

# Department of Transportation Absence and Leave Handbook

<b>SECTION 1. GENERAL PROVISIONS .....</b>	<b>3</b>
COVERAGE.....	3
AUTHORITY AND REFERENCES .....	3
USE OF LEAVE .....	3
REQUESTS FOR LEAVE/APPROVED ABSENCE.....	3
ATTENDANCE .....	4
ACCOMMODATION OF RELIGIOUS EXERCISE.....	4
HOLIDAY LEAVE.....	4
ABSENCE OF DISABLED VETERANS .....	5
ABSENCE WITHOUT LEAVE .....	5
TARDINESS .....	5
<b>SECTION 2. ANNUAL LEAVE.....</b>	<b>5</b>
ADVANCE ANNUAL LEAVE.....	6
RESTORED ANNUAL LEAVE.....	6
<b>SECTION 3. SICK LEAVE.....</b>	<b>7</b>
SICK LEAVE TO CARE FOR A FAMILY MEMBER.....	7
REQUESTING SICK LEAVE.....	8
ADVANCE SICK LEAVE .....	8
<b>SECTION 4. COURT LEAVE.....</b>	<b>9</b>
<b>SECTION 5. MILITARY LEAVE.....</b>	<b>10</b>
ACTIVE AND INACTIVE DUTY TRAINING.....	11
FUNERAL HONORS DUTY.....	11
<b>SECTION 6. EXCUSED ABSENCES.....</b>	<b>11</b>
EXCUSED ABSENCES FOR VOTING .....	11
PARTICIPATION IN MILITARY FUNERALS .....	12
ADMINISTRATIVE SITUATIONS FOR WHICH EXCUSED ABSENCE MAY BE GRANTED .....	12
ABSENCE TO PERFORM COMMUNITY SERVICE.....	13
OTHER SITUATIONS FOR WHICH EXCUSED ABSENCE MAY BE GRANTED.....	13
<b>SECTION 7. LEAVE WITHOUT PAY.....</b>	<b>13</b>
<b>SECTION 8. ABSENCES FOR MATERNITY AND PATERNITY REASONS.....</b>	<b>14</b>
MATERNITY LEAVE .....	14
PATERNITY LEAVE.....	15
<b>SECTION 9. FAMILY AND MEDICAL LEAVE.....</b>	<b>15</b>
GENERAL GUIDELINES FOR DOT EMPLOYEES COVERED BY TITLE II .....	15
LEAVE USAGE.....	16
INTERMITTENT LEAVE AND REDUCED SCHEDULES.....	17
PROTECTION OF EMPLOYMENT AND BENEFITS .....	17
EMPLOYEE RESPONSIBILITIES.....	17
MEDICAL CERTIFICATION .....	18
GENERAL GUIDELINES FOR DOT EMPLOYEES COVERED BY TITLE I .....	19

<b>SECTION 10. TRANSFER AND RE-CREDIT OF LEAVE .....</b>	<b>20</b>
TRANSFER OF LEAVE .....	20
RE-CREDIT OF SICK LEAVE .....	21
<b>SECTION 11. VOLUNTARY LEAVE TRANSFER PROGRAM.....</b>	<b>21</b>
GUIDELINES .....	21
PROCEDURES TO BECOME A LEAVE RECIPIENT .....	21
USE OF TRANSFERRED ANNUAL LEAVE.....	23
SET ASIDE LEAVE ACCOUNTS .....	23
DONATION OF ANNUAL LEAVE.....	24
LIMITATIONS ON THE DONATION OF ANNUAL LEAVE.....	24
PROHIBITION OF COERCION OR PROMISE OF BENEFIT .....	25
<b>APPENDIX A OPM FORM 71.....</b>	<b>26</b>
<b>APPENDIX B DEPARTMENT OF LABOR, OPTIONAL FORM WH-380.....</b>	<b>27</b>
<b>APPENDIX C EARNING RATES OF ANNUAL LEAVE.....</b>	<b>28</b>
<b>APPENDIX D EMPLOYEE ABSENCES FOR COURT OR COURT-RELATED SERVICES.....</b>	<b>29</b>
<b>APPENDIX E EMERGENCY PROCEDURES BEFORE THE WORKDAY BEGINS OR DURING THE WEEKDAY .....</b>	<b>30</b>
<b>APPENDIX F EFFECT OF LWOP ON EMPLOYEE BENEFITS.....</b>	<b>31</b>
<b>APPENDIX G OPM FORM 630 .....</b>	<b>33</b>
<b>APPENDIX H OPM FORM 630A.....</b>	<b>34</b>
<b>APPENDIX I OPM FORM 630B .....</b>	<b>35</b>
<b>APPENDIX J LEAVE AT A GLANCE.....</b>	<b>37</b>

## **Section 1. General Information**

### Coverage

- a. This handbook contains the basic requirements governing the administration of absence and leave for civilian employees within the U.S. Department of Transportation (DOT). It does not create any new policy for employees and does not cover employees in the Senior Executive Service.
- b. In general, the provisions of this handbook cover employees of the Federal Aviation Administration (FAA). However, FAA employees should consult with their servicing human resources office on their leave entitlements.

### Authority and References

- a. This handbook is based upon and conforms to the requirements and policy set forth in 5 U.S.C. Chapter 63, 5 CFR Part 630 and DPM 630.
- b. This handbook supplements policies and requirements contained in the sources cited in paragraph (a) of this section, the leave policies established by your operating administration and applicable collective bargaining agreements. This handbook must be read with the references cited.

### Use of Leave

- a. The accrual of leave is an employee benefit. The use of leave is subject to the specific requirements contained in applicable laws, regulations, agency policies, and applicable negotiated agreements. Both the needs of the employee and the need to accomplish the work of the Department will be considered in arriving at decisions to approve or disapprove leave requests.
- b. The abuse of leave rights and privileges may lead to disciplinary action.

### Requests for Leave/Approved Absence

- a. If you wish to take leave, you are required to inform your supervisor in advance of the request. If you are unable to report for duty, you must notify your supervisor as soon as possible at the beginning of the workday. Your request for leave should include the day(s), what type of leave, the number of hours, and the specific hours (from-to) that you are requesting.
- b. OPM Form 71, Appendix A, may be used for the purpose of requesting leave. Your office may have other paper or electronic methods of requesting leave.

- c. You should check with your supervisor and/or human resources office for the leave requesting and approving procedures for your office and operating administration.
- d. If you are requesting leave without pay or paid leave under the Family and Medical Leave Act, you may be required to use the [Department of Labor Form WH-380 in Appendix B](#). You should check with your human resources office to determine if you are required to use this form.

### Attendance

You are expected to report for work on time and to be on duty at all times during your tour of duty except during lunch periods and excused absences.

### Accommodation of Religious Exercise

Federal Law requires agencies to accommodate employees' exercise of their religion unless such accommodation would impose undue hardship on operations of the Department or operating administration. You may request and be granted accrued or advance annual leave (if other requirements on the advancement of leave are met) to accommodate an absence for a religious observance. Other options include alternative work schedules used within your operating administration or compensatory time off for religious observances as covered in 5 CFR 550.1002.

### Holiday Leave.

- a. If you are on a compressed work schedule (5/4-9 or 4/10), you are entitled to pay for the number of hours (8, 9, or 10) you would have normally worked for any day that the Department or Federal Government is closed for a legal public holiday. *For example, you work a 5/4-9 schedule and a holiday falls on a Monday. If you normally work nine (9) hours on that day, you are entitled to nine hours of pay for that holiday.*
- b. If you are full-time employee on a maxiflex or other non-compressed work schedule, including a traditional 8-hour workday, you are entitled to 8 hours pay for any day on which the Department or Federal Government is closed for a legal public holiday. You are responsible for scheduling yourself the remaining number of hours of work in a pay period in which a holiday occurs to fulfill your regular work schedule. *For example, if you normally work 80 hours in a pay period you must schedule yourself for 72 hours of work when there is a holiday.*
- c. If your regular day off (RDO or AWS day) falls on a holiday, you are entitled to an in lieu of holiday or your supervisor may approve a change in days. *For example, an employee with a Monday RDO would normally take the following Tuesday as the in lieu of holiday.*

- d. If a holiday occurs on a day within a part-time employee's scheduled tour of duty (including those days on which flexible hours are scheduled) the employee is entitled to basic pay for the number of hours which the employee is scheduled to work for that day. If a part-time employee does not have a typical schedule, the employee may be paid the average of the number of hours worked in prior weeks on days corresponding to the holiday.

### Absence of Disabled Veterans

Under the provisions of Executive Order 5396 a disabled veteran must be granted annual leave, sick leave, or leave without pay (LWOP), as appropriate, for medical treatment upon request and presentation of an official statement from a medical authority that such treatment is required. A veteran must give prior notice of definite days and hours of absence required for medical treatment in order that arrangements may be made for carrying on the work during his/her absence. Granting or authorizing a leave of absence to a disabled veteran is only mandatory under E.O. 5396 when the treatment, examination, or absence is in connection with the disability.

### Absence Without Leave

- a. If you fail to report for duty without prior approval or you have an unauthorized absence from the workplace during the work day, you may be charged with absence without leave (AWOL) if you don't follow the notification procedures of your operating administration. Disciplinary action may be taken when considered appropriate.
- b. If the absence is later excused, the charge to AWOL on the time and attendance report will be changed to the appropriate leave category.

### Tardiness

- a. Your supervisor has the discretion to excuse occasional or unavoidable periods of tardiness. If your supervisor determines that excused absence is not appropriate, you may request annual leave or leave without pay, in multiples of 15 minutes, to cover the period of absence.
- b. If your supervisor does not grant excused absence or approve your leave request, the period of tardiness may be considered an unauthorized absence and charged to AWOL, in multiples of 15 minutes.
- c. Habitual tardiness is a basis for disciplinary action.

## **Section 2. Annual Leave**

- a. Employees who are appointed to positions for more than 90 days earn annual leave. If your initial appointment was less than 90 days, you do not earn annual leave. If

however, you work for 90 or more days under consecutive appointments without a break in service, you are entitled to be credited for the annual leave earned from the beginning date of your initial appointment.

- b. The maximum amount of annual leave that you may accumulate is 240 hours (30 days). However employees who work abroad may accumulate a maximum of 45 days of annual leave and employees with special tours of duty may be allowed to accumulate a higher amount of annual leave. See [Appendix C](#) for earning rates of annual leave.
- c. You must request annual leave in advance of its use, except in situations when it is not possible to get advance approval. In these circumstances, you must notify your supervisor as soon as possible on the day the leave is needed. Your office may have additional procedures for requesting leave.

### Advance Annual Leave

You may request advance annual leave in writing to your supervisor. Your supervisor will consider the reason for the request, workload status and the policy of your operating administration when approving or disapproving the request. You may be advanced no more than the amount of annual leave to be earned in the remainder of the current leave year.

### Restored Annual Leave

- a. In order for you to have forfeited use or lose leave (excess annual leave over 240 hours) considered for restoration, your leave must have been scheduled and approved in writing before the start of the 3<sup>rd</sup> biweekly pay period prior to the end of the leave year (for use by the end of the leave year). To qualify for restoration, the annual leave that was forfeited must have been due to one of the following reasons:
  - an exigency of the public business – work resulting from an emergency situation that is typically unusual in its occurrence;
  - sickness; or
  - administrative error.
- b. You may request restoration of annual leave if the forfeiture meets any of the conditions above. You must follow the established procedures for your operating administration in order to request a restoration of forfeited leave. You may contact your human resources office to identify the proper requesting procedures.
- c. Restored annual leave is maintained in a separate leave account.

- d. If restored annual leave is not used within the time frame established below, it cannot be restored again. Restored annual leave must be used not later than the end of the leave year ending two years after:
  - a date fixed by agency management as the termination of the exigency; or
  - the date the employee is determined to be recovered and able to return to duty; or
  - the date of restoration for leave forfeited because of administrative error.

### **Section 3. Sick Leave**

- a. If you are a full-time employee you earn sick leave at a rate of 4 hours for each full biweekly pay period.
- b. If you are a part-time employee with an established tour of duty, you earn 1-hour of sick leave for each 20 hours of duty that you are in pay status. However, you may earn no more than 4 hours of sick leave per pay period.
- c. All employees are entitled to the use of sick leave. You may request and be granted sick leave for any of the following reasons. You are receiving medical, dental, or optical examination or treatment. You are unable to work because of physical or mental illness, injury, pregnancy, or childbirth. You would, because of communicable disease, jeopardize the health of others by being on the job. You need to be absent from work for adoption-related activities (e.g., appointments with adoption agencies, social workers and attorneys, court proceedings, required travel, periods of time adoptive parents are required by court or agency to care for the adopted child).

#### Sick Leave To Care For a Family Member

- a. As a full time employee, you may use up to 40 hours of sick leave per leave year to provide general care for a family member. General care includes caring for someone who has a common illness, attending medical, dental or optical appointments and bereavement (funeral) purposes. Bereavement purposes may include travel to and from a funeral; attending a funeral; and/or making arrangements for a funeral. You may use an additional 64 hours of sick leave for the general care of a family member if you maintain a sick leave balance of 80 hours.
- b. As a full time employee, you may use a total of 12 weeks (480 hours) of sick leave to care for a family member with a serious health condition. Examples of serious health conditions include cancer, heart attack, stroke, Alzheimer's disease, pregnancy, and childbirth. The term "serious health condition" is further defined on the [Department of Labor, Optional Form WH-380 in Appendix B](#).

- c. The 40 hours of sick leave for the general care of family member is included in the total 480 hours that you may use to care for a family member with a serious health condition. Again, you must maintain a sick leave balance of at least 80 hours during any period of time you use more than the first 40 hours of sick leave to care for a family member.
- d. Family member is defined as a spouse and their parents; children; parents; siblings and their spouses; and any other individual related by blood or affinity whose relation to you is the equivalent of a family member.
- e. If you are a part-time employee, your sick-leave benefits to care for a family member are pro-rated. For instance, a part-time employee who works 20 hours a week could use 20 hours of sick leave or from 21 to 240 hours if they maintained a sick leave balance of at least 40 hours.

### Requesting Sick Leave

- a. You must request sick leave for medical, dental or optical appointments in advance. In emergency situations, you should notify your supervisor as soon as possible or within timeframes established by your operating administration. Failure to notify your supervisor could lead to placement in an AWOL status.
- b. You are required to provide “administratively acceptable” evidence to your supervisor when requesting sick leave. Generally an absence in excess of three workdays requires a doctor’s certification or other satisfactory evidence as to the reason for your absence. However, your supervisor has the authority to request medical documentation for absences that are less than three workdays. You should check the leave policy and/or collective bargaining agreement for your operating administration to determine the certification requirements that apply to you.
- c. If you become ill while on annual leave, you may be granted sick leave for the period of illness. You are responsible for notifying your supervisor that you are requesting sick leave and you must provide administratively acceptable evidence to support your request. This evidence may be a completed OPM Form 71 and/or medical documentation.

### Advance Sick Leave

- a. You may request and be granted advance sick leave in the event of a serious disability or ailment. Such an event is defined as one that usually lasts for at least 3 consecutive workdays and is supported by a medical certificate. The maximum amount of sick leave that you may be advanced is 240 hours. If you work a special tour of duty, e.g. firemen, you should check with your human resources office on the maximum amount of sick leave that you might be advanced.

- b. The approval level and process for advance sick leave is determined by the policy of your operating administration. In all instances, your ability to repay the debt incurred will be considered prior to approving advance sick leave.
- c. If you are a probationary employee, you may not be advanced more sick leave than you can expect to earn during the remainder of your probationary period until your supervisor has had an opportunity to reach a decision about your continued employment.
- d. Once an advance has been granted, further use of sick leave constitutes an additional advance and must meet all the criteria of this section before it can be approved. Upon return to active duty status, you are expected to repay the advance sick leave. It may be liquidated by subsequently earned sick leave.
- e. You may choose to repay the advance sick leave balance from your annual leave balance or by a charge against annual leave received under the Voluntary Leave Transfer Program. In addition, you may repay the advance sick leave balance by a monetary settlement (check with your human resources office for this option).
- f. If you leave the Department before having made up the balance of advanced sick leave, you must make arrangements with your servicing payroll office, through your human resources office, to repay the balance.
- g. If you are an employee of the Federal Aviation Administration, you should contact your human resources office for more information on your Voluntary Leave Transfer Program.

#### **Section 4. Court Leave**

- a. In most cases, the Department of Transportation (DOT) will not seek to have employees excused from jury duty. If required to serve on a jury or appear in court for approved reasons, you may be granted court leave. You must provide a summons to jury duty or equivalent document prior to the date for which you are requesting court leave. Court leave is a separate leave account and will be documented as such in the time and attendance records.
- b. If called to serve as a juror in a court proceeding to which the United States, a State, or local government is a party, you are required to collect all fees and allowances payable to you as a result of your service. Because you are receiving court leave, you are required to submit all collected "fees" to your servicing payroll office via your personnel office. If you don't collect the fees for jury service, you are still liable for them and will be required to pay the equivalent of those monies to DOT.
- c. As a general rule, monies identified as "expenses" do not have to be turned in to DOT. You should ask an official of the court whether your payment to be received

is considered fees for jury service or expenses (examples of expenses include parking or transportation costs).

- d. If you are summoned as a witness in a judicial proceeding to testify in a nonofficial capacity in a court proceeding to which a State or local government or the United States is a party, you are entitled to court leave during the time you are absent to serve as a witness.
- e. If you are summoned or assigned by DOT to testify in an official capacity on behalf of the United States Government or a local government, you are in an official duty status not a leave status. Therefore you are entitled to your regular pay without charge to court leave or any other leave category.
- f. If you are called as a witness in a nonofficial capacity in a judicial proceeding involving only private parties, you must take annual leave or leave without pay for the time you need to be absent. You are entitled to retain any fees or expenses paid to you for these services.
- g. You should check with your supervisor to determine if you are expected to return to the office if your service as a juror or witness is completed before the end of your normal workday. If it is determined that you should return to the office and you don't, will be charged as absent without leave. However, you may request and your supervisor may approve annual leave or leave without pay for this absence if the proper requesting procedures are followed.
- h. The chart in [Appendix D](#) outlines the circumstances under which court leave will be granted and the manner of accounting for fees and expenses relating to such services.

## **Section 5. Military Leave**

- a. If deemed eligible, you are entitled to leave without loss of pay or service credit for certain types of duty in the National Guard or as a Reserve of the Armed Forces. For purposes of this entitlement, an eligible employee is a full-time Federal employee whose appointment is not limited to 1-year. Military leave for a part-time career employee and an employee on an uncommon tour of duty is prorated.
- b. You will not be charged military leave for weekends and holidays that occur within the period of military service. You will only be charged military leave for the hours that you would otherwise have worked and received pay. Military leave shall be credited to a full-time employee on the basis of an 8-hour workday. The minimum charge to leave is 1 hour.
- c. You should contact your human resources office if you have questions on your entitlements to military leave.

### Active and Inactive Duty Training

- a. 5 U.S.C. 6323 provides for 15 calendar days per fiscal year for active duty training and inactive duty training. A maximum of 15 days can be carried over into the next fiscal year. This gives a full-time employee the potential use of 30 days military leave during a fiscal year. There is no requirement that the employee return from military duty to a civilian position before additional military leave, earned during a new fiscal year, may be used. Thus, employees have the potential for using up to a maximum of 45 days of military leave during an extended period of military duty that crosses fiscal years. Leave that exceeds this allowance must be charged to annual leave or LWOP, as appropriate.
- 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. For employees on a part-time career employment basis (16-32 hours per week only), the days of leave authorized are determined by multiplying 15 days by the scheduled tour of duty, divided by 40.
- d. Some branches of the service require that members report for a physical examination before actually beginning active duty. In these situations, and when necessary, an excused absence, not to exceed 1 day may be granted for the actual time required, in addition to the 15 days of military leave allowed for active duty.
- e. If you are called to active military duty you must inform your supervisor in advance of the duty and provide your supervisor with a copy of the military orders.

### Funeral Honors Duty

Section 359 of Public Law 107-107 authorizes Reserve members and National Guardsmen to use military leave for funeral honors duty.

## **Section 6. Excused Absences**

An excused absence is an absence from duty authorized for administrative reasons without loss of pay and without charge to leave. The decision to grant an excused absence is a matter of supervisory discretion. Excused absence is commonly referred to as "administrative leave."

### Excused Absences for Voting

- a. You may be granted excused absence in order to exercise your voting rights if there is not a sufficient amount of time available before the beginning or end of your workday. Generally, you may be granted excused absence to provide you with at

least three hours in which to vote before the beginning or after the end of the workday (Example: Employee works from 7am to 4pm and the polls open at 7am and close at 6pm. The employee may be excused from work at 3pm in order to provide sufficient time to reach the polling place and vote.)

- b. If there are extenuating circumstances, you may be given additional excused absence to enable you to vote. Such circumstances would be determined on a case-by-case basis. You will not be given excused absence for more than one day for this purpose. Absences in excess of 1 day shall be charged to annual leave, compensatory time, credit hours or leave without pay.
- c. If you vote in a jurisdiction that requires registration in person, time off to register may be granted on substantially the same basis as for voting, except that no time of this kind shall be granted if registration can be accomplished on a non-work day and the place of registration is within reasonable 1-day, round trip travel distance of your place of residence.

#### Participation in Military Funerals

If you are a veteran, you may be excused from duty without loss of pay or a charge to annual leave for the time necessary, not to exceed 4 hours in any one day, to participate as an active pallbearer or honor guard in funeral ceremonies for members of the Armed Forces whose remains are returned from abroad for final interment in the United States.

#### Administrative Situations for Which Excused Absence May be Granted

- a. Your supervisor may grant you excused absence for occasional tardiness and brief absences.
- b. You may be granted excused absence to attend meetings of professional organizations and other groups when it is determined that the attendance will benefit your operating administration and/or the Department.
- c. You may be granted up to four (4) hours of excused absence to make blood donations to the Red Cross, local hospitals, blood banks, or similar nonprofit organizations. The excused absence must be taken immediately following the donation and is in addition to the time required to travel to and from the blood center and to actually give blood. This time is authorized to allow you sufficient time to recuperate after donating blood.
- d. If you are not accepted for blood donation, only the time necessary for the trip to and from the blood center is allowed as an excused absence.

- e. Excused absence may be granted for participation in DOT officially-sponsored and administered physical fitness programs; visits to health units; and/or participation in special events that DOT is interested in recognizing or encouraging.

#### Absence to Perform Community Service

- a. Normally, you will need to request annual leave, LWOP or compensatory time off to perform community or volunteer service during your normal work hours. However, there are specific instances in which you may be granted excused absence to participate in volunteer and community activities.
- b. In order to be granted excused absence, the volunteer service must be in the interest of the Department and directly related to DOT's mission; officially sponsored or sanctioned by the Secretary; and expected to enhance your professional development.
- c. You and your supervisor should also consider the use of alternate work schedules or telecommuting arrangements as an alternative to excused absence to perform community or volunteer service.

#### Other Situations for Which Excused Absence May be Granted

- a. The head of your operating administration or departmental office may grant excused absence for special or extenuating circumstances in order to protect the safety and or security of one or more employees.
- b. The Federal Government in whole or in part may be closed because of hazardous weather conditions, natural disasters, air pollution, major fires or serious interruptions to public transportation. Usually, significant emergency situations, of the scope and impact reflected in these guidelines, will be the subject of a public declaration of emergency or disaster by appropriate Federal, State or local authorities.
- c. See chart in [Appendix E](#) for announcements when the government announces delayed arrivals or early dismissals. Your operating administration will announce instructions if your office is closed during the workday.

## **Section 7. Leave Without Pay**

- a. Leave without pay (LWOP) is an approved and temporary non-pay absence from duty. Authorizing leave without pay is a matter of management discretion based upon the reasons for the request and the workload conditions in the office.
- b. All requests for leave without pay in excess of 30 days must be made in writing in advance, using OPM Form 71 or other leave requesting procedures, to your immediate supervisor. Your supervisor will follow established approval procedures

for your operating administration (approval levels may vary from operating administration to operating administration).

- c. Leave without pay ordinarily may not be approved for longer than 12 months at a time. Requests for extension beyond 12 months will be granted only in very unusual cases that are in the best interest of the Department.
- d. See Appendix F for a chart that describes how leave without pay affects your benefits.

## **Section 8. Absences for Maternity and Paternity Reasons**

### Maternity Leave

- a. The Federal Government does not have a separate category of maternity leave.
- b. Absence due to pregnancy will be treated like any other medically certified temporary disability. Leave granted for maternity reasons may be a combination of sick leave, annual leave, leave without pay (LWOP), and/or LWOP under the Family and Medical Leave Act.
- c. You should report your pregnancy in a reasonable time after it is known so that steps can be taken to protect your health or adjust your working conditions if necessary, and so that necessary staffing adjustments may be planned. Medical documentation that authorizes you to continue working may be requested if your health may be at risk performing the duties of your job.
- d. You should submit a written request to your supervisor for maternity leave. The request should include your expected delivery date, the amount of time you are requesting for leave, the type or types of leave (i.e. sick leave, annual leave, and/or LWOP) being requested, and whether or not you intend to return to duty after delivery. This information will be used by your supervisor for planning purposes.
- e. If you intend to return to work after delivery and you have not accrued enough sick leave to cover the time you are incapacitated, you may request LWOP, advance leave and/or to become a member of the Voluntary Leave Transfer Program to cover the absence.
- f. You may invoke your entitlement to leave without pay under the Family and Medical Leave Act and substitute any applicable paid leave for the LWOP.
- g. Sick leave may only be used during your period of physical incapacitation. You may request annual leave, compensatory time, credit hours or leave without pay to cover any absence beyond your physical incapacitation.

- h. If you do not intend to return to duty after delivery, you should submit your resignation in advance with the effective date to occur at the expiration of your period of incapacitation.
- i. You may request leave beyond your period of physical incapacitation. Based on the workload and staffing needs of your office, your supervisor may approve a request for extended absence beyond your period of physical incapacitation. You may invoke your entitlement to the Family and Medical Leave Act to bond with your new child. This entitlement is further described in Chapter 9.

### Paternity Leave

- a. As a father, you may request annual leave, leave without pay and/or sick leave, as appropriate, for purposes related to the birth of your child.
- b. You may use sick leave to accompany the mother to doctors' appointments, during her hospitalization and to care for the mother during her period of recovery from birth (usually 6 to 8 weeks). You cannot use sick leave to bond with a new baby.
- c. However, you may invoke your entitlement to the Family and Medical Leave Act to bond with your new child. This entitlement is further described in Chapter 9.

## **Section 9. Family And Medical Leave**

### General Guidelines for DOT Employees covered by Title II

- a. Title II of the Family and Medical Leave Act (FMLA) of 1993 provides most Federal employees a total of 12 administrative workweeks of unpaid leave during any 12-month period. You may take only the amount of family and medical leave that is necessary to manage the circumstance that prompted the need for this type of leave.
- b. In order to be covered by this section, you must earn sick and annual leave and have worked for DOT or the Federal Government for at least 12 months (not required to be 12 recent or consecutive months).
- c. If you are a DOT employee serving as an intermittent employee or serving under a temporary appointment that will expire in one year or less, this section does not cover you. See "General Guidelines for DOT Employees Covered by Title I" later in this section for your entitlements under the FMLA.
- d. You are entitled to leave under the FMLA for the birth of a son or daughter and the care of that child; placement of a child with you for adoption or foster care; to care for a family member related to you by blood or affinity who has a serious health

condition; or if you have a serious health condition that makes you unable to perform the essential functions of your position.

- e. A father and mother are each entitled to 12 administrative workweeks of unpaid leave for birth, adoption, and foster care or for the care of a son or daughter with a serious health condition.

### Leave Usage

- a. The 12 administrative workweeks of leave is calculated on an hourly basis and will equal 12 times the average number of hours in your regularly scheduled administrative workweek. For example, if your regularly scheduled workweek is 40 hours, you are entitled to 480 hours (40x12) of family and medical leave during any 12-month period.
- b. If there are any holidays or non-workdays established by Federal statute during the period in which you are on family and medical leave, those hours will not be counted toward the 12-week entitlement to family and medical leave.
- c. The 12-month period begins on the date you first take leave for family or medical needs under the FMLA and continues for 12 months. *For example, if you begin use of family and medical leave on September 7, 2000, the last day family or medical leave can be used is 12 months later on September 6, 2001.* You are not entitled to an additional 12 workweeks of leave until the previous 12-month period ends and there is a new or continuing situation that entitles you to use of the FMLA.
- d. If the number of hours in your regularly scheduled workweek is changed during the 12-month period of family and medical leave, your entitlement must be recalculated. The first step in recalculating the leave entitlement is to convert the number of hours already used back into weeks by dividing the number of hours used by the number of hours in the previous regularly scheduled workweek, e.g., 120 (hours used) ÷ 40 (hours in regularly scheduled work week) = 3 weeks used (9 weeks remaining). The second step is to convert the remaining weeks into hours by multiplying remaining weeks by the new regularly scheduled workweek, e.g., 9 (remaining weeks) X 32 (new regularly scheduled workweek) = 288 hours of entitlement remaining in this 12-month period.
- e. The 12-month period for birth, adoption, or foster care may begin prior to the actual birth or placement. If you invoke leave under the FMLA prior to the date of birth or placement, your 12-month period begins on the date you first use FMLA.
- f. You may elect to substitute accrued annual or sick leave, as applicable; advanced annual or sick leave; or donated leave received under the Voluntary Leave Transfer Program for any or all of the 12 week period of leave without pay.

- g. You are not required to substitute available and applicable paid time off for any or all of the period of leave without pay taken under the FMLA.

#### Intermittent Leave and Reduced Schedules

- a. Unless your supervisor and you agree, you may not take leave for birth, adoption, or foster care intermittently or on a reduced leave schedule. Your supervisor will approve such requests on a case-by-case basis.
- b. Leave for the care of a covered family member with a serious health condition or leave for your own serious health condition may be taken intermittently or on a reduced leave schedule. You should, however, make a reasonable effort to schedule foreseeable planned medical treatment so as not to unduly disrupt the operations of your office, subject to the approval of your health care provider.
- c. If you take leave intermittently or on a reduced leave schedule, you may temporarily be placed in an alternative position for which you are qualified and that can better accommodate recurring periods of leave. The alternative position will be in the same commuting area. The alternative position will also have equivalent benefits (e.g., life insurance, health benefits, retirement coverage, and leave accrual), pay, status, and other terms and conditions of employment.

#### Protection of Employment and Benefits

- a. Upon returning from leave taken under the FMLA, you must be returned to your position of record or a position with equivalent benefits, pay, status, and other terms and conditions of employment. Whenever possible, you will be returned to your original position of record. However, when a management official determines that your placement in the same position would impose extreme hardship on the operating administration, you may be placed in an equivalent position.
- b. The accrual (or non-accrual) of any employment benefits during any period of leave without pay under the FMLA is subject to the normal rules for accruing such benefits. Extended periods of leave without pay will affect your accrual of leave, entitlement to within-grade increases and other benefits. See Appendix F for information on the effects of leave without pay on your benefits.
- c. You are not entitled to any right, benefit, or position of employment unless you would have been entitled to that right, benefit, or position had you not taken leave.
- d. You are not entitled to be returned to any position upon returning from leave if you would not otherwise have been employed in that position.

#### Employee Responsibilities

- a. You must invoke your entitlement to FMLA. Generally, you must invoke your entitlement in writing at least 30 days prior to using leave under the FMLA.
- b. If the need for leave is foreseeable, and you fail to give 30 days' notice with no reasonable excuse, your supervisor may delay the taking of family and medical leave until at least 30 days after the date you provide notice. Careful consideration of individual leave circumstances should be made before a decision to delay is exercised. Additionally, you must make a reasonable effort to schedule foreseeable planned medical treatment so as not to unduly disrupt the operations of your operating administration, subject to the approval of your health care provider.
- c. If you cannot provide 30 days' notice, i.e., the need for leave is **not foreseeable**, you must provide notice within a reasonable period of time appropriate to the circumstances involved. If necessary, notice may be given in writing by your personal representative, e.g., family member. If the need for leave is unforeseeable and you are unable to provide advance notice due to circumstances beyond your control, leave will not be delayed or denied.
- d. You cannot invoke FMLA retroactively, unless you or your representative are physically or mentally incapable of invoking your entitlement to FMLA during the entire period in which you were absent from work for a FMLA qualifying purpose. In this instance, you may invoke FMLA within two days of returning to the office.
- e. You must also notify your supervisor of your intent to substitute applicable paid time off and/or of your intent to use leave on an intermittent or reduced leave schedule basis. You may not retroactively substitute paid leave for LWOP used under FMLA.

### Medical Certification

- a. You must supply written medical certification when requesting and documenting family and medical leave for the care of an applicable family member with a serious health condition or for your own serious health condition.
- b. A health care provider must complete the medical certification. Health care provider generally means a licensed Doctor of Medicine or Doctor of Osteopathy; any health care provider recognized by the Federal Employee Health Benefits Program or who is licensed or certified under Federal or state law to provide the service in question; a Christian Science practitioner listed with the First Church of Christ, Scientist, in Boston, Massachusetts; or a Native American, including an Eskimo, Aleut, and Native Hawaiian, who is recognized as a traditional healing practitioner by native traditional religious leaders - consult the definition at 5 CFR 630.1202 and/or your human resources office with any questions. The certification must include:
  - (1) The date the serious health condition began;

- (2) The probable duration of the serious health condition or a statement that the serious health condition is a chronic or continuing condition with an unknown duration and whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity; and
  - (3) The appropriate medical facts including a general statement as to the incapacitation, examination, or treatment that may be required.
- c. In addition to 1, 2, and 3 above, medical certification for the care of family member must include a statement from the health care provider that your family member requires psychological comfort and/or physical care; needs assistance for basic medical, hygienic, nutritional, safety or transportation needs; and would benefit from your care or presence. You are also required to provide a statement on the care you will provide for the family member and an estimate of the amount of time you expect to provide this care.
  - d. Medical certification for your serious health condition must include a statement from your health care provider that you are unable to perform the essential functions of your position. The essential functions will be based on information provided by the your operating administration or you may provide your health care provider with the essential functions of your position.
  - e. A copy of the Department of Labor's optional medical certification form is provided in Appendix B. This form or one developed by your operating administration should be used to supply the medical certification.
  - f. Additionally, a health care provider representing the agency may contact your health care provider, with your permission, to clarify medical information pertaining to the serious health condition. The information on the medical certificate must relate only to the serious health condition for which the current need for family and medical leave exists. No additional personal or confidential information may be requested.
  - g. If there is any doubt about the validity of the medical certification, second and third opinions may be sought at the expense of your operating administration.

#### General Guidelines for DOT Employees covered by Title I

- a. If you are a DOT employee serving as an intermittent employee or serving under a temporary appointment that will expire in one year or less and meet established criteria, this section applies to you.
- b. If you are an employee in either of the above categories and you have been employed by the Federal Government for at least 12 months; have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of FMLA leave; and are employed at a worksite where 50 or

more employees are employed by DOT within 75 miles of that worksite, then you qualify for FMLA entitlement under Title I.

- c. As an employee covered by Title I of the FMLA, your supervisor may place you on FMLA without your advance permission. This may only be done if your circumstances satisfy the criteria for leave under the FMLA.
- d. You may be required to substitute all available paid leave for leave taken under the FMLA.
- e. A husband and wife who request family and medical leave for the care of a parent, for the birth of a child or the placement of an adoption or foster child may be required to share the 12 week entitlement.
- f. You must follow the leave requesting and medical certification procedures that are identified above.
- g. If you believe your entitlement to FMLA has been violated, you may file a grievance with the Secretary of Labor, through the local Hour and Wage Division.
- h. You should contact your human resources office for additional information on your rights and benefits as a Title I employee entitled to family and medical leave.

## **Section 10. Transfer And Re-credit Of Leave**

### Transfer of Leave

- a. If you transfer to or from an agency under the same leave system as DOT (Title 5 U.S.C., chapter 63), your accrued annual and sick leave transfers with you. It is the responsibility of the agency from which you transferred to certify your leave account balance for credit or charge.
- b. When an employee transfers to or from an agency with a leave system different than DOT, seven (7) calendar days are deemed equal to 5 workdays of annual and sick leave.
- c. If you transfer from an agency that allows you to maintain an annual leave balance higher than 240-hours, you may retain the higher balance upon transferring to the Department. Your leave balance will be reviewed each year to determine your leave ceiling for the next year. This will continue until your leave balance falls to 240 hours. *For example, a new employee transfers to DOT with a leave ceiling of 540 hours. The employee's leave balance at the end of the leave year is 480. The employee's new leave ceiling is 480. At the end of the next year, the employee has a leave balance of 360 hours. The employee's leave ceiling will now be set at 360. This will continue until the employee's leave ceiling is reduced to 240 hours.*

- d. If you transfer to a different operating administration within the Department, your annual leave, sick leave, compensatory time, credit hours (if available in the new organization) and time off awards are transferred with you.

### Recredit of Sick Leave

If you had a break in service and returned to Federal employment on or after December 2, 1994, you are entitled to a recredit of your sick leave. If you returned to federal service prior to December 2, 1994 and your sick leave was forfeited, you are not entitled to a recredit of your balance.

## **Section 11. Voluntary Leave Transfer Program**

### Guidelines

- a. The Voluntary Leave Transfer Program is for DOT employees who earn sick leave and annual leave (i.e., employees covered by subchapter I of chapter 63 of title 5, United States Code).
- b. The Voluntary Leave Transfer Program allows you to donate your unused accrued annual leave to another DOT employee. You may donate leave to an employee who works in your operating administration or in a different operating administration. *For example, an employee in FHWA may donate annual leave to a qualified recipient in FRA.*
- c. The following definitions are provided to clarify terms specific to the leave transfer program:
  - (1) Set Aside Accounts - Separate accounts for annual and sick leave earned by the employee while in a transferred leave status. These accounts are separate from leave earned while in a paid leave status.
  - (2) Transferred Leave Status - The administrative status of an employee while the employee is using transferred leave under the voluntary leave transfer program.

### Procedures to Become a Leave Recipient

- a. You may submit an application to become a leave recipient if you have been or will be affected by a medical emergency. In cases where you may be unable to make application on your own, a personal representative may make written application on your behalf. You may obtain a copy of OPM Form 630 from your human resources office, Appendix G of this handbook, or you may download a copy from [www.opm.gov/FORMS/PDF\\_FILL/opm630.pdf](http://www.opm.gov/FORMS/PDF_FILL/opm630.pdf).
- b. Your application to become a leave recipient must be filed within the time period established by your operating administration.

- c. The following criteria will be used to evaluate your application to become a leave recipient:
  - (1) You have been affected by a medical emergency; and
  - (2) The absence from duty without available paid leave is expected to be at least 24 hours. In the case of a part-time employee or an employee with an uncommon tour of duty, the absence will be at least 30% of the average number of hours in the biweekly scheduled tour of duty.
- d. In evaluating the two criteria listed above, the deciding official may take into account, for purposes of approving or disapproving the application, whether or not the emergency was foreseeable, the extent to which it requires the personal attention of the potential recipient, and whether there are reasonable alternatives to being absent from the job.
- e. Financial need will not be considered in determining whether a “medical emergency” qualifies you to become a recipient of the Voluntary Leave Transfer Program.
- f. If the application is approved, the deciding official shall notify you as soon as possible, within guidelines established by your operating administration.
- g. You may periodically be asked to provide information on the status of the medical emergency to ensure that you continue to be affected by the medical emergency.
- h. Your ability to receive donated leave shall end when the medical emergency affecting you terminates.
- i. The medical emergency shall be considered as terminated:
  - (1) When your Federal service is terminated;
  - (2) At the end of the biweekly pay period in which you or your personal representative notify your operating administration in writing that you are no longer affected by the medical emergency; or
  - (3) At the end of the biweekly pay period in which notice is received that your application for disability retirement under the Civil Service Retirement System or the Federal Employees Retirement System has been approved.
- j. When the medical emergency affecting you terminates, no further requests for transfer of annual leave may be granted. Any unused transferred annual leave remaining to your credit may be restored to the leave donors. However, if the medical emergency is terminated due to the reasons given in (2) and (3) above, and you still have a balance of LWOP, or an indebtedness for advance sick leave or

advance annual leave due to the medical emergency, then you may continue to receive donations without re-applying to the program.

### Use of Transferred Annual Leave

- a. You must use all of your accrued annual leave, compensatory time and available sick leave before becoming eligible to use transferred annual leave.
- b. If the transferred leave is for the care of a family member, you must have used your accrued annual leave, compensatory time and available sick leave up to the 480-hour limit and/or down to the 80-hour sick leave balance. See Section 3 of this handbook for more information on the use of sick leave to care for a family member.
- c. Annual leave transferred under this program may be substituted retroactively for periods of leave without pay (LWOP) or used to liquidate indebtedness for advance annual or sick leave that has been used for the approved medical emergency.
- d. If you are awaiting a determination on a disability retirement application, you should consult your human resources office before substituting transferred leave for retroactive periods of LWOP since the last date of pay status determines the commencing date of a disability retirement (if you meet the service requirements as of that date).
- e. If you are using transferred annual leave intermittently, you must request and receive approval from your supervisor for each time period transferred annual leave needs to be taken.

### Set Aside Leave Accounts

- a. You earn leave at your regular rate while you are in the Voluntary Leave Transfer Program. The maximum amount of leave that you may accumulate is 40 hours of sick leave and 40 hours of annual leave.
- b. The leave that you earn is placed in a set aside leave account that is separate from your regular annual and sick leave accounts. This leave may not be used until (1) your medical emergency ends and you return to work or (2) you no longer have enough donated annual leave to cover your absence.
- c. Once you reach the maximum earning rates of sick and annual leave, you no longer earn leave while in the Voluntary Leave Transfer Program.
- d. You may contact your human resources office if you have questions on set aside accounts.

## Donation of Annual Leave

- a. You may contact your human resources office if you are interested in donating annual leave. Your human resources office maintains descriptions of leave recipients. Descriptions may have identifying information removed at the request of the leave recipient.
- b. If you wish to donate annual leave to another employee within the Department, you should submit OPM Form 630-A. You may obtain a copy from your human resources office, see Appendix H or you can visit [www.opm.gov/FORMS/PDF\\_FILL/opm630a.pdf](http://www.opm.gov/FORMS/PDF_FILL/opm630a.pdf).
- c. Transfer of annual leave will be accepted from donors employed by other agencies when: the amount of annual leave transferred from DOT donors is not sufficient to meet the needs of the leave recipient, or a family member of a leave recipient employed by another agency requests the transfer of annual leave to the leave recipient, or acceptance of leave transferred from another agency would further the purpose of the voluntary leave transfer program.
- d. If you wish to donate annual leave to a leave recipient in another agency, you must submit OPM Form 630-B. You may obtain a copy from your human resources office, see Appendix I or you can visit [www.opm.gov/FORMS/PDF\\_FILL/opm630b.pdf](http://www.opm.gov/FORMS/PDF_FILL/opm630b.pdf).
- e. You cannot transfer annual leave to your immediate supervisor.

## Limitations on the Donation of Annual Leave

- a. You cannot donate more leave than you have in your annual leave account at the time of the donation. You should verify your leave balance before making a donation.
- b. In any given year, you cannot donate more than one-half of the amount of annual leave you would accrue in that leave year. *For example, an employee with 15 years of service would earn 1 hour of annual leave for each 10 hours in a pay status (8 hours of annual leave per pay period) and would earn 208 hours in a year. The employee could donate no more than one-half of that amount (one-half of 208 hours) or 104 hours to leave recipients, as long as the number of hours donated is available in the leave donor's account at the time of the donations.*
- c. If you are projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year under 5 U.S.C. 6304, you may donate during the leave year the lesser of: (1) one-half the amount of annual leave you would be entitled to accrue during the leave year or (2) the number of hours remaining in the leave year under your normal work schedule for which you are scheduled to work and receive pay.

*For example, if there were 32 hours remaining in the leave year, a donor with more than 240 hours of unscheduled annual leave could not donate more than 32 hours. In the same situation, if the employee had already scheduled 32 hours of annual leave then he or she would not be eligible to donate leave at that time. The donor subject to leave forfeiture may only donate leave for the hours that the donor is scheduled to work.*

- d. The limitations on the donation of annual leave may be waived if the donations are being made to your family member or if you have received restored annual leave for the current leave year. In order to obtain this waiver, you must submit a written request to your human resources office. You will receive a written response to your request.

#### Prohibition of Coercion or Promise of Benefit

- a. The decision to donate leave must be completely voluntary. An employee may not directly or indirectly intimidate, threaten, coerce, or promise any benefit to any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using annual leave.
- b. Supervisors or others with knowledge of employee's leave balance may not utilize that knowledge to influence employees to donate leave.

## **APPENDIX A OPM FORM 71**

[http://www.opm.gov/FORMS/PDF\\_FILL/opm71.pdf](http://www.opm.gov/FORMS/PDF_FILL/opm71.pdf)

**APPENDIX B Department of Labor, Optional Form WH-380**

<http://www.dol.gov/esa/regs/compliance/whd/fmla/wh380.pdf>

## APPENDIX C Earning Rates of Annual Leave

Employee Type	<i>Less than 3 years of service*</i>	<i>3 years but less than 15 years of service*</i>	<i>15 or more years of service*</i>
Full-time employees	4 hours for each pay period	6 hours) for each pay period and 10 hours in the last pay period	8 hours for each pay period
Part-time employees**	1 hour of annual leave for each 20 hours in a pay status	1 hour of annual leave for each 13 hours in a pay status	1 hour of annual leave for each 10 hours in a pay status
Uncommon tours of duty**	(4 hours) <b>times</b> (average # of hours per biweekly pay period) <b>divided by 80</b> = biweekly accrual rate.***	(6 hours) <b>times</b> (average # of hours per biweekly pay period) <b>divided by 80</b> = biweekly accrual rate.***	(8 hours) times (average # of hours per biweekly pay period) <b>divided by 80</b> = biweekly accrual rate.***

\* See Creditable Service for Annual Leave Accrual at the following link:  
<http://www.opm.gov/oca/leave/html/annual.htm#Creditable%20Service>

\*\* Leave is prorated for part-time employees and employees on uncommon tours of duty.

\*\*\* In computing leave accrual for uncommon tours of duty, the accrual rate for the last full pay period in a calendar year must be adjusted to ensure the correct amount of leave is accrued.

**APPENDIX D Employee Absences For Court Or Court-Related Services**

Nature of Service	Type of Absence			Fees			Government Pays for Expenditures	
	Court Leave	Official Duty	Annual Leave/LWOP	No	Yes		No	Yes*
					Retain	Turn in		
<b>I. Jury Service</b>								
U.S. or DC court	X			X			X	
State or local court	X					X	X	
<b>II. Witness Service</b>								
On behalf of US or DC govt.		X		X				X
On behalf of State or local govt.:								
1. Official capacity		X				X		X
2. Non-official capacity	X					X	X	
On behalf of a private party:								
1. Official capacity		X				X		X
2. Non-official capacity:								
- party is US, State, local govt.	X					X	X	
- other			X		X		X	

\*Offset to the extent paid by the court, authority, or party summoning the employee

## APPENDIX E Emergency Procedures Before the Workday Begins or During the Weekday

If an emergency arises before the workday begins or during the weekday, the media will announce one of the following:

<p><b>The Federal Government is open.</b> Employees are expected to report to work on time. If employees are unavoidably delayed in arriving for work, supervisors may grant employees a reasonable amount of excused absence.</p>	<p><b>Federal agencies are operating under an adjusted home departure/ unscheduled leave policy.</b> Employees are requested to leave home (___) hour(s) later than their normal departure time and employees unable to report to work may take leave without prior approval.</p>
<p><b>Federal agencies are operating under an unscheduled leave policy.</b> Employees may take leave without prior approval. Although the agency will be open on time, employees not designated as “emergency” may take annual leave or leave without pay without prior approval to avoid family or personal hardship. Employees who use leave under this policy must call their office to report that they will be on leave.</p>	<p><b>Federal agencies are operating under an adjusted home departure policy.</b> Employees are requested to leave home (___) hour(s) later than their normal departure time. For example, if the media announces that employees should delay their normal departure time for 2 hours, employees who normally leave for work at 7 a.m. would delay departure until 9 a.m. Non-emergency employees who arrive later than usual because of this policy will be excused without loss of pay or charge to leave.</p>
<p>”Federal agencies in the Washington, DC, area are operating under an <b>EARLY DISMISSAL</b> policy. Employees should be dismissed by their agencies (___) hours earlier than their normal departure time from work.” For example, if a 3-hour “<b>early dismissal</b>” policy is announced, workers who normally leave their offices at 4:00 p.m. should leave at 1:00 p.m.</p>	
<p><b>Federal agencies are closed.</b> Employees designated as “emergency” are expected to report to work on time. Employees who are on approved leave when this announcement is made must also be granted excused absence.</p>	

## APPENDIX F Effect of LWOP on Employee Benefits

Topic	Number of Days/Hours in Nonpay Status Allowed Without Penalty *	
Initial Appointment Probationary Period	Any nonpay time in excess of 22 workdays extends the probationary period by that number of days.	
Supervisory/Managerial Probationary Period		
Career Tenure	Any nonpay time in excess of 30 calendar days for each period of absence extends the service date for career tenure by that number of days.	
Leave  Service Credit for Annual Leave Accrual (advancement to 6 and 8 hour earning categories)	If you are in a nonpay status for an entire pay period, no annual or sick leave is earned for that pay period. If nonpay time occurs during part of one or more of a full-time pay period, you continue to earn leave until the nonpay time totals 80 hours. Then leave is reduced by the amount you earn during a pay period.  6 months of nonpay time is creditable. Advancement to higher leave accrual category is delayed by the amount of nonpay time in excess of 6 months in one calendar year.	
Service Computation Dates (SCD)	6 months of nonpay time is creditable. Your SCD must be adjusted by the amount of nonpay time in excess of 6 months in one calendar year. All excess time over 6 months is added to your SCD	
General Schedule Within-grade Increases	<u>Waiting Period</u>  For steps 2/3/4- 52 weeks For steps 5/6/7- 104 weeks For steps 8/9/10-156 weeks	<u>Nonpay Time Allowed</u>  2 workweeks (80 hrs for FT employees) 4 workweeks (160 hrs for FT employees) 6 workweeks (240 hrs for FT employees)
Federal Wage System Within-grade Increases	<u>Waiting Period</u> For step 2 - 26 weeks For step 3 - 78 weeks For steps 4/5 - 104 weeks	<u>Nonpay Time Allowed</u> 1 workweek (40 hours for FT employees) 3 workweeks (120 hrs for FT employees) 4 workweeks (160 hrs for FT employees)
Federal Employees Group Life Insurance (FEGLI) Coverage	FEGLI Coverage continues without cost to you for up to 12 months in a nonpay status. Coverage is terminated after you have been in a nonpay status for 12 months. (Previous time in nonpay status counts toward the 12 months if the you do not return to duty in between periods of nonpay status for at least 4 consecutive months.)	
Federal Employee Health Benefits (FEHB) Coverage	Unless you cancel or temporarily terminate your enrollment, coverage generally continues for up to 365 days in nonpay status. While in the nonpay status you are responsible for paying the full share of your premiums.	
Retirement	6 months of nonpay time is creditable. Service credit is adjusted by the amount of nonpay time in excess of 6 months in one calendar year.	

\*If absence is to perform duty with the uniformed services or because of compensable injury, there is no penalty for the non-pay status. Your time will be credited as if you had remained in pay and duty status.

## **APPENDIX G OPM Form 630**

[www.opm.gov/FORMS/PDF\\_FILL/opm630.pdf](http://www.opm.gov/FORMS/PDF_FILL/opm630.pdf)

## **APPENDIX H OPM Form 630A**

[www.opm.gov/FORMS/PDF\\_FILL/opm630a.pdf](http://www.opm.gov/FORMS/PDF_FILL/opm630a.pdf)

## **APPENDIX I OPM Form 630B**

[www.opm.gov/FORMS/PDF\\_FILL/opm630b.pdf](http://www.opm.gov/FORMS/PDF_FILL/opm630b.pdf)



## APPENDIX J Leave at a Glance

This chart provides you with a brief overview of the more commonly used leave programs. You should keep this chart as reference tool.

LEAVE	DESCRIPTION	ILLUSTRATIONS/ADDITIONAL INFO
Annual Leave	Paid absence from duty to give you vacation periods for rest and relaxation and provide time off for your personal business or family needs.	<ul style="list-style-type: none"> <li>▪ Developing a close relationship with an infant or making child care arrangements.</li> <li>▪ Attending the funeral of a friend.</li> <li>▪ Taking your car to be repaired.</li> </ul>
Sick Leave	<p>Sick leave is a paid absence from duty granted to you when you (1) receive medical, dental, or optical examination or treatment; (2) are incapacitated by physical or mental illness, injury, pregnancy, or childbirth; (3) would, because of communicable disease, jeopardize the health of others by your presence on the job; or (4) must be absent from work for adoption-related activities.</p> <p>As a full time employee, you may use up to 40 hours of sick leave to (1) provide care for a family member as a result of physical or mental illness, injury, pregnancy, childbirth, or medical, dental, or optical examination or treatment; or (2) make arrangements necessitated by the death of a family member or attend the funeral of a family member. An additional 64 hours of sick leave may be used for these general purposes as long as you maintain a balance of at least 80 hours of sick leave in your sick leave account.</p> <p>You may use a maximum of 480 hours of sick leave to care for a family member with a serious health condition if you are a full-time employee. The 480 hours includes any sick leave used for the general care of a family member and also requires that you maintain the 80-hour sick leave balance.</p> <p>Part-time employees and employees with uncommon tours of duty are also covered, and the amount of sick leave available for use for these purposes is pro-rated.</p>	<ul style="list-style-type: none"> <li>▪ Being incapacitated or recuperating from childbirth.</li> <li>▪ Meeting with adoption lawyer.</li> <li>▪ Developing a close relationship with newly adopted child when required by the courts or an adoption agency.</li> <li>▪ Meeting with funeral director/choir leader/florist, etc., regarding funeral arrangements for a family member.</li> <li>▪ Taking your child to a dental appointment.</li> <li>▪ Caring for your mother who has been diagnosed with Alzheimer's disease.</li> <li>▪ Caring for your spouse or partner who is recovering from childbirth.</li> </ul>
Advanced Annual and Sick Leave	Annual leave and sick leave may be advanced when deemed appropriate for the situation. Law, regulations, and your operating administration determine limitations and approval processes. Advanced leave is not an entitlement and you do not automatically receive the maximum amount of leave. In addition to policy, office workload, your expected return to work and continued employment are considered when leave is advanced.	<ul style="list-style-type: none"> <li>▪ You may be advanced no more than the amount of <u>annual</u> leave to be earned in the REMAINDER of the leave year.</li> <li>▪ Generally, you may be advanced no more than 240 hours of sick leave. Employees with unusual tours of duty should check with their human resources office for limits.</li> </ul>

LEAVE	DESCRIPTION	ILLUSTRATIONS/ADDITIONAL INFO
Leave Sharing	If you have a medical emergency and have exhausted your own leave, the leave transfer program allows other federal employees to donate annual leave to you. The leave bank program allows members (those who contribute a specific amount of annual leave) to apply for donated annual leave from the leave bank in the event of a medical emergency.	<ul style="list-style-type: none"> <li>▪ Employees must join a leave bank by contributing a specific number of hours of annual leave; and a leave bank board must approve/ disapprove leave recipients and, determine the amount of leave to be donated to the leave recipient. (VOLPE Only)</li> <li>▪ The leave transfer program covers employees who meet the self or family medical emergency requirements and other guidelines for the program. It also allows donations to be made to you from employees in your operating administration, employees in other operating administrations and/or employees in other Federal Agencies.</li> </ul>
Family and Medical Leave Act (FMLA)	The FMLA entitles you to 12 administrative workweeks of unpaid leave during any 12-month period. You are covered by the FMLA for the following conditions: (1) birth of a son or daughter and care of newborn; (2) placement of a son or daughter with you for adoption or foster care; (3) care of a spouse, son, daughter, or parent with a serious health condition; and (4) your own serious health condition.	<ul style="list-style-type: none"> <li>▪ You and your spouse may use FMLA for birth or placement of a child. A mother could substitute sick leave in place of unpaid leave for her incapacitation period after birth. A limited amount of sick leave can be used if the child is incapacitated (see sick leave block). Annual leave can be substituted for periods where sick leave is not applicable. A Father could use a limited amount of sick leave (see sick leave block) to care for the incapacitated mother or sick child. Annual leave can be substituted for periods where sick leave is not applicable.</li> <li>▪ Leave for the serious health condition of a family member or self can be taken intermittently.</li> <li>▪ Leave for care of a newborn or newly adopted child may be taken intermittently in accordance with the policy of your operating administration.</li> </ul>
Leave for Bone-Marrow or Organ Donation	You are entitled to use 7 days of paid leave each calendar year to serve as a bone-marrow donor. You may use up to 30 days of paid leave each calendar year to serve as an organ donor.	<ul style="list-style-type: none"> <li>▪ These are additional leave categories. There is no charge to your annual or sick leave account.</li> </ul>
Other Leave	There are additional leave situations covered by other leave categories. Included in these categories are absences for funerals of armed forces members, court leave, excused absence, holiday leave, and military leave.	<ul style="list-style-type: none"> <li>▪ See relevant section of this Handbook or contact your human resources office.</li> </ul>
Restoration of Annual Leave	Accrued annual leave may be restored when: it exceeded the 240 hours annual leave ceiling <b>and</b> ; was scheduled and approved in writing before the third pay period prior to the end of a leave year <b>and</b> ; was forfeited due to administrative error, exigencies of public business, or your illness.	<ul style="list-style-type: none"> <li>▪ Your operating administration distributes an employee letter or posts a reminder for employees to schedule excess annual leave.</li> </ul>
Re-credit of Sick Leave	An employee who has had a break in service is entitled to a re-credit of sick leave (without regard to the date of his or her separation), if he or she returns to Federal employment on or after December 2, 1994, unless the sick leave was forfeited upon reemployment in the Federal Government before December 2, 1994.	<ul style="list-style-type: none"> <li>▪ If you are a returning employee, you no longer have to worry about forfeiting your departing sick leave balance if you were gone longer than 3 years.</li> </ul>