual numbers of hours of work per workday or workweek are reduced.) Employees may take leave intermittently or on a “reduced leave schedule” under (c) or (d) above when medically necessary. An agency may require employees to transfer temporarily to alternative positions with equivalent pay and benefits that can better accommodate intermittent leave under (c) and (d). **Employees may choose to substitute Annual leave for any unpaid leave under the FMLA. They may also substitute sick leave in those situations in which the use of sick leave is permitted.** Before approving a request to substitute paid leave for unpaid leave under FMLA, supervisors must determine whether under the circumstances presented, employees are entitled to use paid leave. For example, employees who request leave for child bonding reasons are not entitled to use sick leave for that purpose. They would use either annual leave or LWOP.

The amount of sick leave used for a family member is limited to the amount that is outlined under “Sick Leave for Family and Care and Bereavement”.

Definition of Family Relationship

Family member includes the employee, employee’s current spouse, employee’s parents, son or daughter (this means a biological, adopted, foster child, step child, legal ward, or a child of a person standing in loco parentis who is:

- Under 18 years of age; or
- 18 years or age or older and incapable of self-care because of a mental or physical disability.

Invocation. Employees must invoke this entitlement to FMLA leave, subject to notification and medical certificate requirements. Employees may not invoke entitlement to FMLA leave retroactively for any previous absence from work.

Advance Notice and Medical Certification. Employees must provide notice of intent to take FMLA leave at least 30 days before taking it, or as soon as practicable. An agency may require medical certification(s) for leave under (c) or (d) above.

Benefits and Protections. While on FMLA leave, employees may maintain health benefits coverage by paying the employees' share of the health benefits premium while on leave or upon return to work. Also, employees who take FMLA leave will be restored to the same or equivalent positions upon return to employment.

Approving Leave

Before approving requests for FMLA-type absences, supervisors should ask employees if they are requesting leave under the FMLA. This is particularly important when absences are clearly for family or medical reasons (absence due to childbirth, adoption/foster care, care for a family member with a serious health condition, or a serious health condition of the employee).

If FMLA leave is requested, employees should confirm the request by writing “FMLA” in the remarks section of the SF-71, Application for Leave, or otherwise indicating **in writing** that FMLA leave is desired. Supervisors should require medical certification for leave under (c) and (d) above.

If the absence is for FMLA-type reasons but FMLA leave is not requested, supervisors must carefully consider whether the leave can be approved. Keep in mind that Full-Time employees are **entitled** to 12 weeks of FMLA leave in any 12-month period **regardless of the amount of non-FMLA leave already approved**. For example, Full-Time employees could use 8 weeks of non-FMLA leave for family and medical reasons and then **invoke** the 12 weeks of FMLA leave.

Supervisors faced with this situation should discuss the leave request with the employee and decide whether to approve the request for non-FMLA annual leave and LWOP. HRD can provide advice on approving FMLA leave. Before approving requests for extended absence, supervisors should discuss the leave request with their supervisors.

Recording Leave

Until the NFC creates an FMLA leave code, timekeepers must keep a record of the amount of FMLA leave employees use and whether the leave was for family or personal reasons. Timekeepers may be asked to report the amount and kind of FMLA leave used each year.

Because employees are permitted under FMLA to substitute paid leave, as appropriate, for LWOP, FMLA leave may be annual, sick, advanced, or donated leave under the Leave Transfer Program. Thus, timekeepers should seek guidance from employees' supervisors before recording absences involving FMLA-type leave.

7. Home Leave

Home leave is leave earned by service abroad for use in the U.S., Puerto Rico, or in the territories or possessions of the U.S. Such leave is earned in addition to any other leave entitlement. Home leave is granted consistent with the needs of the program.

Optional Form 126 (Rev. 9-94) (Foreign Service Residence and Dependency Report) must be completed for appointment to the service abroad assignment. This is necessary to establish the address to be used for home leave purposes.

Eligibility

Home leave mainly applies to any employees working outside the U. S. It does, however, extend to employees who reside in Puerto Rico or in one of the territorial possessions of the U. S. (e.g., Guam), but who works elsewhere, including the United States. Employees are entitled to home leave after completing **24 months** of continuous service abroad.

Accrual Rate

Employees earn and expend home leave in daily, rather than hourly, units and the accrual rate varies with the conditions of employment. For each 12 months spent in service abroad, employees earn home leave at the following rate in the following situations:

Days	Situation involving employees . . .
15	<ul style="list-style-type: none"> • Serving with a U.S. mission to a public international organization, • Obligated to accept assignments throughout the world as agency needs arise, or • Serving at a post for which payment of a differential (other than tropical) of at least 20 percent is authorized.
10	<ul style="list-style-type: none"> • Serving at a post for which at least a 10 percent, but less than 20 percent differential (other than tropical) is authorized.
5	<ul style="list-style-type: none"> • not described above

Home leave is credited in multiples of 1 day in accordance with the following table:

Home Leave Earning Table

Months of service	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
Cumulative days, 5-day earning rate	0	0	1	1	2	2	2	3	3	4	4	5
Cumulative days, 10-day earning rate	0	1	2	3	4	5	5	6	7	8	9	10

E.g., at the completion of 7 months of service abroad, employees at the 5-day rate would have earned a total of 2 days of home leave. Employees at the 10-day rate would have earned a total of 5 days of home leave after the same 7 months of service.

Employees may use home leave **only** in the U. S., the Commonwealth of Puerto Rico, or a territory or possession of the U. S. In terms of timing, employees may be granted leave while actually serving abroad, or within a reasonable period (e.g., 6 months) after returning home, provided the employees are planning to return to service abroad immediately or intend to do so after completing an assignment in the U. S. Employees who do **not** return to a post abroad after using home leave will be indebted to the Government for the amount of leave used. The minimum charge for home leave is **1 day**; additional leave is computed in multiples thereof.

Maximum Accumulation

Employees may accumulate home leave without limitation. Regulations, however, do not allow payment for any unused entitlement nor may employees use home leave as terminal leave.

Tour Renewal Agreement Travel

Tour renewal agreement travel is the transportation permitting home leave between tours of duty in Alaska or Hawaii. An agency may pay the expenses of round-trip transportation for employees and the employees' immediate families from the employees' post of duty in Alaska or Hawaii to their place of authorized location in the U. S. The authorizing official for REE is the Director, HRD. Tour renewal agreement travel is offered to those highly qualified employees occupying positions for which there are proven recruitment and retention difficulties.

8. Military Leave

Military leave provides members of a National Guard or armed forces reserve unit time off--without charge to annual leave or loss of pay.

Types of Military Leave:

Regular Military Leave

- 5 U.S.C. 6323 (a) provides for 15 calendar days (120 hours) per fiscal year for active duty, active duty training, or inactive duty training. A maximum of 15 days can be carried over into the next fiscal year.

Emergency Military Leave

- 5 U.S.C. 6323 (b) provides for 22 workdays per calendar year for emergency duty as ordered by the President or a state governor. This can be for law enforcement or the protection of life and property.

Eligibility and Entitlement

Employees who are entitled to military leave and who are ordered to report for military training or duty must be released from their civilian positions. Application for military leave must be supported by a copy of the order directing employees to report.

REE will not reassign current employees to positions held by employees who are performing active military duty. Instead, employees may be detailed to those positions.

Any full-time Federal civilian employee whose appointment is not limited to less than 1 year is entitled to military leave. Military leave for part-time career employees is prorated.

Part-Time Employees. Eligible Part-Time employees accrue military leave at a percentage of the Full-Time accrual rate. That percentage is determined by dividing the number of hours of scheduled work per week by 40 and multiplying by 15.

Parades and Encampments (D.C. National Guard Only). Members of the National Guard of the District of Columbia are entitled to military leave for each day of a parade or encampment ordered or authorized by the District of Columbia Code.

Days of Leave

Regular Military Leave

- Regular Military Leave under 5 U.S.C. 6323 (a) should be credited to a Full-Time employee on the basis of 8 hours per day. An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay. Hours in the civilian workday that are not chargeable to military leave must be worked or charged to another leave category, as appropriate.

Emergency Military Leave

- Employees who request military leave under 5 U.S.C. 6323(a) for inactive duty training (which generally is 2, 4, or 6 hours in length) will now be charged only the amount of military leave necessary to cover the period of training and necessary travel.

Members of the Reserves and National Guard will not be charged military leave for weekends and holidays that occur within the period of military service. A Full-Time employee working a 40-hour workweek will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year.

Pay

Employee's civilian pay remains the same for periods of military leave under Regular Military Leave, including any premium pay the employee would have received if not on military leave. For Emergency Military Leave, the employee's civilian pay is reduced by the amount of military pay for the days of military leave. However, an employee may choose not to take military leave and instead take annual leave in order to retain both civilian and military pay.

Note to Timekeepers

Currently the National Finance Center (NFC) database is programmed to only accept days for military leave usage. Until the T&A software is programmed to accept hours for military leave, the timekeeper will need to keep a running total of hours used for military leave. The timekeeper then enters in the days as the employee reaches 8 hour increments of military leave (e.g., if the employee uses 28 hours of military leave, the timekeeper would enter 28 hours on the T&A, but only 3 days in their T&A program where it asks for days of military leave used. The timekeeper will keep track of the 4 excess hours of

military leave until military leave is used again). Timekeepers will be notified when NFC changes the military leave system from days to hours.

9. Other Leave

“Other Leave” is a category used by NFC to cover hours of paid absence (excused absence, or administrative leave) authorized by law or administrative action. Following are examples of leave that fall within the Other Leave category: funeral; court; excused absence; tardiness or brief absence; emergency dismissal or closure; voting; examination; blood, organ, and bone marrow donation; officially sponsored functions; Credit Leave, and Preventive Health Services at the Federal Workplace; and holidays.

Funeral Leave

Should any individual with the equivalent of a family relationship to employees die either from wounds, illness, or injury incurred while a member of the armed forces in a combat zone, employees may receive up to 3 days of excused absence to arrange and/or attend the funeral or memorial service.

Court Leave

Court leave is the authorized absence, without loss of pay or charge to annual leave, of employees from work for jury duty or to attend judicial proceedings as a witness on behalf of any party in connection with any judicial proceeding to which the U. S., the District of Columbia, or a State or local government is a party.

Employees offering testimony **on behalf of the U. S. Government** or functioning in some other **official** capacity in a judicial proceeding are performing an approved and authorized official duty (see P&P 3450, “Freedom of Information and Privacy Acts,” for information on approval procedures needed to perform such duty). Since the employees in this context are, in effect, “at work” (albeit apart from the normal work place), court leave will not be necessary. Employees testifying in a **nonofficial** capacity **on behalf of a private party** in proceedings in which Federal, State, or local government is **not** involved are **not** entitled to court leave; the absence in such cases must be charged either to annual leave or LWOP.

Eligibility. Employees in a pay status with a fixed tour of duty--either permanent or temporary, Full-Time or Part-Time--are eligible for court leave. Excluded from these provisions are employees on LWOP and those with intermittent work schedules.

Duration. Court leave covers employees' entire absence regardless of the number of hours per day or the number of days per week they actually serve on a jury or offer testimony. The fact that the employees' presence is required is sufficient justification for granting leave. Court leave begins on the date stated in the summons on which the employees must report to court and ends when the employees are finally discharged. Court leave cannot, however, be regarded as a quasi-vacation. Should court proceedings or jury deliberations be suspended for a day or even for a substantial part of a day, employees should either

return to work or be charged annual leave (or be granted LWOP). This provision would not apply if returning to work would cause the employees serious hardship (e.g., the location of the court is at a considerable distance from the employees' place of work). Nor would it apply if the employees were serving on a sequestered jury.

Jury and Witness Fees. Employees on court leave will collect any fees or per diem allowances payable in conjunction with court appearances and forward the money to the accounting office of the agency where they work. (**Exception:** employees serving as jurors in a court of the U. S. or the District of Columbia do qualify for court leave, but do **not** receive fees for service; recouping any payments, therefore, is not an issue in this instance.) The money submitted will provide some compensation for the employees' salaries, which the agency will continue to pay despite the employees' absences.

In most cases, employees serving as witnesses and, in some jurisdictions, employees serving on a jury may keep the funds allotted for travel and subsistence (not to exceed actual expenses) and jury members may keep the excess should jury fees exceed the employee's regular compensation. Employees may also retain jury fees awarded for service on non-work days or during non-work hours (since employees are not earning any Federal pay at these times, there is no question of double compensation). Employees may also keep fees earned on Federal holidays, providing the employees would normally have been excused from work on that day.

As stated, these provisions apply **only** to employees on court leave. Employees taking annual leave or LWOP can keep any fees associated with court appearances. On the other hand, employees whose presence in court is an official action related to regularly assigned duties are not eligible to receive fees, but are paid the regular salary (plus overtime).

As the foregoing suggests, the fee and compensation issues surrounding court appearances are fairly complicated. Should questions arise, employees and supervisors should contact the HRD pay and leave specialist for assistance.

Excused Absence

An excused absence is a brief (usually from 1 to 10 hours) absence from duty that supervisors may grant employees without loss of pay and without charge to leave. Supervisors generally authorize an excused absence, often referred to as “administrative leave,” on a case-by-case basis in response to specific and sometimes unique circumstances.

Several of the leave categories discussed earlier (e.g., military leave, court leave) “sound” very much like excused absence (i.e., absence is allowed without charge to leave and without loss of pay). The main difference rests with the legal basis for these types of leave. Military leave, funeral leave, home leave, etc., are **established by law** and **must** be granted to any employees who meet the basic criteria. Apart from scheduling considerations, managers have very limited choice in the matter. Excused absences, in contrast, are not spelled out in law but rely primarily on the administrative discretion of supervisors.

While the law is somewhat reticent on this topic, the Office of Personnel Management (OPM) has provided some very broad guidance stating that an agency (i.e., supervisors) may grant excused absence in circumstances which:

- are directly related to the agency's mission;
- enhance the professional development or skills of employees; or
- are officially sponsored or sanctioned by the agency head (or by other delegated authority).

Given this considerable latitude, supervisors could conceivably offer administrative leave in a wide variety of instances. In actual practice, most excused absences are clustered around several recurring incidents or issues. The remainder of this section discusses those situations in which excused absence most likely comes into play.

Tardiness or Brief Absence

If employees are tardy or absent for less than 1 hour, the supervisors may grant an excused absence for any adequate reason.

Emergency Dismissal or Closure

All employees are to presume, unless otherwise officially notified, that their work activity will be open each regular workday regardless of any weather or conditions which may develop. Employees are normally expected to cope with difficult driving conditions or disruptions of public transportation facilities and arrive at work on time.

Various emergency situations--snow storms, severe icing conditions, floods, earthquakes, hurricanes, tornadoes, air pollution, power failures, and interruption in public transportation may prevent a number of employees from reporting for work on time and may require the agency to close or otherwise curtail its activities. On these occasions, administrative leave will frequently be granted.

The Director of HRD has the delegated authority from Human Resources Management, USDA, to excuse all employees within the immediate Washington, D.C. Metropolitan Area for up to 1 workday. Any closing beyond 1 workday requires the approval of the Agency Administrator. Outside the Washington, D.C. Metropolitan Area, the authorization for such an excuse rests with the local management official. Disruption of work for 3 days or more, outside the Washington, D.C. Metropolitan Area, does require the authorization of the Director of HRD.

General Policy. This part of the P&P will serve as a general policy statement.

When employees' arrivals at work are delayed due to an emergency, supervisors may grant administrative leave to cover the absence. Normally, immediate supervisors may excuse **up to 2 hours** of tardiness. Before making a determination, supervisors should consider all mitigating or aggravating factors

including the employees' distance from work, availability and mode of transportation, and the experiences of other employees in similar circumstances.

If a Federal facility is closed prior to normal work hours on a day when regular work had been scheduled, the day becomes a non-work day for leave purposes. Employees who had intended to work on that day will be granted excused absence. Employees who were on leave which had been approved prior to the closure will also be excused without charge to leave (leave can be charged only on workdays; a day on which the office does not open is not a workday, so leave cannot be charged). (Note: This provision does **not** apply to employees on LWOP pending disability retirement or while in receipt of workers' compensation, on military leave, on suspension, or in a non-pay status on the workday before **and** after the closure. These employees are not entitled to excused absence and will remain in their current status. Also unaffected are those employees whose off day under a flexible work schedule happens to coincide with the emergency closing. Since these employees were never scheduled to work on that day, there is no need to account for their absence in any way.)

On rare occasions, a Federal facility may announce a delayed opening (i.e., offices will be closed from the beginning of the normal workday until a specified opening time later in the day). These occasions will be treated as **office closures** in accordance with this paragraph (i.e., the hours or minutes that the facility is closed will be regarded as non-work time for the employees).

The situation is somewhat more complicated when employees are dismissed, en masse, after the workday has begun. If employees are on duty at the time of the dismissal they will **not** be charged annual leave, but will be granted excused absence. The excused absence will cover the remainder of the workday and will still apply even if the employees had originally planned to take annual or sick leave later in the day.

If employees leave work **before** receiving word of the impending group dismissal or adjusted work dismissal, annual leave will be charged for the remainder of the day. If employees leave **after** receiving word of an impending dismissal but before the time set for dismissal, they will be charged leave from the time of actual departure until the time that the official dismissal goes into effect.

If employees are on leave when the dismissal was announced and were scheduled to remain on leave for the rest of the day, leave will be charged for the entire absence. If the employees are on leave when the dismissal was announced, but are scheduled to return from leave during the period of dismissal, leave will be charged until the time the employees were scheduled to return to duty. (In a situation such as this, supervisors must be reasonably sure that the employees would, in fact, have returned to duty if given an opportunity to do so.) Any continuing absence (i.e., from the time of the scheduled return until the employees' normal departure time) will be excused.

If employees are scheduled to report for work before the dismissal but fail to do so, the employees will be charged annual leave, sick leave, or LWOP, as appropriate, for the entire day. If employees are scheduled to report for work after the dismissal goes into effect (but are prevented from doing so since the office is closed), leave will not be charged. The entire absence will be excused.

Emergency Procedures for Offices in the Washington, D.C. Metropolitan Area. See Appendix B.

Emergency Procedures for Offices Located Outside the Washington, D.C. Metropolitan Area.

Each location outside the Washington Metropolitan Area that has regular or recurring hazardous weather or the potential for emergency situations, will develop a plan. Note: there must be such a plan for NASS Field Offices and all ARS Areas except the Beltsville Area which covers the following:

- how a closure or reduced operations decision is made;
- how employee dismissals are announced when the necessary conditions exist prior to the beginning of the work shift;
- a listing of emergency positions (this list may be different from the list of emergency employees coordination with other Federal offices in the local area;
- procedures to be followed by employees when the work activity is open, but because of weather or other adverse conditions employees are unable to report for work;
- the requirement that the location contact the Area, State, or national office when there is a 1-day closing; and
- any other requirements set by the Area, State, or national office.

When an activity is closed by an interruption of normal operations or for managerial reasons, these reasons must be documented by a Memorandum for the Record signed by the appropriate management official and be available for future reference. If there is a plan, the management official will dismiss the employees in accordance with it.

Holidays

Legal Public Holidays. The Federal Government recognizes the following days as legal holidays:

New Year's Day	January 1
Martin Luther King Jr.'s Birthday	3 rd Monday in January
Inauguration Day (Washington Metro only)	January 20 (following a presidential election)
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Columbus Day	2 nd Monday in October
Veterans Day	November 11

Thanksgiving Day	4 th Thursday in November
Christmas Day	December 25

Basic Entitlement. If the holiday falls within the employees' regular work schedules, the employees will have the day off with pay. Employees receive pay for the holiday only if they are in a pay status either the day before **or** the day after the holiday. This applies to both Full-Time and Part-Time employees; it does **not** apply to employees with intermittent work schedules.

“In Lieu of” Holidays. When a holiday falls on the weekend, OPM grants a full-time employee working Monday thru Friday an “in lieu of” holiday (e.g., when the holiday falls on Saturday, the “in lieu of” holiday will be the preceding Friday; when the holiday is on Sunday, the “in lieu of” holiday will be the succeeding Monday). This guidance assumes the standard Monday through Friday schedule; employees whose regular workweek includes weekends will be handled somewhat differently. Contact a pay specialist in HRD for additional information. Part-Time employees, on the other hand, are **not** entitled to “in lieu of” holidays, but will be granted administrative leave on those days *if the facility is closed or they are otherwise prevented from working on that day.*

Impact of Flexible Work Schedules. Employees on a flexible work schedule (e.g., flexitour or maxiflex) whose off day happens to coincide with either the holiday or the “in lieu of” holiday, may, with the supervisors' concurrence, set any other scheduled workday in the pay period as the “in lieu of” off day.

Special Holidays Declared by Executive Order. On rather rare occasions, the President may declare a Federal holiday--on a one time basis--to recognize a special event or respond to a unique set of circumstances (e.g., death of a former president, victory in a war, etc.). Supervisors and employees should approach these holidays as they would any other holiday. Most problems can be addressed quite easily by keeping in mind that the special holiday is a non-work day: if leave had been originally scheduled for employees, it cannot be charged; employees who are forced to work on the holiday will be entitled to holiday pay; employees on a flexible work schedule whose off day coincides with the special holiday will be given the preceding workday as the “in lieu of” holiday. If the announcement of the holiday is too abrupt to allow this to occur, employees will take the workday following the holiday as the “in lieu of” holiday, or they may simply reschedule the off day.

Local, State, Territorial, and Foreign National Holidays. When local holidays (including State holidays and national holidays in foreign countries) make it unreasonable for a field office to remain open, supervisors will authorize administrative leave for all Federal employees. If, on the other hand, the office is able to continue operating, supervisors should be as liberal as mission requirements permit in approving annual leave or LWOP for those employees wishing time off to observe the holiday.

Officially Sponsored Functions and Programs

Supervisors may excuse employees from work to participate in programs or functions, including social functions, sponsored by USDA or by an individual agency or office. In certain circumstances, employees

may be excused when the function is sponsored by another government agency. The amount of administrative leave that supervisors may grant on such occasions will vary depending on the supervisors' organizational relationship with the employees involved:

<u>Hours Permitted to Excuse</u>	<u>Granted By</u>
Up to 2	Immediate Supervisor
2 to 4	Division Director
4 to 9	Agency Head

Excused Absence in Conjunction with Official Travel

A supervisor may grant an employee up to 2 hours excused absence in conjunction with official travel either just prior to the employee's departure or immediately following the employee's return.

Voting

Supervisors may grant employees a limited amount of administrative leave to make it easier to vote in local, State, and national elections. The basic guideline is 3 hours. For those employees not allowed to use gliding time, employees must be allowed a **3-hour window**, either in the morning after the polls open or in the evening before the polls close, for voting purposes (i.e., for traveling to the polls, waiting in line, voting, etc.). If the employees' schedules cannot be adjusted to allow the necessary 3 hours, either in the morning or the evening, the supervisors must grant enough administrative leave to equal 3 hours.

Whether the leave is offered in the morning or the afternoon depends on which time frame results in less time off from work. (Note: Voting leave entitlement is based on the employees' normal work schedule--whatever that schedule might be. Employees should not request a temporary change in work schedule merely to qualify for voting leave.)

For those employees on maxiflex schedules or in situations where the voting time can be made up, there is little need for this 3 hours of administrative leave.

Examination

If the agency recommends an examination, or if there is an initial outside emergency treatment, Administrative leave may be charged. If there is a need to go to the local health unit, 1 hour of Administrative leave may be charged.

Blood, Bone Marrow, and Organ Donation

To allow time for rest and recuperation, employees who donate blood without receiving any payment for the donation may be excused from work without charge to leave or loss of pay for up to 4 hours following the donation.

Employees are entitled to Administrative leave for the time necessary to permit them to serve as a bone marrow or organ donor. This leave may not exceed 7 days in a given calendar year for a bone marrow donation or exceed 30 calendar days in a given year for an organ donation. The length of absence for such purposes will vary depending upon the medical circumstances of each case.

Preventive Health Services at the Federal Workplace

Employees with fewer than 80 hours of accrued sick leave have an entitlement to use up to 4 hours of excused absence each year for preventive health services which are available at a Federal workplace. For preventative health care outside a Federal workplace, employees must still use their own leave.

10. Absence for Religious Observances

Supervisors should be as liberal and accommodating as mission requirements permit in adjusting employees' schedules to allow for religious observances. Employees may use annual leave or credit hours to cover the absence, or employees may work overtime and take compensatory time off (the overtime in such cases may be worked **either before or after** the time off).

11. Time Off Award

- A Time-off award is a non-monetary extra effort award granted to employees in the form of time off from work without loss of pay or charge to leave. Agencies can use time-off awards to recognize employee accomplishments, or as incentives to achieve specific performance goals.
- Full-Time employees may be granted up to 40 hours per award but no more than 80 hours per leave year. Part-Time employees may be granted time off up to one-quarter or their biweekly scheduled tour per award and up to one-half of their biweekly scheduled tour per leave year. Intermittent and Senior Executive Service (SES) employees are not eligible to receive time off awards.
- A manager or supervisor may grant up to 10 hours of time off without a higher level of review.
- To avoid forfeiture, time off award hours must be scheduled and used within 1 year after the effective pay period of the award. Unused time off hours cannot be converted to a cash payment upon

separation from Federal service. Also, time off awards cannot be transferred when an employee moves from one Federal agency to another.

- Form AD-287 (Recommendation & Approval of Awards) must be processed before the time may be used. Once received by Headquarters (HRD), it takes processing approximately two pay periods to process the award.
- Refer to the “Guide for Employee Recognition” (see page 10), when determining the amount of time to grant an employee. Examples of employee achievements that might be considered for a time off award include:
 - Making a high-quality contribution involving a difficult or important project or assignment.
 - Displaying special initiative and creativity in making improvements in a product, activity\program, or service.
 - Ensuring the mission of the unit is accomplished during a difficult period by successfully completing additional work or project assignments while maintaining the employee’s own workload.

12. Other Categories of Leave

- Compensatory Time Off is covered in P&P 402.3 “Premium Pay”.
- Credit Hours are covered in P&P 402.1 “Flexible Work Schedules”.

13. Absence Without Leave

Absence without leave (AWOL) is an unpaid, unauthorized period of absence. It is a non-pay status resulting from a supervisory determination that no type of approved leave will be granted for a particular absence. AWOL is charged in 15 minute increments. If an employee is absent for a period of 10 (**workdays, consecutive or calendar**) days, the supervisor must contact Employee Relations for guidance. Leave charged to AWOL may later be changed to approved leave (i.e., annual, sick, credit or compensatory leave, LWOP, or excused absence) should the employee provide a legitimate excuse for the absence.

14. Correcting Leave Errors / Balances

From time to time the timekeeper will be notified by an employee that a mistake has been made on their T&A. If this change will result in a difference in the employee's pay check, a corrected T&A will need to be transmitted to NFC for processing. If, however, the mistake only results in a change in leave balances, a leave audit (AD-717) should be done. Leave balances then need to be updated in the T&A program and the leave audit sent to the designated TING person. The TING action will update and correct the NFC database.

The CULP 0152, also called the Leave Error Report, is a report that indicates conflicting leave figures between the NFC's database and your agency's T&A system database. Primarily, the timekeeper is responsible for clearing leave errors. However, the employee and supervisor are also a part of the process.

The following are procedures for clearing leave errors:

1. Determine from the CULP 0152 report the amount of leave for each of the two databases.
2. Do a leave audit:
 - Use the AD-717 (this is a leave audit form that can be used automatically or manually).
 - Use the ARS-331 form or agency approved time sheet (this form is the source document containing figures to be transferred to the leave audit form in the 'use' column).
 - Determine resulting ending leave balances
3. Using the leave balances from the results of your leave audit, determine the action that needs to be taken below:
 - If the balance(s) is the same as the NFC's database, then adjust the balance(s) in the agency T&A database to agree with the leave audit (same as what is in the NFC database).
 - If the balance(s) is the same as the agency's T&A database, do not make any changes in the agency database. Submit the leave audit, approved by the employee's supervisor, to your personnel office, Area Personnel Assistant, or designated TING contact. They will make the needed adjustment in the NFC database.
 - If the balance(s) match neither the agency's or the NFC's database, perform actions A & B above so that both databases will agree with the official leave audit.

Note: T&A records must be retained for 6 years.

Summary of Responsibilities

Agency Heads

- Administer the leave program and maintain leave accounts for all assigned employees.

Division/Unit/Area Directors

- In CSREES, ERS, and NASS, approve or deny requests to cancel forfeited leave.

Chief of Policy, HRD

- Approve or deny requests to restore forfeited leave.
- Terminate employees' participation as leave recipients in the leave transfer program.

Pay and Leave Specialists, HRD

- Approve or deny employees' requests to participate (either as a donor or a recipient) in the Leave Transfer Program.
- Evaluate and respond to employees' requests to restore forfeited annual leave.

Supervisors

- Approve leave for assigned personnel and authorize excused absence.
- Assure scheduling of annual leave so employees do not forfeit leave at the end of the leave year.
- Contact employee relations if assigned personnel abuse leave or are placed on AWOL.

Employees

- Give supervisors as much advance notice as possible when requesting leave.
- Provide documents needed to support various leave requests if required by management (e.g., medical certification for sick leave or family and medical leave).
- Exercise responsibility in managing leave accounts.

- Review the AD-334, Statement of Earning and Leave, each pay period to ensure leave balances are correctly reported. Bring discrepancies in leave balances to the supervisor's attention as soon as possible.

Employee Relations Specialists, HRD

- Provide advice and assistance to both employees and management on leave-related issues and in resolving leave related problems.

Leave Transfer Coordinator, HRD

- Administers the leave transfer program, entering and removing employees from the system, and coordinating the entry with timekeepers and T&A coordinators.

Personnel Management Specialists, Human Resources Division

- Answer questions and provide guidance on leave administration and policy.

Time and Attendance Coordinators

- Orient and train users of the electronic T&A transmission process.
- Work with computer specialists to implement electronic transmission of T&A's to NFC from locations.
- Resolve data entry, transmission, and backup communication problems.
- Assist the computer specialists in security matters regarding T&A's.
- TING the restored leave that the agency heads have approved.

16. Glossary

Accrued Leave. Leave that employees have earned during the current leave year but have not yet used.

Accumulated Leave. Unused leave that remains in the employees' leave account at the end of the leave year.

Advanced Leave. Leave granted employees before it has been earned.

Administrative Error. The prevention of an administrative intent to act from being effected as intended, i.e., approval by the authorized official has taken place and acts necessary to effect the action were not carried out.

Administrative Order. An order issued by an authorized official of an agency.

AWOL. Absence without leave; a period of unauthorized absence.

COLA. Cost of living allowance.

Compensatory Time Off. Time off granted employee in lieu of payment for overtime work.

Contagious Disease. A disease requiring that patients be isolated, quarantined, or restricted in movement.

Credit Hours. Time off earned by employees on a flexible work schedule in recompense for voluntarily working beyond the basic scheduled requirement; credit hours differ from compensatory time off in that they are **not** granted in lieu of overtime pay.

Emergency Employees. Employees occupying positions involving duties which must be performed regardless of weather emergencies or other emergency conditions.

Executive Order. An order issued by the President of the U. S..

Family Members. For the purposes of Sick Leave for Family Care and Bereavement, family members are individuals related by blood or affinity whose close association with employees is the equivalent of a family relationship.

Flexible Work Schedule. A work schedule other than the standard 40-hour per week schedule with an established arrival and departure time (e.g., maxiflex).

FMLA. Family Medical Leave Act of 1993.

Forfeited Leave. Hours of annual leave that exceed the **maximum accumulation** at the end of the leave year and, therefore, must be deleted from employees' accounts.

Foster Care. Twenty-four hour care for children in substitution for and away from their parents or guardian; such placement is made by or with the agreement of the State.

In Loco Parentis. Refers to a situation in which an individual has day-to-day responsibility for the care and financial support of a child or, in the case of an employee, an individual who had such responsibility for the employee when the employee was a child; a biological or legal relationship is not necessary.

Intermittent Leave Schedule (re: Family and Medical Leave). Periods of leave interspersed with periods of work; rather than going on leave and staying on leave until the emergency medical situation has been resolved, the employee will be “in and out” of the office for an extended period of time.

Intermittent Work Schedule. A work schedule which requires an employee to work on an irregular basis with no prearranged tour of duty. Employees on such a schedule are usually referred to as **intermittent employees**.

LTC. Leave transfer coordinator. The HRD employee given the responsibility for maintaining the leave transfer program.

Leave Account. Also referred to as **leave balance**. The amount of leave an employee has available for use at any given time; a popular “umbrella” term used in reference to **accrued leave** and/or **accumulated leave** (this usage is notably imprecise, but nonetheless quite common).

Leave Transfer Program. A process whereby a Federal employee may donate annual leave to another Federal employee who needs leave in order to deal with a medical emergency.

Leave Year. The time frame beginning with the first day of pay period 1 (which occurs in early January of a given calendar year) and ending with the last day of pay period 26 (which generally occurs in early January of the **following** calendar year). (Should the leave year actually begin **on** January 1, there will be 27 pay periods in that year. In such a case, the leave year would end after pay period 27.)

LWOP. Leave without pay; an approved absence without compensation.

Maximum Accumulation. The hours of leave that employees may carry forward into the next leave year.

Medical Certificate. A written statement signed by a registered practicing physician or other licensed practitioner certifying to the incapacitation, examination, treatment, or period of disability while the patient was receiving professional treatment.

Medical Emergency (re: Leave Transfer Program). A medical condition affecting employees or members of employees' families that will require the employees' absence from duty for at least 24 work hours (or, for part-time employees, a pro-rated number of hours based on the employees' scheduled workweeks) and will result in a substantial loss of income since paid leave is unavailable.

Non-pay Status. See **pay status** below.

Parent. A biological parent or an individual who stands or stood **in loco parentis** to employees when employees were children; it does **not** include parents “in law.”

Part-Time Employees. Employees who work less than 80 hours per pay period or 40 hours per week (most Part-Time employees work between 16 and 32 hours per week) but have a prearranged scheduled tour of duty.

Pay Status. Any situation in which employees are eligible for pay and benefits. The term most commonly applies to employees while at work but it also covers periods of paid leave, excused absences, and compensatory time off. **Non-pay status**, in contrast, describes those situations in which employees are **not** eligible for pay including LWOP, AWOL, furlough, and suspension.

Pro Rata. In leave terminology to divide the leave accruals among the days of the work week (e.g., divide 4 hours among 10 days). So, per OPM calculations, if you work 1 day, you take 1/10 of 4 or .4 and round up to 1. If you work 3 days, .3 of 4 or 1.2 and round down to 1.

Public Exigency. An event or situation of critical importance to an agency; if the appropriate action is not taken by the appropriate people, the agency's mission will be in jeopardy.

Reduced Leave Schedule. A work schedule under which the usual number of hours worked per day or per week is reduced; the hours that are not worked are taken as leave.

REE-4, Leave Transfer Program - Donor Application. A form used by employees wishing to donate annual leave.

REE-3, Leave Transfer Program - Leave Recipient Application. A form used by employees wishing to receive donated annual leave.

Restored Leave. Previously forfeited leave which has been returned to the employee's account.

Son or Daughter. A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing **in loco parentis** who is under 18 years of age, or is 18 years of age or older, but incapable of self care because of mental or physical disability.

Spouse. An individual who is a husband or wife pursuant to a marriage that is a legal union between one man and one woman including common law marriage between one man and one woman in states where it is recognized.

TAC. T&A Coordinator. The person(s) in each agency responsible for maintaining the T&A system.

James H. Bradley
Deputy Administrator
Administrative and Financial Management

**Procedures for Payment of Lump Sum Annual Leave,
Credit Hours, and/or Compensatory Time for
Employees who are Separating or Retiring**

SEPARATING/RETIRING EMPLOYEES:

Action:

Complete an AD-349, Employee Address Form, if needed, to ensure delivery to the correct address of the TSP Benefits Statements, the W-2 Wage and Tax Statement for the calendar year, and receipt of lump sum payment if salary check is sent to the home address. If employees receive pay through direct deposit, keep account open at financial institution until lump sum payment is received or cancel direct deposit and provide new check mailing address.

Remarks:

The AD-349 should accompany the SF-52. For retirement cases, it is extremely important that the SF-52 and retirement application be forwarded to the Retirement and Benefits Staff as soon as possible.

T&A CLERK/OR PERSON DESIGNATED BY THE LOCATION FOR COMPLETION:

Action:

Advise the supervisors of the employees if the individuals have a credit hour balance. Supervisors should encourage the employees to use the credit hours prior to their separation date.

Remarks:

The employees should be strongly encouraged to use all credit hours prior to separation. Credit hours are manually processed. NFC bills REE \$50 to process even small amounts (i.e., 15 minutes) of credit hours.

Action:

Prepares separating/retiring employee's final T&A.

Remarks: Transmits to NFC.

Action:

NO LEAVE ERRORS, Leave Audit NOT Required. As early as completion of the separating/retiring employees' final T&A, contacts the location to determine if the credit hours, annual, and sick leave balances in the NFC data base match those in the agency's T&A database. (NOTE: Locations with access to the NFC IRIS system can check screens 136-140 for leave audit information.) If the leave error code is "0," a copy of the final T&A must be forwarded with the

AD-581 to the processing clerk/retirement staff for processing. (NOTE: If leave errors occurred in the employee's last pay period, the T&A clerk would be advised to conduct a leave audit and send it, with a copy of the AD-581, to the T&A coordinator.)

Remarks:

NO LEAVE ERRORS, Leave Audit NOT Required. The AD-581 should be completed no later than 2 weeks after the employee's separation/retirement. For separating employees, sends AD-581 to the Servicing Personnel Processing Clerk, Greenbelt, MD, or Washington, DC. For retiring employees, or death cases, send AD-581 directly to the Retirement and Benefits Staff.

Action:

LEAVE ERRORS, Leave Audit Required. If credit hours and/or leave balances in the NFC data base do NOT match those in the agency's T&A database, prepares AD-717, Audit for Leave, starting with the beginning of the calendar year and through the end of the pay period in which the employees separated and prepares AD-581, Lump Sum Payment of Annual Leave, Credit Hours (if unused), and Compensatory Time.

Remarks:

LEAVE ERRORS, Leave Audit Required. Sends forms AD-717 and AD-581 to the T&A coordinator within 2 weeks after the employee's separation or retirement for TINQ corrections.

T&A COORDINATOR:

Action: Makes correction(s) in TINQ.

Remarks:

For separating employees, forwards signed forms AD-717 and AD-581 to servicing Personnel Processing Clerk, Greenbelt, MD, or Washington, DC, within 1 week. For retiring employees, forwards forms AD-717 and AD-581 to the Retirement and Benefits Staff within 1 week.

SERVICING PROCESSING CLERK/RETIREMENT AND BENEFITS STAFF:

Action:

Reviews forms to ensure credit hours and leave balances shown on the AD-581 agree with the data base and that the leave audit, if required, was carried through the pay period in which the employee separated/retired.

Remarks:

Processes AD-581 within pay period received. If credit hours are shown, prepares and sends AD-343 to NFC.

**Emergency Dismissal or Closure Procedures
for Locations in the Washington, D.C. Metropolitan Area**

Employees in the Washington, D.C. Metropolitan Area must be aware of radio/TV announcements used to inform them of emergencies. OPM may authorize an adjusted home departure or adjusted work dismissal policy, both of which rely on an employee's normal departure time from home or work to determine the time period the employee will be excused from work.

Employees with duty stations **inside** the Washington, D.C. Beltway should follow OPM announcements on both adjusted home departures **and** adjusted work dismissals. Employees with duty stations **outside** the Washington D.C. Beltway (i.e., Beltsville and Glenn Dale) should follow OPM announcements on adjusted home departures, **and their supervisors' instructions on adjusted work dismissals**, as discussed below.

Adjusted Home Departure. An “adjusted home departure” policy allows employees to leave their homes later than their normal departure times. For example, should OPM announce this policy is in effect and employees should delay their normal departure time for 2 hours, employees who would normally leave for work at 7 a.m. would delay leaving their homes until 9 a.m. This policy replaces OPM's former delayed arrival policy.

An adjusted home departure may be used in other emergency situations such as power failures and interruption of public transportation. OPM will notify Human Resources Directors of each agency of a decision to close Federal agencies or invoke an “unscheduled leave” or “adjusted home departure” policy. OPM will also attempt to notify the news media by 6 a.m. if one of these policies will be used due to an emergency occurring before normal working hours. Information will also be made available on OPM's World Wide Web site at <http://www.opm.gov>.

In addition to OPM's adjusted home departure announcements, staff in Beltsville and Glenn Dale should follow OPM announcements on Federal agency closures and unscheduled leave. These announcements will be reported by the news media.

Adjusted Work Dismissal. For emergencies occurring during the workday, the Deputy Administrator, AFM, ARS, must receive telephone concurrence from the Department before staff in Beltsville and Glenn Dale are released. You will be notified through supervisory channels when an adjusted work dismissal is authorized. Under an “adjusted work dismissal,” employees will be released from work early relative to the time they normally leave for the day. For example, if a 3-hour early dismissal is authorized due to a snowstorm, an employee who would normally leave at 5 p.m. would be able to leave at 2 p.m. This procedure parallels OPM's dismissal policy for the early release of employees who work inside the Beltway.

OPM Announcements. OPM will provide one of the following five announcements to the media when an emergency occurs before the workday begins:

1. “Federal agencies are **open**; employees are expected to report for work on time.”
2. “Federal agencies are operating under an **unscheduled leave** policy; employees may take leave without prior approval.” (Non-emergency employees may take annual leave or LWOP without their supervisor's prior approval, but employees should notify their supervisors of their intentions.)
3. “Federal agencies are operating under an **adjusted home departure** policy. Employees are requested to leave home _____ hours later than their normal departure time.” (Non-emergency employees should adjust their normal home departure time consistent with the announcement. Employees will be granted excused absence from the time they normally arrive at work until the time they actually arrive at work.)
4. “Federal agencies are operating under an adjusted **home departure/unscheduled leave** policy. Employees are requested to leave home hours later than their normal departure time, and employees may take leave without prior approval.” (Federal agencies are open on time, but non-emergency employees should adjust their normal home departure time consistent with the announcement. Non-emergency employees arriving late will be excused without loss of pay or charge to leave, or they may take annual leave or LWOP without prior approval of their supervisors. Employees should notify their supervisors of their intentions.)
5. “Federal agencies are **closed**.” (Non-emergency employees are excused from work without loss of pay or charge to leave.)

When OPM invokes one of the above policies, employees who have been designated as “emergency” employees are expected to report to work on time unless otherwise instructed.

OPM's new procedures are designed to minimize transportation system interference during severe weather.