

ARTICLE 12630

LEAVE ADMINISTRATION

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SUBARTICLE 1. ABSENCE AND LEAVE

1 1. Policy. Annual leave will be granted freely when employees can be spared from their duties and sick leave and other types of leave will be granted whenever attendant circumstances warrant their respective use.

1 2. Responsibility

a. Each activity head is responsible for the proper administration of leave regulations insofar as they pertain to that activity's employees.

b. The servicing HRO Personnel Management Specialist will provide technical advice and assistance to management and employees on specific cases or questions.

c. In approving and disapproving leave, supervisors will comply with the procedures in this section. However, negotiated agreements with recognized organizations must be complied with in the administration of leave and other absences in addition to the provisions of this section.

1 3. General Information

a. Minimum charge. An activity may charge annual leave, sick leave, and leave without pay in increments of less than one hour when: (1) economically feasible, (2) compatible with the appropriate labor distribution cost system, and (3) the major claimant's centrally designed accounting and reporting system can accommodate such increments. Except where a different minimum charge is established by an activity, the minimum charge for leave is one hour.

b. Policy and procedures concerning Federal holidays are contained in Article 12610, Hours of Duty and Holidays.

1 4. Adjustment of Work Schedules for Religious Observances

a. Employees may request time off without charge to leave when personal religious beliefs require that the employee abstain from work during certain periods of the workday or workweek. An employee's "personal religious belief" does not have to be based on an established religion, nor does it necessarily have to be a recognized requirement of an established religion in order to satisfy the intent of the law. It only has to be a personal belief of the employee which is religious in nature and which requires the employee to abstain from work during a period for which (s)he is scheduled to work. An activity, therefore, is not to question whether the employee's personal religious belief is based on a recognized requirement of an established religion. Rather, the activity will be expected to accommodate the employee's request for compensatory time off or overtime work for this purpose, unless such modifications in the individual's work schedule would seriously interfere with the efficient accomplishment of mission.

b. Activities are encouraged to approve requests for annual leave or leave without pay or to make other reasonable accommodations to the religious needs of an employee to the extent that such accommodations do not cause undue hardship on the business of the activity. "Reasonable

accommodations" to these needs may include such arrangements as changing a tour of duty, substituting another qualified employee, or granting compensatory time off when appropriate. However, excused absence (administrative leave) is not appropriate for this purpose. The servicing HRO Personnel Management Specialist should be contacted for further information and appropriate procedures on this subject.

SUBARTICLE 2. ANNUAL LEAVE

2 1. General

a. Annual leave is accrued by and granted to employees in accordance with applicable regulations. The Director of the HRSC will determine the amount of Federal Service each employee has which is creditable for annual leave accrual purposes and so notify the cognizant Payroll Office upon employment or reemployment or as soon as possible thereafter.

b. Annual leave will be charged in accordance with Subarticle 1 3a.

c. Leave will be charged only for absence on days which an employee would otherwise work and receive pay and will be exclusive of Sundays which do not occur within a regular tour of duty, holidays, and all non-workdays established by Federal statute or by Executive or Administrative Order. When a holiday is declared by General Administrative Order to be a workday, an employee who is absent from work without permission on that day will be subject to loss of 1 day's pay.

2 2. Earning Rates

a. Full-time Employees (those with basic 8 hour workdays)

(1) With less than 3 years of creditable service 4 hours per biweekly pay period.

(2) With 3 but less than 15 years of creditable service 6 hours per biweekly pay period except for the last full period of the calendar year when they earn 10 hours.

(3) With 15 or more years of creditable service 8 hours per biweekly pay period.

b. Part-time Employee

(1) To earn annual leave, part-time employees must have a regularly assigned tour of duty on at least 1 day of each week in the pay period.

(2) Part-time employees with less than 3 years of creditable service 1 hour for each 20 hours in a pay status.

(3) Part-time employees with 3 years but less than 15 years of creditable service 1 hour for each 13 hours in a pay status.

(4) Part-time employees with 15 or more years of creditable service 1 hour for each 10 hours in a pay status.

2 3. Application for Annual Leave

a. Applications for annual leave will be submitted in advance on Request for Leave or Approved Absence, OPM Form 71, original only, to the supervisor. (R)
All employees applying for annual leave will be notified orally, if approved, or in writing, if disapproved, with the reason for disapproval. If disapproved the request will be rescheduled at a mutually agreed upon time.

b. In cases of emergency or when otherwise impracticable to obtain approval of annual leave prior to the day of absence because of sudden and unusual occurrences, employees will request such leave by telephone, telegram, or mail, preferably by telephone. If by telephone, approval must be obtained as soon as possible but not later than 3 hours after the beginning of the regular shift. (Activities with a call-in time different than this should issue an addendum to this Article. Activities with Labor-Management Agreements will comply with annual leave provision therein.) Requests by letter, telegram, or postal card must be dated or postmarked on the first day of absence. Employees who request annual leave by telephone will be advised at the time whether or not the leave is approved unless there are circumstances which indicate investigation and further consideration is necessary. In such cases, the employee will be notified that the approval is tentative pending further consideration, and that (s)he will be required to substantiate the requirement for emergency annual leave by submission of evidence as deemed necessary and reasonable. Immediately upon return to duty, such an employee will complete a Request for Leave or Approved Absence, OPM 71. (R)

c. All employees will be advised of the individuals to be contacted in case of emergency if the immediate supervisor is not available.

2 4. Granting of Annual Leave

a. Taking of Leave

(1) Authority to approve applications for annual leave is delegated to immediate supervisors. It is good practice to designate an alternate approving authority.

(2) When employees can be spared from their duties, annual leave will be granted freely for personal or emergency purposes. Large accumulations should be avoided. Normally, employees will not be denied the use of annual leave when they may otherwise be required to forfeit their accruals by reason of maximum accumulation or forfeiture rules. Denial of annual leave use will be based upon factors which are reasonable and equitable and which do not discriminate against any employee or group of employees. Denial of a leave request normally needs to be based on the necessity for the employee's services and will not be for arbitrary or capricious reasons. The denial is not disciplinary in character and must not be used as a punitive measure.

(3) Although annual leave is a right of an employee in that its accrual may not be denied, it is the prerogative of management to make the final decision on when leave is to be used. For this reason, the use of annual leave is subject to prior approval of the appropriate supervisor. Retroactive approval may be given where circumstances warrant. It must not be assumed, however, that a mere report of absence will necessarily result in favorable action.

b. Management Responsibility. Management has the primary responsibility for determining when and the extent to which annual leave is granted, as well as the responsibility of requiring annual leave to be taken when circumstances warrant such action. Management will ensure that adequate planning is undertaken to provide scheduled vacation periods and to otherwise grant or direct the use of annual leave so as to prevent any unintended loss of annual leave at the end of the leave year. To the extent permitted by local work conditions, management will plan to allow each employee annually an extended period of leave for rest and relaxation to assist in maintaining maximum efficiency and productivity.

(1) Management's responsibility for the planning and effective scheduling of annual leave for use through the leave year has taken on greater significance by virtue of Public Law 93 181, signed 14 December 1973. The law provides for the temporary restoration of annual leave forfeited because of "exigencies of the public business" or sickness, provided that the annual leave was scheduled in advance.

(2) While employees also have an obligation to request annual leave in a timely manner, failure on their part to do so does not relieve management of its responsibility to assure that the leave is, in fact, scheduled for use. When an employee chooses not to request or to use annual leave to avoid forfeiture, he is not entitled to have the forfeited leave restored for later use.

(3) The decision to schedule annual leave for use shall be made in writing before the start of the third biweekly pay period prior to the end of the leave year. (The leave may be scheduled for use during the last three pay periods of the leave year.)

(4) While the above cutoff date is applicable only to those situations involving the possible forfeiture and restoration of annual leave, management and employees should not wait until this date approaches to schedule leave. Positive action should be taken to assure that annual leave is scheduled for use during the year so as to avoid situations where employees approach the end of the leave year with a significant amount of annual leave that must be used or forfeited. For example, if an exigency should occur during the year that results in the cancellation of scheduled leave, action must be taken to reschedule the leave for use before the end of the leave year to avoid forfeiture.

(5) An OPM Form 71, Request for Leave or Approved Absence, supplemented, **(R)** as required, may be used to document the scheduling and, as necessary, rescheduling of the annual leave. There must be written documentation including the following: The calendar date the leave was scheduled; approved by the official having authority to approve leave; the date(s) during which the leave was scheduled for actual use and the amount of leave (days/hours) that was scheduled for use; reason(s) for subsequent cancelling of approved leave; the calendar date the cancelled leave was rescheduled for use; the date(s) during which the leave was rescheduled

for use and the amount of leave (days/hours) that was rescheduled for use. See subparagraph 2 6 for information on restoration of annual leave.

c. Employee's Responsibility. Employees have the responsibility for cooperating with management in scheduling vacation periods and for requesting leave during periods when their services can best be spared.

2 5. Required Annual Leave. It is within administrative discretion to place employees on annual leave with or without their consent, subject to paragraph 2 5a below, under the following types of circumstances:

Breakdown of equipment, power failure, etc.

Lack of material.

Transportation strikes.

Storms, floods, and other natural phenomena.

Annual or semi-annual shutdowns of industrial activities for purposes of retooling and overhauling of plant equipment.

Temporary reduction in workload.

To reduce annual leave accumulation.

For temporary periods when plant operation is uneconomical.

This discretion does not apply to a personal, disciplinary type situation when the employee is ready, willing, and able to work, in which case suspension procedures apply.

So that an employee's leave record accurately reflects the kind of leave taken, a charge against annual leave which represents enforced absence of the employee for any reason shall be so identified on the timecard to distinguish it from annual leave requested by the employee.

a. Annual Leave vs. Excused Absence. In cases of interrupted or suspended operations, employees who cannot be assigned to other work will be required to use annual leave if 24 hour advance notice can be given. When such situations develop too late to give 24 hour advance notice, employees who cannot be assigned to other work will be required to use annual leave, only if notice can be given before the end of the shift immediately preceding the one in which they are to be placed on leave. Efforts will be made to keep to a minimum the occasions when an employee is required to take leave with less than 24 hour notice and such leave may not exceed 5 days in any leave year. In situations when neither 24 hours notice nor notice before the end of their immediately preceding shift is possible, employees who cannot be assigned to other work will be excused in accordance with applicable regulations. Thus, when employees are

prevented from working by circumstances arising after the end of their immediately preceding shift, they must be excused in all instances not to exceed 8 hours. Such employees will then be placed on enforced annual leave for subsequent continuous absence required beyond 8 hours, provided 24 hours advance notice can be given. The foregoing applies only to conditions which cannot reasonably be foreseen; e.g., power or equipment failure, weather conditions affecting only certain kinds of work but not the activity as a whole, etc. Circumstances such as reduction of leave accumulation for budgetary reasons, etc., are not considered "unforeseen" and must be handled in accordance with other procedures.

b. Requiring Absence When No Annual Leave is Available

(1) When the use of annual leave is directed and the employee has no annual leave available, at the employee's request the employee will be granted leave without pay (LWOP) or, following activity practices, will be advanced annual leave not to exceed the expected leave accrual for the balance of the leave year. If neither LWOP nor advanced annual leave is requested by the employee, (s)he will be furloughed and the following will be applicable:

(a) Except as provided in (b) below, a 30 day notice period must be observed in furloughing employees. Furloughs exceeding 30 days are subject to reduction-in-force regulations.

(b) Advance notice is not required when furlough is necessary because of unforeseeable circumstances such as a sudden breakdown of equipment, acts of God, or emergencies requiring immediate curtailment of activities. Lack of funds is not an "unforeseeable circumstance" in this context.

2 6. Restoration of Annual Leave. The normal rule which requires that any annual leave in excess of the maximum permissible carryover be automatically forfeited at the end of the leave year is temporarily suspended under three conditions. The three conditions are: (1) Administrative error when the error causes the loss of annual leave; (2) Exigencies of the public business when such leave was scheduled in advance; (3) Sickness of the employee when such annual leave was scheduled in advance. Annual leave forfeited because of one or more of these three reasons must be restored to a separate leave account.

a. Restored annual leave must be scheduled and used no later than the end of the leave year ending two years after the following starting dates:

(1) The date of restoration of the annual leave forfeited because of administrative error; or

(2) The date fixed by the agency head or designated official as the termination date of the exigency of the public business which resulted in the forfeiture of the annual leave; or

(3) The date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness.

b. The amount of the restored leave does not in any way increase or change an employee's normal maximum permissible carryover of annual leave into a new leave year. The separate leave account shall identify:

(1) The date the leave was restored for use.

(2) The amount credited.

(3) The specific schedule established for use.

(4) The amount of usage and balance.

(There is no change in the usual requirements for earning, crediting, or usage of annual leave for employee's regular leave accounts.)

c. Management and employees have a mutual obligation to plan and schedule the restored leave for use as expeditiously as circumstances permit but not longer than the specified 2 year limit. (Regular annual leave also must be scheduled during the year to avoid forfeiture.)

d. Any restored leave unused at the expiration of the 2 year limit is again forfeited with no further right to restoration.

2 7. Official Designated to Approve Exigencies. The Head of the Agency or someone designated to act for him/her has the authority to approve exigencies. Before annual leave may be restored, the determination that an exigency is of major importance and that therefore annual leave may not be used by employees to avoid forfeiture must be made by the Agency Head or designated official. In reaching a decision that specific kinds of operational requirements are of such magnitude or significance that employees cannot be excused from duty to avoid forfeiture of annual leave, the following should be used as guidance:

a. The determination that the exigency is of such importance that employees cannot be excused from duty for the duration is a separate decision. Normally, this decision will be made in advance of the cancellation of scheduled leave or the assignment of employees who will be affected by the work requirement generated by the exigency. Only a bona fide emergency will preclude making the decision in advance.

b. There is no reasonable alternative to the cancellation of the scheduled leave or the assignment of those individual employees who will forfeit annual leave because of the work requirement generated by the exigency. This is also a separate decision distinct from the decision about the importance of the exigency.

c. A specific beginning date and ending date of the exigency period must be fixed in advance unless the suddenness or uncertainty of the circumstances prevent advance decision. These dates must establish the specific time period within which employees were prevented from using scheduled leave and thus subsequently forfeited leave.

SUBARTICLE 3. ADVANCED ANNUAL LEAVE

3 1. Policy. In case of emergency and when the exigency of the situation requires, annual leave in excess of earned leave may be granted an employee. This advance of annual leave may not, however, exceed that which will accrue during the leave year. Where separation or other action is anticipated or pending which would preclude normal accrual during the remainder of the leave year, only leave currently to the credit of the employee will be granted. An employee may be placed on leave without pay upon request, in lieu of unadvanceable annual leave.

3 2. Procedure. Employees desiring annual leave in excess of that currently to their credit will submit an OPM Form 71, along with a written request, via the chain of command to the (R) activity head or designee for approval/disapproval. The request must state the number of additional hours desired, the reasons for desiring an advance of annual leave, and any pertinent additional information. This request must be endorsed by the supervisor with a recommendation for approval or disapproval.

SUBARTICLE 4. SICK LEAVE

4 1. Approval of Sick Leave. Authority is delegated to immediate supervisors to approve applications for sick leave of employees under their supervision. It is a good practice to designate an alternate approving authority.

4 2. Conditions Under Which Sick Leave Is Granted

a. Sick leave will accrue and be granted in accordance with applicable regulation to an employee when the employee:

(1) Receives medical, dental, or optical examination or treatment;

(2) Is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth;

(3) Provides care for a family member as a result of physical or mental illness; injury; pregnancy; childbirth; or medical, dental, or optical examination or treatment; (See subparagraph 4 2f for criteria.)

(4) Makes arrangements necessitated by the death of a family member or attends the funeral of a family member; or

(5) Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.

b. A supervisor may grant sick leave only when supported by evidence administratively acceptable. Regardless of the duration of the absence, the supervisor may consider an

employee's certification as to the reason for absence as evidence administratively acceptable. However, for an absence in excess of 3 workdays or for a lesser period when determined necessary, the supervisor may also require a medical certificate or other administratively acceptable evidence as to the reason for an absence for any of the purposes described above.

c. Treatment for Disabled Veterans. Disabled veterans will be granted sick leave, if available, to receive medical treatment or for the time necessary to make an appointment for treatment. If sick leave is not available, the time off will be charged to annual leave or leave without pay. This leave grant is obligatory provided appropriate evidence is presented to support the necessity for treatment and provided the veteran gives prior notice of definite days and hours of absence required for such treatment. This also applies to situations in which a leave of absence must be authorized for a disabled veteran, as well as examinations and absences from duty in connection with the disability.

d. Sickness Occurring During Annual Leave. An employee who becomes ill during a period of annual leave may have the period of illness charged to sick leave and the charge against annual leave reduced accordingly. Application for such substitution of sick leave for annual leave will be substantiated in the same manner as any other request for sick leave.

e. Sick Leave Preceding Death. An employee who dies without returning to duty and without making application for sick leave may be administratively granted accrued sick leave for the period immediately prior to death for illness or disability which caused the employee's absence. (The Director of the Human Resources Office may, if appropriate, instruct the employee's survivor who is filing the death claim to present a doctor's certificate certifying to the employee's incapacitation.) The cognizant payroll office will make payment for the amount of leave involved without reference to the employee's office. All inquiries regarding payment of sick leave will be referred to the cognizant payroll office for appropriate action.

f. Family Friendly Leave Act. The Federal Employees Family Friendly Leave Act, effective 2 December 1994, allows employees to take sick leave to care for a family member as a result of physical or mental illness, injury, pregnancy, childbirth, or medical, dental, or optical examination or treatment. Sick leave may also be taken to make arrangements necessitated by the death of a family member or to attend the funeral of a family member. For purposes of Family Friendly Leave entitlement, the definition of family member means: spouse and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

(1) Criteria. The amount of sick leave granted an employee for the above purposes may not exceed a total of 104 hours (or, in the case of a part-time employee or an employee with an uncommon tour of duty, the number of hours of sick leave normally accrued by that employee during a leave year). To be granted sick leave for the above purposes in excess of 40 hours (or, in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's scheduled tour of duty each week), the employee shall retain in his/her sick leave account a balance of at least 80 hours (or, in the case of a part-time employee or an employee with an uncommon tour of duty, the amount equal to twice the

average number of hours of work in the employee's scheduled tour of duty each week). The amount retained in the sick leave account shall, in each instance, be at least equal to the minimum prescribed above after deducting the amount of sick leave used for purposes described in Subarticle 4 2f.

(2) Request for Family Friendly Leave. An employee shall request Family Friendly Leave on an OPM Form 71 in accordance with the provisions of Subarticle 4 3. (R)
The sick leave block must be annotated and remarks section identify the sick leave as Family Friendly Leave.

(3) Recordkeeping Requirements. Beginning with leave year 1995, each activity shall maintain the following information by leave year for each employee using Family Friendly Leave:

(a) The grade or pay level and gender of each employee.

(b) The total number of hours of sick leave used by each employee in connection with the Family Friendly Leave Act.

g. Sick Leave in Connection with Retirement. An employee who applies for retirement, either disability or optional, will not automatically be permitted to use sick leave. A retirement applicant needs to furnish the same documentation of incapacitation that any other employee must provide. Activities are encouraged to take actions which permit an employee to remain in a duty status. Such actions which may be taken to avoid a need for absence include a temporary detail to duties which the employee can perform and the use of light duty in his/her current position. An employee applying for optional retirement at the expiration of sick leave may be required to meet the same criteria as an employee applying for disability retirement. This criteria includes:

(1) Documentation of a deficiency in service with respect to performance, conduct, or attendance.

(2) Documentation of a medical condition disease or injury.

(3) A relationship between the service deficiency and the medical condition such that the medical condition caused the service deficiency.

(4) The duration of the medical condition, both past and expected.

(5) The incompatibility of the medical condition with either useful service in or retention in the position.

h. Sick Leave for Adoption Purposes. The Office of Personnel Management (OPM) has issued interim regulations permitting employees to use sick leave for purposes related to the adoption of a child. In accordance with Subarticle 4 3, employees may request sick leave for appointments with adoption agencies, social workers and attorneys; to attend court proceedings;

required travel; and any other activities necessary to allow the adoption to proceed. The entitlement to use sick leave for adoption purposes is in addition to an employee's entitlement to unpaid leave for the placement of a child with an employee for adoption under the Family and Medical Leave Act. (See Article 12630.2) An employee may substitute his/her accrued and accumulated sick leave for all or any portion of any annual leave used for purposes relating to the adoption of a child between September 30, 1991, and September 30, 1994, provided (s)he submits a written request with appropriate documentation to support the grant of that request. (The HRO can provide activities with information regarding specific documentation requirements.) If the request is approved, the employee should be cautioned that possible forfeiture of annual leave may result from retroactive substitution of sick leave for annual leave.

4 3. Submission of Application for Sick Leave

a. An application for sick leave will be submitted by employees on the OPM Form 71, (R) original only. Any application for sick leave covering a period of absence of more than 3 workdays must be supported by a medical certificate. In lieu of a medical certificate, supervisors may accept a signed statement from the employee indicating the nature of illness and the reason why a medical certificate is not furnished when it is unreasonable to obtain such certificate because of shortage of physicians, remoteness of locality, or because the circumstances surrounding the employee's absence did not require the services of a physician. Except as provided in paragraph 4 4 below, employees will not be required to furnish a medical certificate to substantiate requests for sick leave unless such leave exceeds 3 workdays continuous duration. Employees who are absent allegedly due to illness but who are on leave without pay by request or due to lack of sick leave must submit a doctor's certification covering their absence from work. If applicable, consult negotiated agreement for appropriate procedures.

4 4. Suspected Abuse of Sick Leave Privileges

a. Requirements. Certificates to support an application for sick leave of 3 workdays or less may be required in individual cases on the following basis:

(1) There is substantial evidence that the employee has abused sick leave privileges.

(2) The employee has been furnished written notice that (s)he must furnish a medical certificate for each absence which (s)he claims was due to illness.

b. Failure to Comply. An employee's failure to comply with this requirement may be considered a basis for denying sick leave but will not, in itself, be considered an offense justifying disciplinary action. Disciplinary action may, however, be based on unauthorized absence resulting from denial of leave.

c. Review. The supervisor will review at least annually the sick leave record of each employee required to furnish a medical certificate for each absence which (s)he claims was due to illness; and, where such review reveals no substantial evidence that the employee has abused sick leave privileges during the review period, the employee will be notified in writing that a

medical certificate will no longer be required for each absence which was claimed to be due to illness for periods of three workdays or less.

4 5. Application for Leave for Absence Due to Illness in Excess of 3 Working Days. An OPM Form 71, with supporting medical certificate, will be retained by the activity in which the (R) employee works for a period of 4 years, or until a General Accounting Office (GAO) audit, whichever occurs first.

4 6. Notification to Supervisor of Illness. When an employee is unable to report for work due to illness or injury, (s)he will notify the immediate supervisor within 1 hour of the start of the shift. (Activities with a different call-in time should issue an addendum to this Article. Activities with labor-management agreements should ensure compliance with provisions therein.) When it is not practicable to report by telephone, notification may be made by letter, postcard, or telegram postmarked within the first day of absence. Employees who have notified the employer in advance of a predictable length of illness will not be required to telephone the supervisor each Monday. However, if the employee is unable to return on the predicted date, the supervisor must be advised each Monday thereafter. Failure of an employee to notify the supervisor in compliance with these instructions will not, within itself, be considered a basis for denying such leave since approval or disapproval of sick leave must be on the basis of whether or not the employee was incapacitated to perform his/her duties. Such notification is necessary in order to place the employee in a paid sick leave, paid annual leave, or leave without pay status as appropriate.

4 7. Administrative Procedure Upon Notification of Illness

a. When an employee notifies his/her supervisor that (s)he is ill and unable to report for work, (s)he will be carried on sick leave pending submission of an OPM Form 71 (R) application for sick leave, and such substantiating evidence as may be required in an individual case.

(1) If sick leave is not available, employees will be carried on annual leave if available, or on leave without pay. Notification of illness will be considered tantamount to request for approved leave; therefore, placing employees who have requested sick leave on leave without pay if no other leave is available does not constitute placing them on LWOP without their consent. Non-pay status will be utilized, however, only when the employees have neither sick nor annual leave to their credit. However, an employee may request leave without pay in lieu of sick leave.

(2) If the absence lasts beyond the end of the pay period (and the employee has been in a pay status), the employee will be paid unless the supervisor has reasons to doubt validity of the sick leave. In this instance, salary payment may be withheld pending decision on the case.

(3) As an exception to the above, an employee who is under requirement to support all requests for sick leave by a medical certificate may be carried in a pending (non-pay) status until the certificate has been submitted and a determination made as to the validity of the sick leave.

b. If, upon the employee's return to duty, the leave request is disapproved, the period of absence will ordinarily be converted to absence without leave (unauthorized absence).

(1) There may arise circumstances in which the requested absence does not justify granting sick leave but could warrant granting annual leave or leave without pay. In such instances, officials authorized to approve leave may exercise judgment to grant another type of leave rather than to require conversion to absence without leave.

(2) The non-pay status resulting from absence without leave is not in itself a disciplinary action. When, however, requested sick leave is disapproved and corrective action is considered necessary, the employee may be disciplined. Consult your HRO Personnel Management Specialist.

4 8. Procedure on Return to Duty from Illness. Immediately upon return to duty from illness, the employee will report to his/her immediate supervisor the facts surrounding the absence for which sick leave is being requested. Employees will be presumed to be able to perform the full range of duties of their positions unless credible medical documentation concerning any limitations has been provided in accordance with 5 CFR 339. See Article 12810 regarding responsibility in employees returning from continuation of pay as a result of on-the-job injuries.)

4 9. Illness after Reporting for Duty. When an employee becomes ill after reporting to work, a supervisor, based on a judgment that the employee cannot perform his/her duties in a safe and healthful manner, may approve requested sick leave, refer the employee to an on-base medical facility for emergency treatment if apparently warranted, or require or offer the employee an activity medical examination in accordance with 5 CFR 339.

4 10. Sick Leave Without Consent. As a general rule, employees may not be placed on sick leave without their consent. However, if the available medical evidence supports a conclusion that the employee is incapacitated for normal work, and there is no temporary light duty available, the employee may be placed on enforced sick leave, following the procedures listed below. In some situations, management may have reason to question employees' physical or mental ability to perform their jobs. If the requirements of 5 CFR 339 can be met, the employee may be examined by an activity-selected physician. If those requirements cannot be met, the following options are available:

a. Assign the employee to light duty.

b. Suggest to the employee that (s)he appears to be incapacitated for duty, that (s)he should request sick leave, and that (s)he should bring in medical evidence of his/her condition. (The supervisor may offer to have an activity selected physician conduct the examination.)

c. If the employee maintains that (s)he is capable of working his/her regular job and refuses to take sick leave or be examined by a physician, then the activity should determine whether or not placing the employee in his/her job would endanger safety. If it would, the employee should be placed on administrative leave immediately. Consult your HRO Employee Relations Specialist.

4 11. Control of Sick Leave. While it is desired and intended that employees be granted sick leave when entitled under existing regulations, it is incumbent on all levels of management to prevent the abuse of sick leave privileges by ensuring that employees are not granted sick leave when they are not entitled to it. Particularly, it is incumbent on all levels of supervision to maintain an intensive campaign in all offices to acquaint all employees with the legal requirements for entitlement to sick leave; to impress upon them the monetary benefits to themselves in not using their sick leave unless absolutely necessary, thereby letting it accumulate to their credit for use in case of a long and serious illness or injury; and to teach and encourage the desire on the part of the individual employees throughout the activity to reduce sick leave usage to a minimum. This can be best accomplished by direct and personal contact between supervisor and employee.

4 12. Investigation of Reported Illness. Officials authorized to approve sick leave applications will be responsible for ensuring that the cause of absence justifies approval. Accordingly, such officials will arrange for prompt investigation of the cases of reported illness in which the circumstances leave them in doubt as to the authenticity of the claimed illness. Such investigations should be made by supervisory personnel only. Consult your HRO Personnel Management Specialist.

SUBARTICLE 5. ADVANCED SICK LEAVE

5 1. Policy

a. Sick leave may be advanced for serious disability or ailments when the exigencies of the situation require. The amount of advanced sick leave to an employee's account may never exceed 30 days at any one time.

b. All available accumulated sick leave to an employee's credit must be exhausted. Consideration may also be given to requiring an employee to use excess annual leave which might otherwise be forfeited.

c. Sick leave will not be advanced to an employee known to be contemplating retirement or resignation or is anticipated to be separated.

d. There must be a reasonable assurance that the employee will return to duty.

e. In the case of employees serving under temporary appointments, advanced sick leave will not exceed an amount which is reasonably assured will be subsequently earned.

5 2. Procedure

a. An employee may request advanced sick leave by submitting a request to the activity head via the chain of command. The request will:

(1) State the number of hours of sick leave desired.

- (2) State the beginning date of such leave.
- (3) State the anticipated date of return to duty.
- (4) Include a statement from the employee's attending physician indicating:
 - (a) The length of time the employee will be incapacitated for work.
 - (b) Diagnosis.
 - (c) Prognosis for recovery.
 - (d) Approximate date employee will be able to return to duty.

b. Requests must be endorsed by intermediate levels of the chain of command to indicate recommendation as to approval/ disapproval. If disapproval is recommended, the reason(s) must be shown.

SUBARTICLE 6. ABSENCE DUE TO MATERNITY/PATERNITY REASONS

6 1. General

- a. Maternity leave is a period of approved absence for reasons related to pregnancy and confinement where the employee does not contemplate resigning. It is chargeable to sick leave or any combination of sick leave, annual leave, and leave without pay.
- b. See Article 12630.2, Family and Medical Leave, for additional information.

SUBARTICLE 7. LEAVE WITHOUT PAY

7 1. General

- a. Leave Without Pay (LWOP) is a temporary non-pay status and absence from duty granted upon an employee's request. LWOP covers only those hours which an employee would otherwise work or for which pay is authorized. It does not include non-pay status on days for which an employee would be paid on an overtime basis and does not include days on which an employee is not scheduled to work. The permissive nature of LWOP distinguishes it from Absence Without Leave (AWOL), which is a non-pay status resulting from a determination that leave of no type will be granted (including LWOP) for a period of absence for which the employee did not obtain advance authorization or for which a request for leave on the basis of alleged sickness has been denied.
- b. For additional information on LWOP, see Article 12630.2.

7 2. Privilege. Authorizing LWOP is a matter of administrative discretion. An employee cannot demand that LWOP be granted as a matter of right except in the case of disabled veterans who are entitled to LWOP if necessary for medical treatment under Executive Order 5396, reservists and National Guardsmen who are entitled to LWOP to perform military training duties and for limited periods, employees receiving injury compensation under Chapter 81 of Title 5, United States Code, and for reasons in accordance with Article 12630.2.

7 3. Standards. The following standards are non-regulatory but are issued as guidance to activities in acting upon LWOP requests. Each request for LWOP should be examined closely to assure that the value to the Government or the serious needs of the employee are sufficient to offset the costs and administrative inconveniences that result from the retention of an employee in a LWOP status. Among the matters to be considered are:

- a. Encumbrance of a position.
- b. Loss of services that may be vital to the organization.
- c. Obligation to provide employment at the end of the approved LWOP.
- d. Creditable service for such benefits as retirement, leave accrual, within-grade increases, and severance pay.
- e. Eligibility for continued coverage (without cost to the employee for up to 1 year) for life insurance and continued coverage (with payment of employee's portion of the premium by the employee for up to 1 year) for health insurance benefits.

7 4. Conditions. As a basic condition to approval of extended leave without pay, there must be a reasonable expectation that the employee will return to duty at the end of the approved period. Leave without pay is discretionary when the services of the employee can be spared without detriment to the work on which (s)he is engaged and one of the following benefits would result:

- a. Improved performance capability.
- b. Protection or improvement of the employee's health.
- c. Retention of a desirable employee.

7 5. Examples. The following (not necessarily all inclusive) are examples of cases in which extended leave without pay may be approved.

- a. For educational purposes when the course of study or research is related to the work of the activity and its completion would be in the activity's best interests.
- b. For temporary service with non-Federal public or private enterprise, when there is a reasonable expectation that the employee will return and when one or both of the following will result:

(1) The service to be performed will contribute to the public welfare.

(2) The experience to be gained by the employee will serve the agency's interests.

c. For the purpose of recovery from illness or disability not of a permanent or disqualifying nature, when continued employment or immediate return to employment would threaten the employee's health or the health of other employees.

d. For the purpose of protecting employee status in the following circumstances:

(1) Pending final action by OPM on a claim for disability retirement after all sick and annual leave has been exhausted. [It is the policy of the Department of the Navy that activities will, without exception, grant LWOP up to 1 year pending final action by the Office of Workers' Compensation on employment connected injury or disease.]

e. For the purpose of permitting the employee to participate in programs in which the Federal Government is participating or is encouraging participation (e.g., Peace Corp Volunteers).

f. For the purpose of serving on a temporary basis as an officer or representative of a union representing Federal employees.

g. For an employed family member of transferring military or Federal civilian personnel to obtain employment at the new location. Employed family members will be advised by supervisors of their entitlement to request 90 days LWOP prior to separation incident to the transfer of their sponsors. LWOP will be granted only when the family member expresses an intent to seek Federal employment at the new location and the family member's work performance has been satisfactory so as to continue Federal employment. "Family members" as used herein refers to any federally employed family member whose separation is incident to the transfer of a military or Federal civilian sponsor.

7 6. Length. Except in unusual circumstances, or in furtherance of a program of interest to the Government (e.g., Peace Corps Volunteers), when it is known in advance that the period of absence will exceed 1 year, LWOP will not be authorized initially for any period in excess of 52 calendar weeks.

7 7. Authority. Grants of LWOP (not to exceed 30 calendar days) may be made by an appropriate designated official. Employees desiring LWOP beyond 30 calendar days will submit written application indicating thereon the reasons for such extended LWOP. The application will be submitted to the Activity Head via the chain of command. The application must be endorsed by intermediate levels of the chain of command to indicate recommendation for approval/disapproval and why. An SF-52 may be used for this purpose. If the request is for recovery from illness or injury, a supporting medical certificate must be attached. If the request is for educational purposes, evidence of acceptance at a college or school must be attached including the course list of subjects being taken.

SUBARTICLE 8. MILITARY LEAVE

8 1. Entitlement. An employee is entitled to time off at full pay for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces. Any full-time Federal civilian employee whose appointment is not limited to 1 year is entitled to military leave. Military leave under 5 U.S.C. 6323(a) is prorated for part-time career employees. The reserve components of the Armed Forces are:

- The Army National Guard of the United States
- The Army Reserve
- The Naval Reserve
- The Marine Corps Reserve
- The Air National Guard of the United States
- The Air Force Reserve
- The Coast Guard Reserve

8 2. Required Documentation. Official orders and an OPM Form 71 requesting Military Leave must be presented to the immediate supervisor prior to the impending absence. (R)
Upon return to duty, an official statement from the military reserve component concerned showing calendar dates of attendance must be submitted to the supervisor for further submission to the servicing payroll office for final adjustment of the employee's leave.

8 3. Types of Military Leave.

a. 5 U.S.C. 6323(a) provides 15 calendar days per fiscal year for active duty, active duty training, and inactive duty training. An employee can carry over a maximum of 15 days into the next fiscal year.

b. Inactive duty training is authorized training performed by members of a Reserve component not on active duty and performed in connection with the prescribed activities of the Reserve component. It consists of regularly scheduled unit training periods, additional training periods and equivalent training.

c. 5 U.S.C. 6323(b) provides 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.

8 4. Days of Leave. Military leave should be credited to a full-time employee on the basis of an 8-hour workday.

a. The minimum charge to leave is 1 hour. An employee may be charged military leave ONLY for hours that the employee would otherwise have worked and received pay.

b. Employees who request military leave 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.

c. Members of the Reserves and/or National Guard will no longer be charged military leave for weekends and holidays that occur within the period of military service.

d. A full-time employee working a 40-hour workweek will accrue 120 hours of military leave in a fiscal year, or the equivalent of three 40-hour workweeks. Military leave under 6323(a) will be prorated for part-time employees and for employees on uncommon tours of duty based proportionally on the number of hours in the employee's regularly scheduled biweekly pay period.

8-5. Combined with Other Leave. Absence is not chargeable to military leave of absence with pay may be charged to annual leave or, when appropriate, leave without pay. Pay for annual leave beyond the 15-day period chargeable to military leave may be received concurrently with military pay and allowances for training or active duty.

Examples

Hours in the regularly scheduled biweekly pay period	Ratio of hours in the regularly scheduled pay period to an 80-hour pay period (the number of hours in the pay period ÷ 80)	Hours of military leave accrued each fiscal year	Pay Periods of military leave accrued each fiscal year.
40	.5 (40 ÷ 80)	.5 x 120 = 60 hours	1.5 80-hour pay periods
106	1.325 (106 ÷ 80)	1.325 x 120 = 159 hours	1.5 106-hour pay periods
120	1.5 (120 ÷ 80)	1.5 x 120 = 180 hours	1.5 120-hour pay periods
144	1.8 (144 ÷ 80)	1.8 x 120 = 216 hours	1.5 144-hour pay periods

8-6. Effect on Civilian Pay. An employee is entitled to military leave without loss of pay, time or performance or efficiency rating for active duty training, inactive duty training, or engaging in field or cost defense training.

a. An employee's civilian pay remains the same for periods of military leave under 5 U.S.C. 6323(a) and (c), including any premium pay an employee would have received if not on military leave.

b. For military leave under 5 U.S.C. 6323(b), 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 or compensatory leave in order to retain both civilian and military pay.

8 7. Law Enforcement. State or federal military duty for the purpose of enforcing the law, as in a riot or to prevent looting following a natural disaster, is covered by a nondiscretionary grant of up to 22 workdays per calendar year, 5 USC 6323(b). It is not subject to accumulation beyond the year in which earned. Comptroller General Decision B-231760 of 17 February 1989 states that there must be evidence in the wording of the orders and the nature of the duties performed that the function in the field require the maintenance of law and order and the protection of property to grant military leave under 5 USC 6323(b).

a. The purpose of this leave is different from that of 15-days per year military leave; therefore, they are not interchangeable. That is, this leave may not be used to authorize any days in excess of 15 for training or other nonlaw enforcement duty. However, if the 22-days per year law enforcement leave is exhausted, the employee may be granted either 15 days per year military leave or annual leave for additional law enforcement duty. Until the 22-workday limit is exhausted, law enforcement leave used is nondiscretionary; that is, neither the employee nor the agency may choose to use any other type of leave charge or excused absence in its place. This prohibition will not allow substituting annual leave at the end of a leave year to avoid forfeiture.

b. Grants of law enforcement leave are in 8 hour workdays; however, they may be converted into hours and charged in such units in figuring pay entitlements for employees on abnormal shifts. Leave is charged on the same basis as annual and sick leave.

SUBARTICLE 9. COURT LEAVE

9 1. Definition. Court leave is the authorized absence (without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating) of an employee from work status for jury duty or for attending judicial proceedings in a non-official capacity as a witness on behalf of a State or local government. The court of judicial proceeding may be located in the District of Columbia, a State, a territory, or possession of the United States, including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. The term "judicial proceeding" contemplates any action, suit, or other proceeding of a judicial nature (including any condemnation, preliminary, unfunctional, or other such proceeding but does not include an administrative proceeding. Insofar as court leave for witness service is concerned, all stages (preliminary hearing, inquest, trial, or deposition taking) of the proceedings would be covered, including hearings and conferences before a Committing Court, Magistrate, or Commission, Grand Jury proceedings, Coroner's inquests, and hearings and conferences conducted by a prosecuting attorney for the purpose of determining whether an investigation or charge should be made in a particular case.

9 2. Employee Eligibility

a. Court leave for jury duty is granted to both permanent and temporary employees of the United States and District of Columbia, both full-time and part-time except for those employed on a substitute, when actually employed, or intermittent basis.

b. A night shift employee who performs jury service during the day is granted court leave for his/her regularly scheduled night tour of duty and is entitled to the night shift differential. Since

the statute makes it mandatory that the compensation of any employee shall not be diminished by reason of jury service, the employee is entitled to night differential for the periods otherwise properly excused from the performance of duty while serving as a juror.

9 3. Policy. Requests to release employees from jury duty will be made only in exceptional situations where the public interest would be better served by an employee remaining on the job; i.e., where the services of the employee are absolutely necessary to meet critical work deadlines.

9 4. General. An eligible employee may not choose to take annual leave in lieu of court leave. An employee on annual leave when called to jury service will be placed on court leave if (s)he is entitled to such leave. An employee on LWOP, although otherwise eligible, may not be granted court leave when called to jury duty. Such leave is available only to those employees who, except for jury duty, would be on duty or on leave with pay. An employee in a nonpay status may retain jury fees and per diem allowed for each day's attendance in court and for the time used in going to and from court.

9 5. Duration. An employee under summons from a state or federal court to serve on a jury will be granted court leave for the entire period, from the date stated in the summons on which (s)he is required to report to the court to the time (s)he is discharged by the court, regardless of the number of hours per day or days per week (s)he actually serves on the jury during the period. However, the term of jury service does not include periods during which the employee is excused or discharged by the court, either for an indefinite period subject to call by the court or for a definite period in excess of 1 day. An employee will be required to return to duty or suffer a charge against annual leave when (s)he is excused from duty for a day unless a hardship exists such as current assignment to night duty, if at work or (s)he lives or works a long distance from the place where court is held.

9 6. Jury Fees

a. If an employee is absent from his/her regularly scheduled duties to serve as a juror in a state or local court, (s)he should collect all fees and allowances payable under state or local laws as a result of the jury service.

b. An employee who is in a LWOP status when called for jury service, and consequently not entitled to court leave, may retain jury fees and per diem allowed for each day's attendance in court and for the time necessarily occupied in going to and from the court.

c. For information and guidance concerning retention of fees/reimbursements, contact the HRO Personnel Management Specialist.

9 7. Witnesses

a. When an employee is summoned or assigned by his/her activity to testify in an official capacity or to produce official records, (s)he is in an official duty status and entitled to regular compensation without regard to any entitlement to court leave. An employee is considered to be a witness in his/her official capacity when (s)he is called as a witness in the official capacity of a

former position (s)he held in the Federal Service, as well as when called as a witness in the official capacity of the position in which (s)he is currently serving.

b. When an employee is summoned as a witness in a judicial proceeding to testify in a non-official capacity on behalf of a state or local government, (s)he is entitled to court leave during the time (s)he is absent as a witness. When an employee is summoned or assigned by his/her activity to testify in a non-official capacity on behalf of the United States Government or the Government of the District of Columbia, (s)he is in an official duty status and entitled to regular compensation without regard to any entitlement to court leave. If the witness service in a non-official capacity is performed on behalf of a private party in connection with any judicial proceeding to which the United States, the District of Columbia, or a state or local government is a party, the employee's absence from duty may be charged to court leave. If the summons itself is not specific or is unclear about the party for whom the witness service is to be rendered, the supervisor must take whatever action is necessary to make this determination and annotate the records accordingly.

c. An employee who performs witness service in an official duty status on days for which (s)he would have been entitled to receive overtime compensation had (s)he rendered service in his/ her civilian position, is entitled to the overtime compensation (s)he would have received on those days.

d. Employees shall not be paid witness fees when testifying on behalf of the United States or the Government of the District of Columbia; however, they shall be paid their regular salaries (plus any appropriate overtime pay). The time served as a witness is official duty and cannot be deducted from annual leave. An employee who is called as a witness for the United States Government or the Government of the District of Columbia while absent from his/her duties on leave without pay for the entire period (s)he serves as a witness may accept and retain witness fees. Allowances for expense of travel and subsistence may be retained by the employee if not paid by the employing agency. If an employee testifies in a nonofficial capacity on behalf of a private party, thereby having to take annual leave or leave without pay, (s)he is entitled to the usual fees and expenses related to such witness service.

9 8. Procedures. Procedures for securing court leave are as follows:

a. Upon receipt of summons for jury service, the employee will provide a copy of the summons to his/her supervisor.

b. The employee will present the summons to the Clerk of Court upon reporting for jury duty to have the time recorded to cover the period or periods of jury service and fees received.

c. Upon return to duty, the employee will present the summons along with an OPM Form 71 (request for court leave) (**R** to the) supervisor. If required to do so, the employee will also turn in the fees received to the appropriate payroll office.

SUBARTICLE 10. VOTING AND REGISTRATION

10 1. Policy. Encourage employees to exercise the right to vote.

10 2. Voting. Administrative excused time will be given to eligible employees to vote in national, state, or municipal elections or referendums consistent with applicable Federal rules and regulations. In this connection, eligible voters will be excused without charge to leave for the purpose of voting on the following basis:

a. Where the polls are not open at least 3 hours either before or after an employee's regular hours of work, (s)he may be granted an amount of excused leave which will permit him/her to report for work 3 hours after the polls open or leave work 3 hours before the polls close, whichever requires the lesser amount of time off.

b. Under exceptional circumstances where the general rules do not permit sufficient time, an employee may be excused for such additional time as may be needed to enable him/her to vote, depending upon the particular circumstances in his/her individual case, but not to exceed a full day.

c. If the employee's voting residence is in a state other than South Carolina, time will be allowed only if voting by absentee ballot is not permitted.

10 3. Registration. For employees who vote in jurisdictions which require registration in person, excused time to register will be granted on the same basis as for voting. No time will be granted if registration can be accomplished on a nonworkday and the place of registration is within reasonable, 1 day, round-trip travel of the employee's residence.

SUBARTICLE 11. EXCUSED ABSENCES

11 1. Definition. An excused absence is an absence from duty administratively authorized without loss of pay and without charge to leave. The term "administrative leave" is sometimes used to refer to excused absence from duty without loss of pay or charge to leave. The term "administrative leave" is not mentioned in law or regulation.

11 2. Policy/Guidance. Excused absence may be granted in limited circumstances which should:

- a. Be directly related to the employing agency's mission.
- b. Enhance the professional development or skills of the employee in his/her current position.
- c. Be officially sponsored/sanctioned by the head of the employing agency.

Excused absences as outlined below are for specific purposes and times authorized. It is incumbent on the individual employee to return to duty at the end of the specified period or make arrangements, whenever possible, to request from the immediate supervisor another appropriate leave. If such arrangements are not made, the employee may be carried in an "absent without leave" status.

11 3. Participation in Military funerals. Excused absence for this purpose is limited to funeral ceremonies for members of the Armed Forces whose remains are returned to the United States from abroad for final interment in the United States. Employees who are veterans of any war, campaign, or expedition for which a campaign badge has been authorized, or members of honors or ceremonial groups of organizations of such veterans, may be excused up to four hours in a day to participate in funeral services as active pall bearers, members of firing squads, or honor guards. This does not apply to honorary pallbearers.

11 4. Civil Defense Activities. Employees (full-time pay status) may be excused to participate in federally recognized civil defense programs for a reasonable amount of time up to 40 hours in a calendar year.

11 5. Blood Donation. Participation in the DOD Blood Donor Program is strongly encouraged and employees who serve as blood donors will be excused from work without charge to leave for the time necessary to donate the blood and for recuperation following blood donation. Normally, the excused time is up to 4 hours. Additional time, not to exceed one day, is permissible in cases where the employee must travel an unusual distance or where unusual need for recuperation occurs.

11 6. Tardiness and Brief Absence

a. Brief absences from duty of less than 1 hour and tardiness may be excused when the reasons are justifiable to the supervisor. When not justifiable, the absence must be made up or charged to an appropriate leave account; in addition, the absence may become the basis for disciplinary action.

b. If the tardiness or brief absence is excused, compensated by additional work or charged against compensatory time, annual leave, or leave without pay, it may not be the basis for disciplinary action. When tardiness is neither excused nor charged to leave or leave without pay and the employee is charged with being absent without permission, (s)he is charged for the full amount of time absent in the activity leave increment closest to, but not less than, the absence.

11 7. Taking Examinations

a. Employees who take examinations required by their present positions, including reexaminations, may be granted excused absence.

11 8. Attending Conferences or Conventions. Employees may be granted excused absence to attend conferences or conventions when attendance will serve the best interests of the Federal

service. Excused absence may be restricted to those situations in which the employee is an official representative of the agency or a contributor on the agenda.

11 9. Representing Employee Organizations. Reasonable time as provided for in existing agreements will be allowed employee organization representatives.

11 10. Appeals and Grievances

a. Appellants and representatives who are current employees will be allowed a reasonable amount of official time (normally not in excess of 4 hours) to obtain information not reasonably available outside working hours, for the presentation of the employee's appeal. Consult with the HRO Personnel Management Specialist for additional information.

b. All current employees will normally be in a duty status during the grievance or appeal hearing. Employees whose scheduled duty tours are not within the hours during which they will participate in a hearing will either have their shift hours changed in accordance with applicable instructions or will be paid overtime or granted compensatory time during their participation.

11 11. Draft Registration and Examination

a. Employees required to register under the Act of 24 June 1948 as amended, 50 App. USC 451 et seq. (retitled Military Selective Service Act of 1967), will be excused for the time necessary, not to exceed 1 day, without charge to leave or loss of pay. Time in excess of 1 day is chargeable to annual leave. Where facilities for registration are made available at the activity and employees choose to register elsewhere, the absence will be charged to annual leave.

b. Employees called for examination for duty in the Armed Forces under the Act will be excused without charge to leave or loss of pay. If absence for this purpose exceeds 1 day, the employee will be required to submit a statement from the examining officer explaining the necessity for the additional absence.

11 12. Emergency Rescue or Protective Work

a. Individual employees may be granted excused absence to participate in civil activities which the Government is interested in recognizing or encouraging.

b. Employees (permanent or temporary indefinite) who are called to emergency duty in the National Guard or State Guard for the purpose of providing military aid to enforce the law are entitled, during and because of such service, to leave without loss for time or service, or performance rating. Leave so granted will not exceed 22 workdays (176 hours) in a calendar year. An amount (other than travel, transportation, or per diem allowance) received by an employee for which (s)he is entitled to leave will be credited against the pay payable to the employee or individual with respect to his/her civilian position for that period. (See Subarticle 8 6 for additional information.)

11 13. Funeral of an Immediate Relative Killed in the Line of Duty in Armed Forces

a. An activity shall grant an employee such funeral leave as is needed and requested by him/her not to exceed 3 workdays, without loss of or reduction in pay, leave to which (s)he is otherwise entitled or credit for time or service, and without adversely affecting his/her performance or efficiency rating. Funeral leave is granted to allow an employee to make arrangements for or to attend the funeral or memorial service for an immediate relative who died as the result of a wound, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone. The 3 days need not be consecutive but if not, the employee shall furnish the approving authority satisfactory reasons justifying a grant of funeral leave for nonconsecutive days.

b. An activity may grant funeral leave only from a prescribed tour of duty, including regularly scheduled overtime.

11 14. After Prolonged Overtime or Travel. When it is not possible or reasonable to reschedule an employee's duty or travel time and regular scheduling would require the employee to travel and/or serve in a duty status for more than 16 hours, the employee may be excused without charge to leave or loss of pay for a reasonable time to recuperate from fatigue or loss of sleep. In determining the time to be allowed, the adverse effect on work performance, health, or well being, and any safety hazard which might result from working while fatigued, should be considered. Excused absence under this authority will not normally exceed 4 hours.

11 15. Absences for Relocation Purposes. An employee may be excused for a reasonable time to make personal arrangements and to transact personal business directly related to a permanent change of station which is in the interest of the U.S. Government, provided that such business or arrangements cannot be transacted outside the employee's regular working hours. This includes such things as making arrangements for the packing and unpacking of household goods and obtaining driver's license, auto tags, and passports.

11 16. Physical Fitness. Excused absence may be granted for short periods for participating in officially sponsored and administered physical fitness programs.

11 17. Serving as a Bone Marrow or Organ Donor. Effective 30 September 1994, Public Law 103 329 provides Federal employees with up to 7 days of paid leave in a calendar year (in addition to sick or annual leave) to serve as a Bone Marrow or Organ Donor.

11 18. Absence in Connection with Funerals for Fellow Federal Law Enforcement Officers or Firefighters. By Public Law 103 329, a federal law enforcement officer or firefighter shall be excused from duty to attend the funeral of a fellow law enforcement officer or firefighter. Attendance at such a service is to be considered official duty, and the activity may pay the employee's travel, transportation and subsistence expenses as provided under 30 USC 1345.