GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

HRM 6010.1D
October 11, 2024

GSA ORDER

SUBJECT: Time and Leave Administration Policy

1. Purpose. This Order issues and transmits the revised General Services Administration (GSA) Time and Leave Administration Policy.

2. Background. GSA's Time and Leave Administration Order has traditionally included guidance and policies to implement Civil Service principles related to Chapter 55 (premium pay), Chapter 61 (work schedules) and Chapter 63 (leave administration) of Title 5, U.S. Code. This Order's policies are also written to align to Civil Service regulations found within Part 550 (premium pay), Part 610 (work scheduling) and Part 630 (leave administration) of Title 5, Code of Federal Regulations.

3. Scope and Applicability. This Order applies to:

a. All GSA employees, as defined in 5 U.S.C. 6301, are covered by this policy except for employees of the Office of Inspector General and the Civilian Board of Contract Appeals. See clarifying language below.

b. The Office of Inspector General (OIG) has independent personnel authority and will decide whether or not this Order applies to their organization. See Section 6 of the Inspector General Act of 1978, (5 U.S.C. App.3), as amended (Inspector General is authorized "to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General") and GSA Order ADM 5450.39D CHGE 1 GSA Delegations of Authority Manual (Delegations Manual), Chapter 2, Part 1 ("the Inspector General has independent authority to formulate policies and make determinations concerning human capital issues within the [OIG]" and GSA determinations/delegations do not limit that authority). Similarly, GSA specifically recognizes that the Inspector General has independent authority to formulate policies and make determinations concerning training, employee development, and career management.

c. This Order only applies to employees of the Civilian Board of Contract Appeals (CBCA) to the extent that the CBCA determines it is consistent with the CBCA's independent authority under the Contract Disputes Act, and it does not conflict with other CBCA policies or with the CBCA's mission.

4. Cancellation. This Order cancels and supersedes GSA Order HRM 6010.1C, *Time and Leave Administration* (April 29, 2024).

5. Nature of Revision. Compared to the prior version of this directive (i.e., HRM 6010.1C), the following has been changed:

a. New language has been incorporated into Chapter 12 of the Order, granting up to 5 workdays of administrative leave for GSA employees who must relocate through permanent change of station due to Department of Defense Orders issued to the military spouse. (see Page 62).

6. Implementation. Implementation under this issuance must be carried out in accordance with applicable laws, regulations, and bargaining unit agreements.

7. Signature.

/s/
ARRON HELM
Chief Human Capital Officer
Office of Human Resources Management

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TIME AND LEAVE ADMINISTRATION

CHAPTER 1. INTRODUCTION

1. Introduction.

a. The U.S. General Services Administration's (GSA) Time and Leave Administration Policy establishes agency-wide policy, procedures, and requirements for administering and managing an effective time and leave program.

b. This guidance implements the requirements of federal laws and regulations applicable to hours of duty, absences, and leave. It explains how much leave employees earn, and when and under what conditions employees are granted annual leave, sick leave, leave without pay, and other specialized forms of leave and absence. This guidance outlines how to determine if a specific type of absence is charged to leave, excused without charge to leave, or considered official duty. It applies to
full-time employees and employees with a regularly-scheduled tour of duty who work less than full-time.

2. References.

- Title 5, United States Code (U.S.C.), Chapter 63 (Leave);
- Title 5, Code of Federal Regulations (CFR), Part 630 (Absence and Leave);
- Title 5, Code of Federal Regulations (CFR), Part 610 (Hours of Duty);
- Title 5, Code of Federal Regulations (CFR), Part 550, (Pay Administration - General);
- Title 5, Code of Federal Regulations (CFR), Part 551, (Pay Administration under FLSA); and
- The Administrative Leave Act of 2016.

3. Responsibilities.

a. Supervisor Responsibilities.

(1) Supervisors and certifying officials have the primary responsibility for administering the various time and leave policies and regulations. Therefore, supervisors must become knowledgeable in matters concerning time and leave policy, and inform their assigned employees and/or timekeepers of any decisions made affecting the maintenance of time and leave records. In addition, they are accountable for the timesheet data submitted to the payroll office.

(2) Some work schedule types (e.g., Maxiflex) are not available to all employees, and the guidelines for administering work schedule types may vary based on national and/or regional labor agreements or memorandums of understanding. Supervisors are required to ensure that their employees are on the correct work schedule type and must adhere to the policies and procedures established in union agreements applicable to their employees.

(3) Supervisors must enforce the use of the automated leave system for all paid leave requests, leave without pay, and overtime requests, by their assigned staff and timekeepers.

(4) Supervisors must ensure such staff receive requisite training on the automated system used for time and leave, and understand the associated rules and responsibilities defined in this policy.

(5) Approval of leave should be made by the employee's supervisor before the leave is taken. If leave is not approved in advance because of an unusual or emergency situation, it should be reviewed for approval or disapproval as soon as reasonably possible after it is taken.

(6) The supervisor is accountable for certification of employees' work time and absences and to ensure that time and attendance (T&A) information is recorded and reported accurately and timely for the purpose of computing pay and allowances.

(7) If the supervisor is not available to approve an absence (or approve the timesheet of an employee), the supervisor may use the delegation feature in the time and attendance system to delegate this responsibility to another supervisory or non-supervisory employee. Delegation to a non-supervisory employee should be used rarely and only for very limited time periods when that employee has been designated in an acting capacity (i.e., supervisor is on leave for short duration and has designated a non-supervisory employee as acting). Delegation to a non-supervisory employee should be documented by a written delegation memorandum for the file. In addition, subordinates should never be the approving official for the supervisor's time or leave requests.

(8) Supervisors are responsible for reviewing and approving employees' base schedules in advance of the pay period in which it is worked, ensuring that it is in accordance with established policy, including union agreements, an approved telework agreement, and an approved alternate work schedule (AWS). Upon onboarding new employees, the supervisor must ensure that an initial base schedule is created and a timesheet is submitted and approved to permit employees to be paid at the completion of the first available pay period. If issues arise preventing creation of a base schedule by the end of the second week of the first pay period, the supervisor must process the base schedule at the first chance on the next business day and then notify the Payroll

Services Branch of this delay in processing.

(9) When an employee is not available to attest to an absence or to submit a timesheet by the deadline due to an unexpected absence (e.g., illness or family emergency), the supervisor may submit and approve the absence and timesheet on behalf of the employee. The supervisor will create the timesheet based upon the information available at the time of the timesheet's submission. Subsequently, if changes are needed, the timesheet may be amended when the employee returns to duty. It is the employee's responsibility to notify the supervisor of any necessary or requested amendments.

(10) Supervisors are responsible for periodically verifying the accuracy and completeness of employee leave balances as reported in the automated leave system. When the supervisor identifies any discrepancies or inaccuracies in leave balances, or is notified of potential errors by employees or timekeepers, prompt action must be taken to correct errors in time or leave in the soonest available pay period.

b. Documents Supporting Time and Leave.

(1) The supervisor approves leave, leave without pay, overtime, and compensatory time off (i.e. "comp time") requests in the automated leave system.

(2) Supervisors must obtain from the employee all required supporting documents, such as medical certificates, jury duty summons, military orders, and any other similar documents affecting the time and attendance (T&A) records of individual employees. These documents should be maintained in the originating employee/supervisor office for 6 years (due to 5 C.F.R. § 178.104) for future documentation review by the supervisor(s).

(3) The supervisor is responsible for ensuring the correct completion and advanced approval of all leave, leave without pay, overtime or compensatory time off (comp time) requests in the automated leave system.

c. Certification of T&A Records.

(1) Supervisors are responsible for certifying T&A records for all of their employees at the end of the pay period. Reasonable assurance can be achieved by the supervisor's observation, time clocks, or other automated timekeeping devices (where not prohibited by law) or applicable techniques. In an organization where work is performed remotely through telework or other similar arrangements, supervisors must establish internal controls to ensure the integrity of the T&A documents and to provide reasonable assurance that the employee is working when scheduled.

(2) For employees on a temporary assignment (i.e. details) to other

organizations, the supervisor of record remains responsible for the employee's time, leave usage, overtime, or comp time earned or used.

(3) The supervisor's electronic signature in the system certifies that the information posted to the T&A record is correct and acts as the approval to disburse funds to the employee.

(4) Supervisors must allow their assigned employees and/or timekeepers a sufficient amount of time each pay period to record attendance and absences. If in order to perform certification duties a supervisor has the need for an employee to submit a timesheet prior to the standard deadlines defined for the automated system, the earlier deadline must be clearly communicated to the employee and timekeeper, preferably in writing.

(5) A subordinate employee may not act as the certifying official on their supervisor's/manager's timecard.

d. Employee Responsibilities.

(1) Be dependable and report for work except when in an approved leave status.

(2) Create or update the base schedule in the automated T&A system for supervisor's approval to match the agreed-upon, approved work schedule.

(3) In accordance with applicable procedures, request leave in advance and cooperate in rescheduling leave when necessary.

(4) Report unexpected absences to the supervisor and request approval for absence or leave without pay according to established policies. Upon returning from leave, the employee must submit any supporting documentation necessary to the supervisor.

(5) Employees must request, and supervisors may approve or deny, leave and leave without pay in the automated leave system.

(6) With the exception of Absence Without Leave (AWOL), all absences reported must be supported by an approved leave request from the supervisor in the automated system.

(7) Complete, certify, and submit timesheets timely to the supervisor for approval prior to the stated deadline defined by the supervisor. Timesheets not submitted by the stated deadline must be completed and submitted at the earliest opportunity.

(8) Review biweekly leave and earnings statements regularly to verify the

accuracy of all the information provided, such as pay, deductions, withholdings, all leave balances, credits, and charges for the use of overtime or compensatory time. All inaccuracies or potential errors found by the employee must be reported promptly to the supervisor for corrective action. It is a critical employee responsibility to identify and report potential errors immediately. Examples of possible errors include incorrect pay rates, improper tax calculations, improper provision of benefits, and potential establishment of debts against the employee (overpayments of funds or underpayments for benefit elections).

e. Designation of Timekeepers.

(1) Contractors may serve as timekeepers, but can never serve as time administrators. The difference in these two roles is that time administrators have the additional ability to approve leave requests and certify timesheets.

(2) Federal employees (or contractors) designated as timekeepers should have reasonable assurance that the employees are present or absent from their duty station. Reasonable assurance can be achieved by the timekeeper's or supervisor's observation, time clocks, or other automated timekeeping devices (where not prohibited by law) or applicable techniques.

f. Responsibilities of Timekeepers. The timekeeper's primary responsibility is the maintenance of all time and leave records. The timekeeper must understand the procedures involved in keeping accurate records. Timekeepers must work closely with supervisors and employees to ensure that employee records are accurate. Timekeepers are not authorized to approve leave, authorize overtime, or approve T&A records.

CHAPTER 2. HOURS OF DUTY/WORK SCHEDULES

1. Hours of Duty.

a. A regularly-scheduled administrative workweek must be established for every part-time and full-time employee unless the employee is on an intermittent tour. The administrative workweek begins at 12 a.m. on each Sunday and ends at midnight on each Saturday. All records must be documented and maintained in GSA's designated official T&A system.

b. Managers and supervisors reserve the right to schedule or reschedule employees based on the needs of the agency and in accordance with respective GSA collective bargaining agreements or Memorandums of Understanding.

c. Core hours are the hours during the workday, workweek, or pay period in which employees covered by a flexible work schedule are required by the agency to be present for work or accounted for by the charging of leave, previously earned credit hours, previously earned compensatory time off, etc. See 5 U.S.C. § 6122(a)(1). Under a flexible work schedule, each workday's core hours (across all GSA regions) are now defined nationally as 9:00am to 2:30pm (local time), excluding the lunch (i.e., meal) period. Nationally, the arrival period under flexible schedules is 6:00am to 9:00am and the departure period is 2:30pm to 6:00pm.

2. Work Schedules. "Administrative workweek" means any period of 7 consecutive 24-hour periods designated in advance by the head of the agency under 5 U.S.C. § 6101. "Regularly-scheduled administrative workweek," for a full-time employee, means the period within an administrative workweek within which the employee is regularly scheduled to work. For a part-time employee, it means the officially prescribed days and hours within an administrative workweek during which the employee is regularly-scheduled] to work. "Regularly-scheduled work" means work that is scheduled in advance of an administrative workweek under an agency's procedures for establishing workweeks in accordance with 5 C.F.R. § 610.111. "Basic workweek," for a full-time employee, means the 40-hour workweek established in accordance with 5 C.F.R. § 610.111.

3. The basic 40-hour workweek is scheduled on 5 days, Monday through Friday when possible, and the 2 days outside of the basic workweek are consecutive.

a. Standard Work Schedules. A standard work schedule is a full-time basic schedule consisting of five 8-hour days, Monday through Friday.

b. Alternative Work Schedules (AWS). Alternative Work Schedules (AWS) refer

to a variety of schedule options that provide an alternative to the standard work schedule, e.g., 8:30 a.m. to 5 p.m., Monday through Friday. AWS is available to employees with supervisory approval; participation is an employment benefit, not an entitlement. Adjustable work hours can assist employees in balancing the demands of the workplace with their personal responsibilities, as well as help alleviate commuting frustrations. AWS encompasses Flexible Work Schedules (FWS) and Compressed Work Schedules (CWS).

The following are some general principles:

(1) Implementation of AWS is a matter of management and supervisory discretion.

(2) Flexible hours may be established at the supervisor's discretion, provided they occur between 6 a.m. and 6 p.m. Flexible hours may only be authorized during the agency's normal business hours Monday through Friday.

(3) If an employee is required to work on a scheduled regular day off under a CWS or FWS, overtime hours or compensatory time off may be approved or the employee may be required to temporarily change his or her day off. An employee may request to change the regular day off for another day within the same pay period. Any change to the regular day off must be approved in advance by the supervisor and in advance of the administrative workweek.

c. Changes to a work schedule shall be made to the employee's base schedule in the automated time and attendance system prior to the start of the effective pay period.

4. Types of AWS.

a. CWS. For a full-time employee, an 80-hour biweekly basic work requirement that is scheduled for less than 10 workdays. Employees on a CWS work longer days and as a result have a regular day off each pay period. Under a CWS, the days and hours of duty are fixed. An employee may work four 10-hour days each week (often referred to as a 4-10 schedule) or five days in one week and four days in the other week with a fixed day off (often referred to as a 5-4-9 schedule). Another example is the 3/4-12 schedule, composed of six 12-hour service days and one 8-hour workday per pay period.

b. FWS. For a full-time employee, the 80-hour biweekly basic work requirement can allow an employee some flexibility to determine his or her own tour of duty within the parameters, and under the requirements set, by the supervisor. These schedules include Variable Week, Variable Day, Flexitour, Flexitime/Gliding, and Maxiflex.

(1) With supervisory approval, employees on a FWS may elect to earn and use credit hours. Credit hours may be worked only by employees on flexible schedules. Credit hours are hours over the basic work requirement but within the tour of duty.

They are worked when the employee is approved to work them and are not overtime hours. An employee uses credit hours to cover later absences. When credit hours are applied, there is no charge to leave for those hours; credit hours are counted as part of the basic work requirement to which they are applied. An employee is entitled to his or her basic rate of pay for credit hours. Flexible schedules may or may not provide for credit hours. The number of hours an employee can carry over from one pay period to the next is a maximum of 24. Credit hours are used much like comp time except that credit hours are not earned for overtime work whereas comp time is earned for overtime work.

(2) Flexible hours may be established at the supervisor's discretion, provided the hours occur between 6 a.m. and 6 p.m. If an employee chooses to work before 6 a.m. or after 6 p.m., that employee is not eligible for night differential pay, but may be paid overtime when approved by the supervisor. An employee is entitled to night differential pay when the supervisor or management requires the employee to work a regular schedule (i.e., tour of duty) between the hours of 6 p.m. and 6 a.m.

c. Elements of CWS and FWS must not be combined; they are separate programs with separate rules.

5. Application of Premium Pay and Excused Absence for Employees on an AWS.

a. For employees on **flexible** work schedules (FWS), including Maxiflex:

(1) Overtime includes all hours of work in excess of 8 hours in a day or 40 hours in a week that are officially ordered and approved in advance by the supervisor for the time the employee worked;

(2) Pursuant to 5 U.S.C. § 6124 which addresses Flexible Schedule – Holidays: Any employee on a flexible schedule is relieved or prevented from working on a day designated as a holiday by Federal statute or Executive order, such employee is entitled to pay with respect to that day for 8 hours (or, in the case of a part-time employee, an appropriate portion of the employee's biweekly basic work requirement as determined under regulations prescribed by the Office of Personnel Management).

(3) Sunday premium pay is limited to 8 non-overtime hours for each tour that begins or ends on Sunday; and

(4) Night pay (General Schedule Employees) is authorized for work performed between the hours of 6 p.m. and 6 a.m. as part of the employee's regular work schedule. If core hours include night work, the employee is entitled to night pay for any non-overtime work performed at night. A part-time employee is entitled to night pay only for night work performed during his or her basic workweek.

(5) Night shift differential pay (Wage Grade Employees) is authorized only for regularly scheduled non-overtime work when a majority of the hours of a flexible work schedule for a daily tour of duty occur during the night between 3pm and

8am.

b. For employees on **compressed** work schedules (CWS) :

(1) Overtime hours are all hours of work that are officially ordered and approved in advance and that are in excess of the specified hours that constitute the compressed work schedule;

(2) Holiday premium pay is payable for all non-overtime hours on a holiday worked (thus, if a holiday falls on a day when the employee is scheduled for 9 hours of work under a 5/4/9 compressed schedule, the employee will receive up to 9 hours of holiday premium pay for that day for the hours worked) and up to 12-hours of holiday premium pay would be available under a 3/4-12 compressed schedule;

(3) Sunday premium pay is payable for all regularly-scheduled non-overtime hours of a tour that begins or ends on a Sunday; and

(4) Night pay (General Schedule employees) is payable for all regularly scheduled hours worked between 6 p.m. and 6 a.m.

(5) Night shift differential (Wage Grade employees) is payable for all regularly scheduled shifts where the majority of hours worked fall between 3pm to midnight (2nd Shift) and 11pm to 8am (3rd Shift).

6. Excused Absence. The amount of excused absence to be granted to an employee on a flexible schedule will be based on, and may not exceed, the non-overtime hours of the employee's typical schedule for that day. Since an employee on a compressed work schedule is on a fixed schedule, the amount of excused absences granted will not exceed the fixed hours of the employee's schedule for the specific day(s).

7. AWS and Travel or Training. At the discretion of the supervisory official, an employee on an AWS may be temporarily changed to a standard work schedule for pay periods containing official travel or training scheduled for 1 or more days during a pay period. The supervisor should discuss the change in work schedule with the employee prior to the employee's departure for training or travel.

8. AWS and Senior Executive Service (SES) Employees. The law does not prohibit SES employees from working an AWS schedule; however, by law, they may not earn credit hours under an AWS program.

9. Determining "in lieu of" Holidays When Holidays Fall on Non-Workdays.

a. If a holiday falls on a non-workday of an employee on a flexible or compressed work schedule (except for holidays falling on a Sunday non-workday) the

employee's preceding "scheduled" workday is the designated "in lieu of" holiday (see 5 U.S.C. § 6103). If a holiday instead falls on a *Sunday* non-workday of an employee on a flexible or compressed work schedule, the employee's subsequent workday is the designated "in lieu of" holiday (see E.O. 11582). For example, if the calendar holiday is Monday, then the "in lieu of" holiday is the previous Friday (Monday to Friday regular schedule) and the Monday stays the employee's "AWS Day Off."

b. GSA may appoint a new employee effective Sunday, Day 1 of a pay period, and compensate the employee for a Monday holiday, even though the oath of office is not taken until Tuesday of that week. See further: U.S. v. Flanders, 112 U.S. 88 (1884), U.S. v. Eaton, 169 U.S. 331 (1898) and Comptroller General Opinion B-23607 (1942), 21 Comp. Gen. 817.

c. The head of the agency, or his or her designee, may prescribe a different "in lieu of" holiday for full-time employees on a AWS when it is deemed that a different "in lieu of" holiday is necessary to prevent an "adverse agency impact." (See further 5 U.S.C. § 6131).

d. Part-time employees are not entitled to an "in lieu of" holiday when a holiday falls on a non-workday. See Comptroller General Opinions B-192104. The agency has the discretion to grant part-time employees administrative leave for those holidays falling within the part-time employees' regularly scheduled workweek. See 63 Comp. Gen. 306 (1984). See also Part-time employees, B-214156, May 29, 1984.

10. Special Tours of Duty.

a. Part-time Employment. Part-time schedules may be established when the workload will not support full-time employment or when an employee asks to work part-time and the request can be accommodated. A permanent part-time employee may not work less than 16 hours or more than 32 hours a week. Temporary part-time employees are not held to these limitations. When a part-time employee's schedule changes to full- time for more than two consecutive pay periods, the change must be approved by the supervisor and documented by a personnel action to ensure the employee's leave, service credit, and benefits are appropriately applied.

Note: Part-time tours of between 33 and 39 hours per week (i.e. between 64 and 80 hours biweekly) are **prohibited** due to civil service regulation at 44 FR 57379 (October 5, 1979).

b. Intermittent Work Schedules. Intermittent work schedules may be established when the work of a less than full-time position is so sporadic and

unpredictable that a tour of duty cannot be scheduled in advance. The hours when the employee's services are required constitute the hours of duty. When the work of an intermittent employee becomes regularly-scheduled, the employee's schedule must be revised to a part-time regular or full-time schedule, approved by the supervisor, and documented by a personnel action for the same reasons outlined above under part-time employment.

c. Mixed Tours. Because of changing workloads, employees may be scheduled to a mixed tour that includes periods of full-time, part-time, and intermittent employment or furlough. Employees who are hired to work a mixed tour as a condition of employment are exempt from the 16 to 32 hour per week part-time employment restriction.

d. First 40 Hours Tour of Duty. When the work situation is such that it is impossible to schedule the hours or days of a regularly scheduled administrative workweek, but employees will perform at least 40 hours of work in an administrative workweek, the employee may be assigned to a tour of duty that consists of the first 40 hours of work performed over not more than 6 days of the administrative workweek.

e. Uncommon Tours of Duty. An uncommon tour of duty is a regularly scheduled administrative workweek that is in excess of 40 hours.

(1) Leave for this type of tour is charged for the number of hours of absence during the regularly scheduled tour. For example, an employee whose regularly scheduled tour of duty is 10 hours a day is absent for 8 hours and works 2 hours. The employee is charged 8 hours of leave.

(2) An employee whose regularly scheduled tour of duty is 44 hours a week is absent for a full week. The employee is charged 44 hours of leave.

11. Changing a Tour of Duty.

a. Tours of duty must be scheduled in advance of the administrative workweek over periods of not less than 1 week. A regularly scheduled administrative workweek must be rescheduled whenever it is known in advance that due to agency need, the specific days and hours of a day actually required of an employee will differ from those required in the current administrative workweek.

b. A supervisor may not change an employee's tour solely to avoid paying premium pay to which the employee would otherwise be entitled or to avoid the costs incurred because of a holiday.

c. Rescheduling could be required for such purposes as to permit an employee's attendance in a training class (as described below) or conference, when an employee under an AWS is in travel status at a location not under an AWS, or to substitute for an absent employee's tour of duty.

d. Changes in a tour of duty may require a change to an employee's base schedule. If a change is required it should be made in the automated time and attendance system prior to the start of the effective pay period.

12. Rescheduling for Educational Purposes. A special tour of duty may be authorized to permit an employee to take one or more courses at a college, university, or other educational institution. These courses are not considered training under the Government Employees' Training Act of 1958. The new schedule must not present a barrier for accomplishing required work. With this flexibility, additional costs should not be incurred. Completion of the courses typically equip the employee with better skills that complement the agency's mission. Varied work hours under this heading must be requested by the employee in writing.

13. Scheduling Travel. Employee travel should be scheduled to take place during regular working hours to the greatest extent possible. However, an employee may be required to travel on personal time, e.g., after normal working hours, on weekends, or on a Federal holiday. (There is usually no additional compensation for travel performed on a holiday during an employee's regular tour of duty hours because travel generally does not qualify as hours of work under 5 U.S.C. § 5542(b)(2)(B) or the FLSA regulations within 5 C.F.R. Part 551.) A supervisor who requires an employee to travel on personal time when such travel is not compensable by premium pay shall record their reason(s) for ordering travel at those hours and shall, upon request, furnish a copy of his or her statement to the employee concerned. For additional guidance on travel during the employee's personal time, see the section below on compensatory time off for travel.

14. Scheduling Lunch Periods.

a. A lunch or other meal period is an approved period of time in a non-pay and non-work status that interrupts a basic workday for the purpose of permitting employees to eat or engage in permitted personal activities. Lunch periods may be taken between 11:00 am and 2:00 pm, in accordance with applicable collective bargaining agreements or memorandums of understanding.

b. An employee may not work through the lunch period in order to extend

paid time or to otherwise modify his or her established schedule.

c. Unpaid breaks during an employee's normal tour of duty of more than 1 hour may not be scheduled in a basic workday (5 U.S.C. § 6101(a)(3)(F)). This means meal periods, not "rest periods." The lunch must be a minimum of one half hour, but it can be as long as 1 hour. An employee with the usual unpaid meal period of one half hour might have a daily tour of duty from 8 a.m. to 4:30 p.m. An employee with a 1-hour unpaid meal period might have a daily tour of duty from 8 a.m. to 5 p.m.

15. Scheduling Breaks. Compensable rest periods during the workday may be authorized for health and safety or efficiency reasons. Rest periods must not exceed 15 minutes during each 4-hour period of work. They must not be scheduled immediately before or after lunch periods or at the start or end of a workday. Employees are generally not authorized to leave the workplace during rest periods because they are in pay status. In addition, employees shall not divide up their 15 minutes rest period into smaller segments throughout the day.

16. Daylight Savings Time. Supervisors must work with employees whose standard shift encompasses the time of day so that any changes made to implement Daylight Savings Time ensure that the employees are given the opportunity to work the standard number of hours of the shift. Similarly, for shifts impacted by the return to Standard Time supervisors must identify if overtime hours may be required. An employee working on a shift when daylight savings time goes into effect will be credited with the actual number of hours worked on that shift. If an employee is not able to work an additional hour, the hour lost in the change to daylight savings time will be charged to annual leave, earned compensatory time, credit hours (if on a flexible work schedule), or LWOP, as appropriate. An employee working on a shift upon return to standard time is credited for the actual number of hours worked on that shift.

17. Official Military Time and Resources for Members of the National Guard and Reserve Components of the Armed Forces. Supervisors may approve limited use of official military time and agency resources for members of the National Guard or Reserve Components of the Armed Forces for Guard or Reserve activities during the employee's regular working hours if the use involves minimal expense to the Government and does not interfere with official business. An example is when the employee/Reserve member is required to verbally contact other Reserve unit members and report back to the Reserve center by voice or fax of the unit members' availability. The use of such time and resources should be limited to situations in which the employee is called upon to complete some incidental Guard or Reserve function that the employee cannot reasonably schedule for non-working hours or for which he or

she cannot make reasonable arrangements to carry out elsewhere. The Guard or Reserve activity must not interfere with the agency's mission and the employee's responsibility to the agency. Employees are to obtain supervisory approval prior to performing incidental Guard or Reserve activities during working hours. (See GAO Opinion B-277678, January 4, 1999.)

18. Holidays and the Effective Date of Appointments. GSA may appoint a new employee effective Sunday, Day 1 of a pay period, and compensate the employee for a Monday holiday, even though the oath of office is not taken until Tuesday of that week. See further: U.S. v. Flanders, 112 U.S. 88 (1884), U.S. v. Eaton, 169 U.S. 331 (1898) and Comptroller General Opinion B-23607 (1942), 21 Comp. Gen. 817.

CHAPTER 3. OVERTIME

Overtime.

a. In determining the eligibility for premium pay compensation (overtime pay, compensatory time off, Sunday premium pay, night pay, night shift differential pay, holiday premium pay), employees fall into one of two categories under the Fair Labor Standards Act (FLSA): a) FLSA-nonexempt or b) FLSA-exempt. The designation of exempt or nonexempt is based upon the duties the employee actually performs in the position and how those duties are performed and will be identified in employees' personnel action records. Employees and supervisors should contact their assigned position classifier (within Human Resources), or their generalist servicing HR official, if they have any questions or concerns related to the Fair Labor Standards Act classification of their own position or of the positions of their staff members.

b. The general premium pay rules under 5 C.F.R. Part 550 cover exempt employees, and those under 5 C.F.R. Part 551 govern the premium pay entitlements for nonexempt employees. However, certain special position categories are treated differently as it relates to premium pay:

(1) Criminal Investigators receiving law enforcement availability pay (LEAP) under 5 C.F.R. §§ 550.181–187 certified to be performing, on an annual average, at least 2 hours each day of what would otherwise be overtime.

(2) Employees paid overtime on an annual basis for work that is administratively uncontrollable overtime (AUO) work instead of other premium pay (except premium pay for regular overtime, night, holiday, or Sunday work). AUO authorized work is covered under 5 C.F.R. §§ 550.151–154; and

(3) Employees paid overtime on an annual basis for regularly scheduled overtime, night, holiday, and Sunday work in a position requiring substantial standby status outside scheduled hours of duty. Standby duty pay is covered under 5 C.F.R. §§ 550.141–144.

c. For members of collective bargaining units, national and local collective bargaining agreements may govern certain aspects of the overtime process, such as the eligibility for and practices to determine how overtime is distributed between employees.

d. For Federal Wage System employees who are FLSA-exempt, refer to 5 U.S.C. § 5544 and regulations at 5 CFR Part 532, Subpart E.

e. Although both FLSA-exempt and nonexempt employees are paid for

hours worked in excess of 8 hours in a day (and, exclusive of those hours, hours worked in excess of 40 hours in a week), certain hours of work are only creditable for overtime purposes under the FLSA. Two of the most common examples of hours of duty creditable under the FLSA but not under the Federal Employee Pay Act of 1945, i.e., Title 5 (i.e., for FLSA-exempt), include "suffered or permitted" work (see 5 C.F.R. § 551.104) and certain hours experienced during official Government travel (see 5 C.F.R. § 551.422(a)).

1. Authorization and approval of Overtime.

a. All overtime hours must be ordered, or requested and approved, by an authorized official in advance of the overtime worked. Those officials authorized to approve overtime hours must ensure funding is available and document the approved overtime using the agency-designated leave and overtime automated request system.

b. When an employee is on detail, the approval of overtime work is negotiated between the detail supervisor and the supervisor of record. In cases when there is an MOU, the language of the MOU typically documents which of those two parties will approve overtime.

c. While overtime work may be ordered on short notice without an employee's consent or agreement, such a practice is usually only warranted in an emergency. It should be discussed and agreed to in advance with the employee as much as practicable given each emergency situation.

d. Overtime may be either "regularly-scheduled" or "irregular or occasional." "Regularly-scheduled" overtime is overtime hours that are part of an employee's regularly-scheduled administrative workweek and are scheduled in advance.

e. "Irregular or occasional" overtime is overtime work that is neither part of an employee's regularly-scheduled administrative workweek nor is it approved in advance of the beginning of the administrative workweek. Most overtime at GSA is irregular or occasional because such work is usually unpredictable and it is not always known which employee will actually perform overtime work before the beginning of the administrative workweek.

(1) FLSA nonexempt employees can choose overtime pay, compensatory time off, or a combination of both.

(2) FLSA-exempt employees may also choose overtime pay, compensatory time off, or a combination of both. The Title 5 overtime pay rate under 5 U.S.C. § 5542 is capped at 1.5 times the basic hourly rate (as defined by 5 C.F.R. § 550.103) for GS-10, Step 1, or the employee's basic hourly rate, whichever is greater. The

FLSA overtime rate is described further in civil service regulation at 5 C.F.R. §§ 551.511 and 512.

Note: Both FLSA-exempt and nonexempt employees are entitled to overtime pay, as well as to elect compensatory time, just under different civil service regulations (e.g., 5 C.F.R. § 550.114 vs. 5 C.F.R. § 551.531). As discussed further in Chapter 4, employees (regardless of the position's FLSA classification) can request compensatory time hours in lieu of overtime pay for overtime that is irregular or occasional. Employees under flexible schedules (regardless of the position's FLSA classification) may, in addition, request compensatory time hours in lieu of regularly-scheduled overtime (see 5 U.S.C. § 6123(a)(1), 5 C.F.R. § 550.114.(b), and 5 C.F.R. § 551.531(b)). Employees in FLSA nonexempt positions cannot be required to earn compensatory time hours in lieu of overtime compensation (see further 5 C.F.R. § 551.531(c)).

f. Although all overtime should be ordered, or requested and approved, in advance, FLSA nonexempt employees who work overtime that is "suffered or permitted" by a supervisor must be compensated, even if it is not ordered and approved. "Suffered or permitted" overtime work means that a supervisor "knew or should have known" that his or her employee performed overtime work, and did not take reasonable steps to prevent it. An exception to this rule requires that all overtime performed by employees on a flexible work schedule, even for FLSA nonexempt employees, be ordered, or requested and approved, in advance by an official authorized to do so. This is required to help the supervisor distinguish "flexible hours" worked from overtime hours worked in excess of 8 hours in a day.

g. While overtime for FLSA-exempt employees must be officially ordered, or requested and approved, in advance, supervisors are not permitted to induce employees to work unpaid overtime hours. "Induced overtime" is that which is performed with the specific knowledge and approval of the responsible officials, whether tacit or documented. A supervisor's tacit expectation that overtime work will be performed is not enough to satisfy the "officially ordered or approved" requirement. However, evidence of an incentive associated with working extra hours or a disincentive to not working them may support a claim of inducement. Exempt employees who work outside regular hours may not be compensated when overtime is neither induced nor ordered, or requested and approved, in advance.

2. Overtime for After Hours Use of Electronic Devices. GSA issues mobile devices to some of its employees. These mobile devices can include laptops, pagers, cell phones, and tablets. The use of these electronic devices has become integrated with employee duties and responsibilities, creating a "perpetual workplace." The majority of the time using electronic devices after hours should be *de minimis*. However, unmanaged, this may create unexpected overtime liabilities. It

is the manager's or supervisor's duty to exercise control of employee use of these devices, especially for nonexempt employees.

3. Calculating Overtime Pay.

a. The overtime rate for FLSA-exempt employees is capped at the overtime or special hourly overtime rate of a GS-10, Step 1 (1.5 x basic hourly rate), or the exempt employee's basic hourly rate, whichever is greater.

b. The biweekly premium pay cap (hourly overtime rate limit) does not apply to FLSA-related overtime for FLSA nonexempt employees.

c. The Federal Employees Pay Comparability Act (FEPCA) eliminated the requirement that overtime pay for FLSA nonexempt employees be calculated under two laws. It provided modifications allowing consolidated overtime calculation under 5 CFR part 551 for FLSA nonexempt employees.

d. The FLSA overtime rate for FLSA-nonexempt employees is not capped and is equal to the straight time rate of pay times all overtime hours worked; plus one-half times the employee's hourly regular rate of pay times all overtime hours worked (see 5 C.F.R. §§ 551.511 - 512).

4. Biweekly Premium Pay Limitations (Pay Cap) Waivers.

a. Under 5 U.S.C. § 5547(a) and 5 C.F.R. § 550.105, the total of regular salary and premium pay (including overtime pay, monetized value of compensatory time off, earned, Sunday premium pay, holiday premium pay, and night pay) for general schedule (GS) exempt employees is limited to the adjusted biweekly rate not to exceed the greater of either (1) GS-15, Step 10 (including any applicable special salary rate or locality rate of pay) or (2) the rate payable for Executive Schedule level V (EX-V). In certain emergency or mission critical situations, the annual premium pay cap may be applied instead of the biweekly premium pay cap, subject to the conditions provided in 5 U.S.C. § 5547 and 5 C.F.R. §§ 550.105-107.

b. Pay cap waivers are approved on a case-by-case basis by the Chief Human Capital Officer (CHCO). (See Chapter 7, Delegated Authority 13(u), 5450.39D ADM CHGE 1, *GSA Delegations of Authority Manual*.

c. Neither the hourly overtime rate limit nor the biweekly pay limit applies to Federal Wage System employees, whose overtime is governed by 5 U.S.C. § 5544 and 5 C.F.R. Part 532, Subpart E if they are FLSA-exempt, and by 5 C.F.R. Part 551 if they are nonexempt. Only supervisors meet the conditions of the executive Federal Wage System.

d. Supervisors are permitted to assign employee overtime work even if those

employees do not receive additional pay because of the biweekly or annual premium pay cap under 5 U.S.C. § 5547. (See Comptroller General Opinions: B-178117, May 1, 1973; B-229089, December 28, 1988; and B-240200, December 20, 1990).

5. Overtime for Travel and Training.

a. Generally, FLSA-exempt (i.e., Title 5) overtime for time spent in travel status is not considered hours of work for overtime purposes, except under very rare circumstances (see 5 U.S.C. § 5542(b)(2)(B)), such as:

(1) Travel while performing work that can only be performed while traveling or work incident to such travel;

(2) Travel under arduous conditions; and

(3) Travel to (and usually returning from) an event that cannot be controlled administratively (meaning not under the control of any Federal agency and not subject to rescheduling), with an immediate official necessity.

b. Commuting from home to work and incidental work while traveling is not considered hours of duty. This is applicable to both exempt and nonexempt employees.

c. There are exceptions related to premium pay for FLSA nonexempt employees while traveling. Some examples are when a nonexempt employee:

(1) Is required to drive a Government vehicle between home and work;

(2) Travel between job locations within the duty station;

(3) Is a passenger on a 1-day assignment away from the duty station;

(4) Travel outside regular working hours that correspond to hours during a regular workday. (For instance, if weekday work hours are regularly 8 a.m. to 4:30 p.m., nonexempt employees would be paid for travel between 8 a.m. and 4:30 p.m. on a Saturday that was a non-workday);

(5) Waits at a terminal before departure during regular duty hours.

d. Premium pay for training for FLSA-exempt employees is prohibited, except under rare circumstances, such as:

(1) The continuation of existing overtime (usually regular overtime or availability pay);

(2) Training at night when the training requires night conditions;

(3) When the cost of the training, including the cost of overtime, is less than the cost of the same training confined to regular working hours; or

(4) When OPM grants an exception to 5 C.F.R. § 410.402(a) when requested by GSA. See 5 C.F.R. § 410.402(b)(7).

Note: FLSA nonexempt employees who are directed to participate in training to improve performance in their current positions outside of regular work hours must be compensated for any resulting overtime.

e. Travel, training, work scheduling, and overtime rules and practices should be viewed together. Some examples:

(1) Supervisors and managers are asked to schedule remote travel events to occur between Tuesday and Thursday, enabling employees to benefit from their non-duty hours. When possible, this practice furthers family-friendly initiatives and avoids FLSA exempt/nonexempt inequities.

(2) While overtime rules prevent overtime compensation of FLSA-exempt employees for weekend travel in most cases, the “2-day-per-diem” rule prohibits paying weekend per diem when traveling on Friday to be at a remote work or training site on the following Monday (55 Comp. Gen. 590 (1975)).

(3) Supervisors are required to schedule work (and training) in accordance with work requirements. This means that schedules should be adjusted to conform with periods of official training, but not such that the rescheduling for this sole purpose results in overtime. Except in the case of an Alternative Work Schedule, this often makes rescheduling an ineffective alternative to travel outside regular work hours.

8. Overtime and Other Types of Premium Pay.

a. Other types of premium pay may interact with the calculation of overtime hours and pay, such as:

(1) Night Pay. An additional 10 percent of basic pay for regularly scheduled work performed between 6 p.m. and 6 a.m. by a General Schedule (GS) employee may be paid for the same hours in addition to regular overtime pay. It is not paid in addition to irregular or occasional overtime.

(2) Night Shift Differential Pay. This is the differential paid for work performed when the majority of a Wage Grade (WG) employee's regularly scheduled

non-overtime hours fall between 3 p.m. and 8 a.m. The 2nd Shift Differential is an additional 7.5 % of basic pay for shifts when the majority of hours fall between 3pm and Midnight. The 3rd Shift Differential is an additional 10% of basic pay when the majority of hours fall between 11 p.m. and 8 a.m.

(3) Sunday Premium Pay. An additional 25 percent of adjusted basic pay for all hours in a full-time regularly scheduled daily tour of duty (up to 8 non-overtime hours) that begins or ends on Sunday.

(4) Call-back Overtime Work. Employees called from home to work overtime hours receive at least 2 hours overtime compensation.

(5) Standby Duty. This applies to an employee on duty for work-related reasons restricted by official order to a designated post of duty and assigned to be in a state of readiness to perform work with limitations on the employee's activities, so substantial that the employee cannot use the time effectively for his or her own purpose. Standby duty pay may not exceed 25 percent of an employee's basic pay rate. The requirement to perform standby duty should be documented in the position description.

Standby duty pay applies in lieu of overtime pay for regularly scheduled overtime hours, Sunday pay for Sunday work within the basic workweek, holiday premium pay for holiday work, and night pay for night work. Standby duty pay recipients may receive standard overtime pay for any irregular overtime hours.

(6) Holiday Premium Pay. Cannot exceed 8 hours non-overtime (for employees on a standard or flexible work schedule), and there is a minimum of not less than 2 non-overtime holiday hours for any time worked on a holiday. The holiday premium rate is paid at 2 times the employee's adjusted basic pay rate. The GS-10/Step 1 overtime hourly rate cap for exempt employees does not apply to holiday premium pay.

CHAPTER 4. COMPENSATORY TIME OFF

1. Compensatory Time Off. Compensatory time off (i.e., “comp time”) is earned time off with pay in lieu of overtime pay under Title 5 of the U.S. Code or the Fair Labor Standards Act (FLSA, 29 U.S.C. § 207, as regulated by 5 C.F.R. Part 551). See further 5 U.S.C. § 5543. Generally, compensatory time is earned for irregular (i.e., unscheduled) overtime, however, employees under flexible work schedules may also earn compensatory time off for regularly-scheduled (i.e. pre-scheduled) overtime work, due to the special provisions contained within 5 U.S.C. § 6123(a)(1). Comp time is earned and used on an “hour for hour” basis.

a. Once earned, compensatory time off is scheduled for use in the same manner as paid leave (such as annual or sick leave).

b. For positions exempt from the FLSA, unused compensatory time following 26 pay periods from when it is earned usually expires and is forfeited due to the provisions of 5 C.F.R. § 550.114(d)(2). However, if there is an exigency of the service beyond the employee's control, the agency head must instead provide payment for the unused compensatory time off.

c. For positions non-exempt (i.e. covered) by the FLSA, unused compensatory time following 26 pay periods is paid out as compensation due to the provisions of 5 C.F.R. § 551.531(d). At GSA, compensatory time earned is a choice and the agency does not require compensatory time for certain FLSA-exempt positions (paid above GS-10, Step 10), as some Federal agencies do under the optional Title 5 regulatory authority within 5 C.F.R. § 550.114(c).

d. Requests should be submitted through the agency’s approved leave and overtime request system, or in writing or via email if that system is not available. Employee requests for comp time must be approved by an authorized supervisor or manager.

e. Federal Wage System (FWS) employees may request, and be approved for, compensatory time whether or not their position is exempt from the FLSA (and overtime is provided through 5 C.F.R. § 532.503) or non-exempt (i.e. covered) by the FLSA (and overtime is provided through 29 U.S.C. § 207). See further 5 C.F.R. § 532.504 and 5 C.F.R. § 551.531.

f. Members of the SES are not entitled to earn compensatory time. However, employees who previously earned compensatory time in a prior non-SES position may still use those prior earned hours.

g. Employees on a part-time regular schedule (due to the Part Time Career Employment Act of 1978, 5 U.S.C. § 3401 et. seq.) are eligible to elect compensatory time, regardless of whether the position is exempt or non-exempt from the FLSA. Employees on an intermittent tour are eligible for overtime pay under 5 U.S.C. § 5542 or 29 U.S.C. § 207, as regulated under 5 C.F.R. Parts 550 and 551, but cannot elect compensatory time under 5 U.S.C. § 5543 because they do not have a fixed tour with scheduled days off (for which compensatory time hours could be used to remain in a pay status). See further 5 U.S.C. § 6301(2)(B)(ii) , 5 C.F.R. § 340.401(b) and 5 C.F.R. § 340.403(a).

h. Employees who receive premium pay on an annual basis for administratively uncontrollable overtime (AUO) may not get compensatory time off for irregular or occasional overtime. This restriction does not apply to employees who receive annual premium pay for annual standby duty under 5 U.S.C. § 5545(c)(1). Standby duty pay on an annual basis takes the place of all other premium pay except for irregular or occasional overtime. If otherwise eligible, such employees may get comp time. See further 5 C.F.R. § 550.163.

i. Employees in FLSA-exempt positions should normally exhaust all compensatory time hours previously earned before requesting annual leave. This is because compensatory time hours expire, while annual leave does not.

2. Religious Compensatory Time Off.

a. Under 5 U.S.C. § 5550a and 5 C.F.R. Part 550, Subpart J, employees may earn religious compensatory time off hours by performing overtime work. Those overtime hours may only be earned in order to accommodate a revised work schedule due to participation in a religious observance. Overtime work under this category has unique regulatory application compared to the traditional authorities for Title 5 premium pay.

b. Employees may accumulate time for a religious observance by working extra hours within 13 pay periods before or 13 pay periods after a religious holiday. There is no time limit for using religious compensatory time off hours that are worked in advance.

c. Employees who transfer to another agency or separate before using accrued religious comp time are paid for the extra hours worked at their normal salary rate when it was earned, not the overtime rate.

d. Employees who separate with a negative religious comp time balance are required to repay the agency with another form of accrued paid leave or monetary payment or debt.

e. Supervisors are expected to approve employee requests for compensatory

time off for religious observances by allowing employees to perform overtime work unless it interferes with the efficiency of accomplishing the agency's mission.

f. When religious compensatory time off is requested, the employee must provide the supervisor with the name and/or description of the religious observance, dates and times of absence, and dates and times the employee plans to earn religious compensatory time off over 13 pay periods.

3. Maximum Biweekly Limitations on Comp Time. Comp time under 5 U.S.C. § 5543 is subject to the maximum biweekly limitation for premium pay in the same manner as overtime premium pay. See further 5 U.S.C. § 5547 and 5 C.F.R. §§ 550.105 - 107.

4. Compensatory Time Off for Travel.

a. Compensatory time off for travel (Travel Comp), under 5 U.S.C. § 5550b and 5 C.F.R. Part 550, Subpart N, is time off earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable (meaning, those hours do not qualify as "hours of work" for overtime purposes).

b. Compensatory time off for travel may be earned by an employee as defined in 5 U.S.C. § 5541(2) who is employed in an Executive agency as defined in 5 U.S.C. § 105, without regard to whether the employee is exempt from or covered by the overtime pay provisions of the FLSA.

c. SES members and employees on an intermittent work schedule are not eligible to earn compensatory time off for travel. Intermittent employees do not have a regular tour of duty (an employee must have a regular tour of duty in order to earn travel comp time).

d. To be creditable under this provision, travel must be officially authorized and approved by the supervisor or management official. The travel must be for work purposes and must be approved by an authorized agency official or otherwise authorized under established agency policies.

e. For the purpose of compensatory time off for travel, time in a travel status includes:

(1) Time spent traveling between the official duty station and a temporary duty station;

(2) Time spent traveling between two temporary duty stations; and

(3) The usual waiting time preceding or interrupting such travel, *e.g.*, waiting at an airport or train station prior to departure. GSA has the sole and

exclusive discretion to determine what is a creditable “usual waiting time”. A waiting period, such as an unusually long wait during which the employee is free to rest, sleep, or otherwise use the time for his or her own purposes is not considered time in a travel status. The allowable wait time for GSA employees is limited to 2 hours of creditable travel time on domestic routes or 3 hours of creditable travel time on international routes. See further 5 C.F.R. § 550.1404.

f. Travel outside of regular working hours between an employee's home and a temporary duty station or transportation terminal outside the limits of his or her official duty station is considered creditable travel time. However, the agency must deduct the employee’s normal home-to-work/work-to-home commuting time from the creditable travel time.

g. Travel outside of regular working hours between a worksite and a transportation terminal is creditable travel time, and no commuting time offset applies.

h. Travel outside of regular working hours to or from a transportation terminal (*e.g.,* airport or train station) within the limits of the employee’s official duty station commuting area is considered equivalent to commuting time and is not creditable travel time.

i. Under 5 CFR § 550.1405, compensatory time off for travel may be credited and used in increments of one-tenth of an hour (6 minutes) or one-quarter of an hour (15 minutes). Travel comp time requests must be submitted no later than the end of the pay period after the pay period during which the return travel occurred.

j. Upon receiving a request for approval of travel comp time credit from a supervised employee, a supervisor or designee normally will (within 5 workdays):

(1) Review the request for completeness and agreement with official travel orders;

(2) Assure compliance with criteria in the policy or in 5 C.F.R. Part 550, Subpart N to determine total travel comp time credit by dates and travel times; approve or disapprove an amount of travel comp time based on actual applicable time; and

(3) Sign and date the request as approved and forward it to the employee (or employee’s timekeeper when applicable) for coding or, if disapproved, return it to the employee as disapproved with reasons for disapproval in writing.

k. Travel comp time is available for use upon approval by the employee's supervisor. Upon approval, travel comp time is credited effective the date and during the pay period of the travel for which it is compensation.

l. Employees are never compensated for normal commuting time within their official duty station commuting area.

m. Compensatory time off for travel is forfeited:

(1) If not used by the end of the 26th pay period after the pay period during which it was earned (unless there is an exigency of the service beyond the employee's control, see 5 C.F.R. § 550.1407(e)).

(2) Upon voluntary transfer to another agency;

(3) Upon movement to a non-covered (such as SES) position; or

(4) Upon separation from the Federal Government unless the employee later returns to the same agency, in which case, those hours are restored, per the special regulatory provision found within 5 C.F.R. § 550.1407(c)(2).

n. Comp time for travel is not a type of premium pay. Therefore, under no circumstances may an employee receive monetary payment for unused compensatory time off for travel. Unused travel comp time never converts to monetary payment.

CHAPTER 5. LEAVE ADMINISTRATION

1. Leave Administration

a. Scheduling Leave. Leave must be scheduled and approved in advance except in emergency situations. Supervisors should normally maintain projected leave schedules to assist in planning and assigning work. Employees provide projected leave at the beginning of the leave year, if the need for leave is known.

b. Documenting Requests for Leave or Approved Absence. Requests for leave must be submitted to approving officials by using the approved automated timekeeping system.

c. Charges to Leave.

(1) The minimum charge for either annual or sick leave is usually one-tenth of an hour (6 minutes), however, per civil service regulation at 5 C.F.R. § 630.206, excused absence is associated with a minimum increment of one hour (e.g. the “59 minute rule”). Additional leave is charged in increments of 6 minutes (ie. tenths of an hour) if supported by the time and attendance and payroll processing systems.

(2) The minimum charge for absence in a non-pay status LWOP or AWOL is charged in increments of 6 minutes for the actual time absent.

(3) Leave is charged only on days the employee would otherwise work and receive pay. Leave is not charged for an absence on holidays (except for an employee on extended LWOP or AWOL) or other non-workdays, except for when certain employees are paid additional compensation for standby duty.

(4) Military leave is charged only for hours during which a civilian employee would otherwise have been scheduled to work and receive pay.

(5) If an employee is unavoidably absent or tardy for less than 1 hour for a reason that is acceptable to the supervisor, the supervisor may excuse the employee without charge to leave. The supervisor may decide not to excuse the absence and may charge the employee AWOL or approve an employee’s request for leave to cover the absence.

d. Status While on Leave. Approved annual leave means that the employee is relieved from duty (meaning, work and responsibilities). In emergencies, employees may be recalled to duty from annual leave status (see 39 Comp. Gen. 611 (1960)). GSA is permitted to pay for the cost of return

transportation and per diem from the leave point back to the duty station when necessary for agency business. See Comptroller General decision B-190755 (June 15, 1978).

2. Employees Serving Time-Limited Appointments. An employee serving under a temporary or term appointment cannot be granted more leave than the amount that can be earned and credited before the appointment expires.

3. Employees Transferring to GSA from Another Federal Agency. The losing agency reports leave balances at the time of an employee's transfer to GSA on a Record of Leave Data form (SF 1150). In the event this report is not received timely, the employee may report to GSA Payroll his or her leave balances as reflected on the last leave and earnings statement prior to transfer, as acceptable evidence to transfer those leave balances to GSA.

4. Refund for Unearned Annual Leave. When an employee separates before earning annual leave sufficient to offset all previously advanced annual leave (negative leave balance), he or she must refund to GSA the amount paid him/her for the period covering the leave for which he/she is indebted or elect to have that amount deducted from any pay due him or her. A deduction is not required if the employee is separated for reasons of death, disability retirement, or resignation for physical disability that is evidenced by acceptable medical documentation. The Office of Human Resources Management (OHRM) makes the determination as to whether an employee has separated or resigned because of disability and includes this determination in the remarks block of the Notification of Personnel Action (SF 50).

(1) If insufficient remaining compensation is due to the employee to offset the value of unearned annual leave, GSA will establish an employee claim or debt for the dollar amount equivalent to the advanced annual leave balance (negative leave balance) at the pay rate in effect at the time the leave was taken.

(2) When an employee who is indebted for advanced annual leave transfers to another Federal agency without a break in service, the agency from which the employee transfers must certify the employee's annual leave account to the new agency for charge. Agencies may not require an employee to refund the amount of the advanced annual leave in order to achieve a "zero" balance at the time of transfer. In such cases, a negative annual leave balance should be transferred to the employee's new agency on the SF 1150, *Record of Leave Data*.

5. Intermittent or Temporary Employees.

a. An employee on an intermittent appointment (i.e., a part-time employee who does not have an established regular tour of duty during the administrative workweek) is not entitled to accrue annual leave.

b. A temporary employee with an appointment of less than 90 days is entitled to accrue annual leave only after being employed for a continuous period of 90 days under successive appointments without a break in service. (This restriction only applies to the accrual of annual leave. If an employee on such an appointment already has annual leave to his or her credit from a previous appointment, he or she is allowed to use this annual leave during the temporary appointment.) After completing the 90-day period of continuous employment, the employee is entitled to be credited with the leave that would have accrued to him or her during that period.

CHAPTER 6. ANNUAL LEAVE

1. Annual Leave Accrual.

a. Employees who have fewer than 3 years of creditable Federal service earn 4 hours for each biweekly pay period (13 days a year). Employees with 3 to 15 years of service earn 6 hours per pay period (20 days a year). After 15 years of service, employees earn 8 hours per pay period (26 days a year).

b. Accumulation rates are set based on the employee's years of creditable Federal service. Included in the term "creditable Federal service" is active military duty and active duty for training, if the employee does not qualify for military retirement. If the employee is a retired member of the Uniformed Service, credit is only given for actual service during a war declared by Congress or while participating in a campaign or expedition for which a campaign badge is issued or for active duty when the retirement was based on a disability received as a direct result of armed conflict or caused by an instrumentality of war and incurred in the line of duty. See further 5
U.S.C. § 6303(a)(3).

c. A newly hired employee (or a former employee who has had a break in service of at least 90 days) may be eligible for an annual leave accrual credit for non-Federal service in the Military Service. This is authorized at the agency's discretion.

d. SES members and other senior-level scientific and technical (SL and ST) employees earn 8 hours of annual leave per pay period (26 days a year), regardless of years of service.

e. The amount of leave earned by a part-time GS or Wage Grade (WG) employee is based on years of service and the amount of average hours in a pay status.

2. Maximum Accumulation.

a. Employees can carry over to the next leave year a maximum of 30 days (240 hours) of accrued annual leave, except for SES members (720 hours) and Federal employees stationed overseas (360 hours).

b. Leave earned in excess of these maximums is forfeited if not used by the end of the leave year. Under special conditions, forfeited annual leave may be restored.

c. A leave year begins on the first day of the first full biweekly pay period in

a calendar year. A leave year ends on the day immediately before the first day of the first full biweekly pay period in the following calendar year.

3. Granting Annual Leave.

a. The employee initiates a request to use annual leave and submits the request to the leave-approving official in the agency's leave request automated system. Leave-approving officials may, consistent with operational demands, prescribe when annual leave may be taken, refuse to grant annual leave, or revoke annual leave that has been granted and recall an employee to duty based on the needs of the mission.

b. Substitution of annual leave for sick leave. An approved absence otherwise chargeable to sick leave may be charged to annual leave if the employee so requests. Annual leave may not be substituted for sick leave previously granted and recorded where the substitution is solely for the purpose of avoiding forfeiture of annual leave by the employee. However, advanced sick leave may be liquidated by a charge against annual leave retroactively if the substitution is made before the annual leave would otherwise have been forfeited and if the annual leave would have been granted for current use if requested by the employee. A retroactive substitution of annual leave subject to forfeiture is also allowable if the illness for which annual leave is to be charged began well before the end of the year and the employee was not available to designate the type of leave as sick leave.

4. Advanced Annual Leave.

a. An employee may be granted advanced annual leave not to exceed the amount remaining to be earned during the current leave year. Advanced annual leave may be requested for any number of reasons, such as arranging foster care placement in their home or bonding with a healthy newborn or newly adopted child. When advancing an employee annual leave in excess of the amount already earned, the supervisor authorized to approve the advanced leave must have reasonable assurance that the employee will be in a duty status long enough to earn back the leave granted before the end of the current leave year. Advanced annual leave is granted at the discretion of the supervisor.

b. If an employee's employment with the Government is discontinued prior to earning sufficient annual leave to cover advanced leave, the balance of advanced leave upon separation is considered a debt unless the employee dies, retires on disability, or is separated as a result of a disability that prevents the employee from returning to work.

5. Use of Annual Leave before Separation. A supervisor may not grant an employee annual leave when the supervisor knows the employee will not return from a leave of absence to Federal service, except when an employee is:

a. Separated because of reduction-in-force or declination of transfer of function used to extend separation date to attain first eligibility for retirement annuity and/or Federal Employees Health Benefit (FEHB) annuitant coverage (See 5 U.S.C. § 6302(g), 5 CFR § 351.606(b) and 5 CFR § 630.212);

b. In a leave status pending acceptance for active military duty (see Comptroller General Opinion B-120074, August 10, 1954);

c. Pending disability retirement (see Comptroller General Opinion B-206515, April 23, 1982);

d. Approved for annual leave prior to separation, but is present for, and performs duty on, the employee's last administrative workday (see Comptroller General Opinion B-223876, June 12, 1987); or

e. Approved for annual leave during the final hours of the last day of employment before separation, providing the employee substantially worked the entire final pay period, including part of the last day (see Comptroller General Opinion B-190374, January 20, 1978).

6. Use of Annual Leave During Active Military Duty. Members of the Reserve or National Guard may use annual leave during active military duty.

7. Employees Shall Not Be Placed on Annual Leave:

a. As a disciplinary measure.

b. Pending issuance of a proposal or decision notice to take an adverse action, unless requested by the employee.

c. During the notice period before adverse action, unless requested by the employee.

d. Otherwise, employees may be placed on annual leave as the needs of the agency require. Required use of annual leave must be based on factors that are reasonable and equitable, which do not discriminate among employees, and which are not arbitrary.

8. Substituting Annual Leave for LWOP. Substitutions may be made in the following circumstances:

a. LWOP may be initially charged for leave used when annual leave balances are not available due to pending receipt of an employee's leave record from the former employing agency. Upon receipt and updating of the leave record, the timesheet for the applicable pay period should be amended and annual leave will be substituted for

the LWOP.

b. LWOP is granted to an employee pending a re-credit of annual leave following a refund of a lump sum leave payment; when the refund is applied and leave balances adjusted, the timesheet for the pay period LWOP was charged should be amended and annual leave may be substituted for LWOP, provided the employee had requested such substitution at the time LWOP was first requested.

9. When Lump-Sum Payments Are Made. Normally, separated employees (including those overseas who are allowed a 45-day annual leave accumulation) are paid in lump sum for all accumulated annual leave.

a. There are exceptions to this general requirement, such as employees entering military service, transferring to an international organization, converted to a Non-appropriated Fund (NAF) position, or removed from a position to which they were illegally appointed.

b. An employee entering military service may elect to allow annual leave to remain in the leave account or to receive a lump-sum payment.

c. When an employee dies, lump-sum payment made to survivors includes payment for all accrued and accumulated annual leave to the employee's credit at the time of death.

10. When a Refund of Lump-Sum Annual Leave Payment Is Required. In calculating a lump-sum payment, an agency projects forward an employee's annual leave for all the workdays the employee would have worked if he or she had remained in Federal service. By law, holidays are counted as workdays in projecting the lump-sum leave period. If an employee is reemployed in the Federal service prior to the expiration of the period of annual leave (i.e., the lump-sum leave period), he or she must refund the portion of the lump-sum payment that represents the period between the date of reemployment and the expiration of the lump-sum period. An agency re-credits to the employee's leave account the amount of annual leave equal to the days or hours of work remaining between the date of reemployment and the expiration of the lump-sum leave period.

11. Restoration of Annual Leave.

a. As a general rule, annual leave in excess of an employee's maximum annual carryover balance is forfeited if not used by the end of the leave year. This excess annual leave, generally referred to as "use or lose" leave, may be considered for restoration only under one of the following conditions:

(1) To correct an administrative error when the error causes the potential loss

of annual leave;

(2) When annual leave is scheduled in writing, in advance, but its use is denied because of an exigency of the public business; or

(3) When use of scheduled annual leave is prevented by illness or injury, provided the annual leave was scheduled in writing, in advance, and its use could not be rescheduled between the termination of the illness and the end of the leave year.

b. OPM regulations require that use of the annual leave must have been scheduled in writing before the start of the third biweekly pay period prior to the end of the leave year. The agency does not have authority to waive this requirement.

c. The leave-approving official must approve the employee's "use or lose" leave request in writing (and in advance) for use at the time requested by the employee or, if that is not possible, at some other mutually agreeable time before the end of the leave year.

If an exigency situation arises that necessitates cancellation of the employee's request to take "use or lose" annual leave, the situation must be presented to the official with authority to make an exigency determination. Approval of the GSA Administrator is required whenever the leave of the determining official or his or her immediate staff is affected. This authority may be further delegated to the Chief Human Capital Officer (CHCO) in the agency's delegation of authority policy or officials who report directly to the CHCO. The evaluating official must determine:

(1) Whether or not an exigency exists that is of such importance that an employee cannot be released from duty; and

(2) Whether or not there is any reasonable alternative to the cancellation of an employee's "use or lose" annual leave or to the assignment of that employee to the work generated by the exigency.

(3) The determination must be documented and the specific beginning and ending dates of the exigency must be fixed. The determination of the exigency must be made before the cancellation of the employee's scheduled "use or lose" annual leave and not after the fact.

e. If an exigency or illness that caused cancellation of an employee's "use or lose" annual leave terminates before the end of the leave year, efforts must be made to reschedule the annual leave before the end of the leave year to avoid forfeiture.

12. Time Limit for Use of Restored Annual Leave—Except for Extended Exigency.

a. The maximum time limit for use of restored leave is the end of the leave year in which the 2-year anniversary date of restoration occurs. Leave that is not used by this deadline may not be restored again.

b. The date of restoration is determined as follows:

(1) The date used to correct the administrative error and restore the annual leave; or

(2) The date fixed by management as the end of the exigency that resulted in the forfeiture of the annual leave; or

(3) The date the supervisor, after considering the medical documentation, ascertains that the employee is able to return to duty, if the leave was forfeited because of sickness or injury.

c. Employees with a restored annual leave account may use their regular annual leave and their restored leave in any order they choose, but they must advise their leave-approving official and the timekeeper (if applicable) of their choice. Once an employee makes an election, he or she may not change it after the leave has been used.

13. Time Limit for Use of Restored Annual Leave—Extended Exigency.

a. An extended exigency is defined as significant circumstances that meet all of the following conditions (see further 5 C.F.R. § 630.309):

(1) Threatens national security, safety, or welfare;

(2) Lasts more than 3 calendar years;

(3) Affects a segment of an agency or occupational class; and

(4) Precludes subsequent use of both restored and accrued annual leave within the time limit specified in 5 CFR § 630.306.

b. The maximum time limit for use of annual leave restored because of an extended exigency is 2 years for each calendar year, or part thereof, that the exigency existed regardless of the number of years during the exigency in which the employee forfeited leave.

14. Lump-Sum Payment for Annual Leave. An employee with accumulated annual leave, including unused restored leave in a separate account, is paid a lump sum at his or her current hourly rate for all unused annual leave at the time of separation. If there is a general pay increase during the period of time that would have been covered by the leave had the employee actually used it, the employee is paid at the higher rate of pay for leave that would have covered the period following the effective date of the pay increase. The lump-sum payment may be adjusted to collect the amount of any debts

owed to the Government.

Types of Pay Included in a Lump-Sum Payment:

- Rate of basic pay
- Locality pay or other similar geographic adjustment
- Within-grade increase (if waiting period met on date of separation)
- Across-the-board annual adjustments
- Administratively uncontrollable overtime pay, availability pay, and standby duty pay
- Night differential for FWS employees only (including portion of lump-sum period that would have occurred when an employee was scheduled to work night shifts)
- Regularly scheduled overtime pay under the Fair Labor Standards Act for employees on uncommon tours of duty
- Supervisory differentials
- Nonforeign area cost-of-living allowances and post differentials
- Foreign area post allowances.

15. Annual Leave Credit for Non-Federal Employment and Certain Military Service. Under 5 U.S.C. § 6303(e), job candidates are eligible (as a type of recruitment incentive) to receive annual leave service computation date credit for prior non-Federal employment. In addition, for retired military veterans, this authority allows certain military service time to be creditable for leave computation date calculation purposes that would normally not be creditable under historical rules (i.e. 5 U.S.C. § 6303(a)). Human Resources specialists should review the civil service regulations for this authority at 5 C.F.R. § 630.205 and make this authority available during recruitment, as appropriate. There are certain criteria that must be met for this authority to be used. First, the prior experience must be essential to the new position and acquired through performance of duties directly related to the Federal position, and second, proving this benefit must be necessary to achieve an important agency mission or performance goal.

CHAPTER 7. SICK LEAVE

1. Sick Leave. Sick leave is earned at a rate of 4 hours per pay period. Sick leave can be credited as service towards retirement eligibility but employees will not be credited for unused sick leave when leaving the Government for a non-Federal job. There is no maximum amount of sick leave that an employee may accrue.

a. A leave-approving official may grant sick leave to an employee for non-emergency dental, optical, or medical examination or treatment (including for physical or mental conditions). The employee must request sick leave in advance for non- emergency purposes.

b. Sick leave may be granted for the following:

(1) When the employee is incapacitated to perform duties due to illness (physical or mental), injury, or temporary disability, including pregnancy.

(2) When an employee with a disability depends on an aid, mechanical or otherwise, to perform work and is normally incapacitated without it, granting sick leave for such purposes as replacing, repairing, or training to use the aid is appropriate under the same conditions as any other incapacitation. Aids include a seeing-eye dog, a wheelchair, or any prosthetic device that may be considered an extension of the person.

(3) For emergency medical, dental, or optical examination or treatment.

(4) When an employee is required to care for a member of his or her immediate family with a serious health condition, general family care, or to make arrangements for or attend the funeral of a family member. See the definition of “family member” within Appendix A. Examples of providing general family care include:

(a) Provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth;

(b) Attend to a family member receiving medical, dental, or optical examination or treatment; or,

(c) Provide care for a family member who would, as determined by the health authorities having jurisdiction or a health care provider, jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease.

Full-time employees may not exceed a total of 104 hours (or up to 13 days in a leave year) for these purposes. The limitations for part-time employees or employees with an uncommon tour of duty are proportional to those for full-time employees. For leave requests and documentation purposes on timesheets, sick leave for these purposes is generally categorized as “family friendly sick leave” (under the former Family Friendly Leave Act, see codification within Civil Service regulations at 5 C.F.R. § 630.401 (a)(3)(i) and (a)(3)(iii)). Paid sick leave (under the Annual and Sick Leave Act of 1951) may not exceed 480 hours during any leave year due to a family member’s serious health condition or 104 hours (for full-time employees) due to attending to family members for their doctors appointments or their communicable disease. Under civil service regulation (see further 5 C.F.R. § 630.401), the number of hours used each leave year for family medical appointments and communicable disease is subtracted from 480 to determine the number of hours available to attend to a family member’s serious health condition. The purpose of this provision is to ensure that there is a fixed ceiling of 480 hours total each leave year allocated to the purpose of attending to family members with a serious health condition.

(5) A maximum of 30 days of sick leave may be advanced to a full-time employee at the beginning of a leave year or at any time thereafter in the case of a serious disability or ailment of the employee or family member or for purposes relating to the adoption of a child. For a part-time employee or an employee on an uncommon tour of duty, the maximum amount of advanced sick leave must be prorated according to the number of hours in the employee’s regularly scheduled administrative workweek.

(6) When the agency has made a determination that the employee is incapacitated and meets the requirements for disability retirement (and OPM is adjudicating the employee’s retirement application).

(7) For treatment of a disabled veteran or adjudication of a claim concerning a job-related injury or illness.

(8) When an employee is sick within a period of annual leave, provided that the employee presents medical documentation to support the sick leave immediately upon return to duty.

(9) When an employee would, as determined by the health authorities having jurisdiction or by a healthcare provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.

(10) When an employee must be absent from duty for purposes relating to his or her adoption of a child to include: appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.

c. Upon request, the supervisor may grant annual leave, if available, or LWOP for a period of illness that cannot be covered by sick leave or advanced to the employee. However, annual leave must not be substituted retroactively for regular sick leave. Annual leave may be substituted retroactively to liquidate an employee's indebtedness for advanced sick leave.

d. Leave-approving officials will usually charge sick leave only at an employee's request.

(1) Officials may, however, place an employee on sick leave without the employee's request when the employee is absent under extenuating circumstances clearly indicating that he or she is unable to work and unable to request leave (e.g., the employee is in a coma). If the employee is still unable to work after exhausting his or her accrued sick leave and is unable to request appropriate leave, the leave-approving official may consider advancing sick leave or may consider charging the continued absence to annual leave or to LWOP. In addition, the official may pursue use of the Voluntary Leave Transfer Program on behalf of the employee.

(2) In extraordinary circumstances, leave-approving officials may also place an employee on sick leave without the employee's request if the employee reports for duty but is determined to be unable to work because of illness (mental or physical). Placing an employee on sick leave in this situation without his or her consent is considered enforced leave. Please consult your local Human Resources office prior to placing an employee on enforced leave.

(3) A disabled veteran who presents an administratively acceptable statement from a physician or other duly constituted medical authority showing that medical examination, treatment, or absence in connection with the service-connected disability is required must be granted all sick leave (including advanced sick leave), and all annual leave permitted by law, plus any LWOP that may be necessary to undergo treatment. Except for emergency treatment, the granting of such leave is contingent upon the veteran giving prior notice of the definite periods of required absence so that arrangements can be made for carrying on the work during the absence.

2. Advanced Sick Leave.

a. An advance of sick leave may be made to an employee with a zero sick leave balance for the same reasons sick leave would normally be approved, if the employee has a serious disability or ailment, provided the total advanced amount at no time exceeds 30 days (240 hours) and there is a reasonable expectation that the employee will return to duty. For an employee holding a limited appointment, sick leave must not be advanced in excess of the sick leave to be earned during the

remaining period of employment. Sick leave must not be advanced when it is likely the employee will retire, be separated, or resign before the advanced leave will be earned.

b. The employee's request for advanced sick leave must be in writing and must be supported by medical documentation acceptable to the leave-approving official in accordance with GSA policy and the respective collective bargaining agreement, if the employee is a member of a bargaining unit. Usually, the disability or ailment will be of such seriousness as to require a period of absence of at least 5 consecutive work days, unless an absence for a shorter period is determined to be appropriate (for example, intermittent absences for chemotherapy, kidney dialysis, etc.).

c. Advanced sick leave may be granted regardless of whether the employee has annual leave to his or her credit. Any sick leave earned after the sick leave is advanced will be used to liquidate the advanced sick leave.

d. As an alternative to advanced sick leave, the employee and the supervisor may consider the Voluntary Leave Transfer Program (see further details provided in Chapter 15), LWOP, or an adjustment from full-time to part-time employment during a period of recuperation, thus allowing the employee to work less than 8 hours daily until the employee is fully recovered. In considering such options, the supervisor and the employee should consult the Human Resources Service Center regarding the effects of LWOP and part-time employment on the employee's benefits, as well as possible employment ceiling implications in moving between full-time and part-time status.

3. Evidence to Support Sick Leave.

Employees must submit evidence as required by their leave-approving official to support approvals of sick leave. Officials have the discretion to require different forms of evidence depending upon the circumstances. For example, a leave-approving official may require:

(1) Medical documentation for extended absences, e.g., over 3 consecutive work days (or for shorter periods when an employee has been advised that medical documentation will be required to support an absence using sick leave). Medical documentation is defined as that which is signed by the employee's health care provider and is sufficiently specific for the leave-approving official to make a reasonable decision that the employee was incapacitated to perform the duties of his or her position.

(2) A written statement signed by the employee, or other evidence that is administratively acceptable to the leave-approving official, when the period of

absence is less than 3 consecutive workdays or the nature of the employee's illness did not require an appointment with a health care provider.

(3) Employees should submit acceptable evidence or medical certification for a request for sick leave no later than 15 calendar days after the date the agency requests such medical certification. If circumstances beyond the employee's control prevent a timely submission despite the employee's diligent good faith efforts, the employee must provide the evidence within a reasonable period of time, but no later than 30 calendar days after the date the agency requests such documentation. Failure to do so is grounds for disciplinary action for failure to follow proper leave procedures. If the employee is placed on AWOL, the Merit Systems Protection Board has ruled that if the employee later submits adequate documentation, the AWOL cannot stand and any disciplinary action based solely on AWOL would be overturned. However, an action based on failure to follow proper leave procedures could still be upheld. An employee who does not provide the required acceptable evidence within the specified timeframe is not entitled to sick leave.

(4) Employees to submit medical documentation during a period of extended sickness. The purpose of such a requirement is to obtain information that is necessary for planning work or for determining that the approval of continued leave is appropriate (e.g., the health care provider's prognosis of when the employee will be able to return to work, what limitations, if any, the physician will temporarily place on the employee's activities, and, if applicable, what other work the employee could perform).

4. Refund of Advanced Sick Leave.

a. When an employee who is indebted for advanced sick leave (i.e., a negative sick leave balance) transfers to another Federal agency without a break in service, the agency from which the employee transfers must certify the employee's sick leave account to the new agency for charge. Agencies may not require an employee to refund the amount of the advanced sick leave in order to achieve a "zero" balance at the time of transfer. In such cases, a negative sick leave balance should be transferred to the employee's new agency on a SF 1150, *Record of Leave Data*.

b. When an employee who is indebted for advanced sick leave separates from Federal service, he or she is required to refund the amount of advanced sick leave or the agency may deduct that amount from any pay due the employee upon separation. However, if the employee dies, retires for disability, or is separated or resigns because of disability, the requirement to repay does not apply. The Office of Human Resources Management (OHRM) makes the determination as to whether an employee has separated or resigned because of disability and includes this determination in the remarks block of the Notification Notice of Personnel Action (SF

50).

c. An employee who enters active military service with restoration rights is not considered as having separated and is not required to refund the advanced sick leave before entering military service. The advanced sick leave should be liquidated either after the employee returns to duty or has separated from Federal service.

CHAPTER 8. FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA)

1. Family and Medical Leave Act.

a. Under the Family and Medical Leave Act of 1993 (FMLA), Federal employees are entitled to a total of up to 12 workweeks (480 hours) of unpaid leave during any 12- month period for the following purposes:

(1) The birth of a son or daughter of the employee and the care of such son or daughter;

(2) The placement of a son or daughter with the employee for adoption or foster care;

(3) The care of a spouse, son, daughter, or parent of the employee who has a serious health condition;

(4) A serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position; or

(5) Any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

b. Under certain conditions, an employee may use the 12 weeks (480 hours) of FMLA leave intermittently. An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM's regulations for using annual and sick leave, for any unpaid leave under the FMLA. (The amount of sick leave that may be used to care for a family member is limited. FMLA leave is in addition to other paid time off available to an employee.)

c. Exclusions where the FMLA is not authorized for use:

(1) Employees serving under intermittent appointments or temporary appointments with a time limitation of 1 year or less;

(2) Employees with less than 12 months of Federal service;

(3) Other individuals excluded under 5 C.F.R. § 630.1201(b).

d. Employees who do not comply with the notification and medical certification requirements of 5 C.F.R. § 630.1207 and 5 C.F.R. § 630.1208 are not entitled to FMLA leave.

e. Holidays that occur during the period in which an employee is on family and medical leave are not counted toward the 12-week (480 hours) entitlement (5 C.F.R. § 630.1203(e)).

Note: Under Section 1114 of the National Defense Authorization Act of 2024 (Public Law 118-31), amended the statute governing service required for FMLA eligibility. Under these amendments, service under Title 39 (the U.S. Postal Service and the Postal Regulatory Commission) is considered service as well as Title 10 active duty service in the major branches of the Armed Forces. Due to this provision, military veterans are essentially immediately eligible for FMLA benefits and protections. Service with the Public Health Service, NOAA Commissioned Corps, and the U.S. Coast Guard is not covered, nor is inactive duty training under Title 32 for state national guardsmen. For more information, see 5 U.S.C. § 6381, as revised. For creditable service, human resources should check the job candidate's DD-214's for each period of uniformed service.

CHAPTER 9. DISABLED VETERAN LEAVE

1. Disabled Veteran Leave.

a. A veteran with a service-connected disability rating of 30 percent or more from the Veterans Benefits Administration (VBA) of the U.S. Department of Veterans Affairs is entitled to up to 104 hours of Disabled Veteran Leave (DVL) for the purposes of undergoing medical treatment for such disability.

b. Employee Coverage. There are several requirements that must be met in order for an employee to be eligible for DVL under OPM's regulations. An employee must:

(1) Be in the civil service (as defined in 5 U.S.C. § 2105);

(2) Be covered by the Disabled Veteran Leave statute at 5 U.S.C. § 6329;

(3) Be a veteran as the term is defined in 38 U.S.C. § 101(2);

(4) Have a "service-connected disability" (as this term is defined in 38 U.S.C. § 101(16)) rating of 30 percent or more as determined by VBA. A disability rating of 30 percent or more includes a rating of one disability rated at 30 percent or more, or a combined degree of disability of 30 percent or more that reflects the combined effect of multiple individual disabilities. A temporary disability rating issued under 38 U.S.C. § 1156 is valid for as long as it is in effect;

(5) Be hired (as that term is defined by 5 C.F.R. § 630.1303) on or after November 5, 2016; and

(6) Be subject to a leave system for which leave is charged for absences.

2. Employees Not Covered. Employees not covered by the DVL authority are those who are not covered by a leave system such as those with intermittent work schedules or leave-exempt Presidential appointees.

3. 12-Month Eligibility Period.

a. The employee will have a single, continuous 12-month eligibility period, beginning on the "first day of employment" in which to use the leave or it will be forfeited with no opportunity to carry over this leave into the subsequent year. The 12-month eligibility period is determined after it is established that an employee is eligible to receive DVL. The first day of employment is the later of:

(1) The date the employee is hired (in a qualifying employment); or

(2) The effective date of the employee's qualifying service-connected disability rating, as determined by VBA.

b. For employees who have a qualifying VBA disability rating in effect before they are hired (after 11/5/2016), the 12-month eligibility period will begin on the date the employee is hired because the date of hire is the later date.

c. In instances where an employee does not have a qualifying VBA disability rating at the time of hire, the 12-month eligibility period will be established at a later time. The determining date, the hiring date, or the effective date of the qualifying disability rating will depend on exact circumstances. The effective date could be before or after the hiring date. The later of the two dates will be the start date of the 12-month eligibility period.

d. The 12-month eligibility period expires 1 day before the anniversary date of the first day of employment or the date of the qualifying disability rating, whichever is later.

4. Crediting of Disabled Veteran Leave.

a. In order to receive the service credit for DVL, an employee must submit documentation from VBA certifying the service-connected disability rating and its effective date to their Benefits and Retirement Center (BRC). The leave cannot be credited until the employee provides the necessary certifying documentation.

b. Once eligibility is confirmed, the appropriate amount of leave must be credited to the eligible employee as of the "first day of employment."

5. Crediting of Hours by Work Schedule. An employee under a regular full-time work schedule will receive an initial crediting of 104 hours of DVL. An employee who has a part-time or seasonal work schedule or an uncommon tour of duty will receive a proportionally equivalent amount of DVL initially credited based upon the hours in the employee's work schedule. (See 5 C.F.R. § 630.1305(b)). The initial crediting of hours may be subject to offset (reduction) as described below.

6. Offsetting the Disabled Veteran Leave.

a. When determining the amount of DVL to credit to an employee, the initial crediting of DVL must be reduced by:

(1) Any hours of sick leave to the employee's credit as of the "first day of employment" (5 C.F.R. § 630.1305(d)); or

(2) Any hours of "equivalent" DVL used by an employee in a position not

covered by 5 U.S.C. § 6329 (i.e., equivalent leave granted under another authority such as the personnel authority of the Federal Aviation Administration or the Transportation Security Administration) (5 C.F.R. § 630.1305(e)).

b. An employee may have a sick leave balance as of the first day of employment in the following situations:

(1) A former Federal employee is rehired after a break in service of at least 90 days and the rehire date qualifies as the "first day of employment" triggering eligibility for DVL. The rehired employee is entitled to a re-credit of the former sick leave balance. Such re-credited sick leave hours will offset the initial crediting of DVL hours, which would reduce or eliminate the DVL benefit.

(2) A veteran is first hired in a qualifying position as a Federal employee on or after November 5, 2016, and does not have eligibility for DVL as of the hire date. Later, the veteran will file a claim for VA disability compensation, which is approved, and the effective date of the disability rating is after the hire date. That effective date of the VBA disability rating is the "first day of employment" and the start date of the 12-month eligibility period for using DVL. The hours of sick leave to the employee's credit (if any) as of that start date would offset the initial crediting of DVL hours.

(3) A Federal employee is called up to perform military duty as a reservist. After this military service, the employee qualifies for DVL. The hours of sick leave to the employee's credit (if any) as of the start date of the 12-month eligibility period would offset the initial crediting of DVL hours.

c. For an employee who was granted an "equivalent" DVL benefit under an authority other than 5 U.S.C. § 6329, eligibility for DVL under section 6329 is determined at the point the employee moves to a position covered by section 6329. Employment in a non- covered position cannot trigger the first day of employment under section 6329. (See definition of "employment" in 5 C.F.R. § 630.1303.)

d. If 12 months have elapsed since the commencing date of the eligibility period for using the equivalent benefit, the employee is considered to have received the full benefit (regardless of the number of hours actually used), which totally offsets (i.e., eliminates) the section 6329 benefit (5 C.F.R. § 630.1305(e)(2)). If the employee is still within that 12-month period, the section 6329 leave benefit is offset by the number of hours of equivalent DVL (under another authority) that were used by the employee (5 C.F.R. § 630.1305(e)(3)). (There is no additional offset based on the employee's sick leave balance; however, the number of hours of DVL used may be adjusted if those hours were used under a different work schedule, consistent with 5 C.F.R. § 630.1305(c).) In that case, the employee would be able to use any remaining DVL during the 12-month eligibility period established under section 6329

(i.e., the period starting on the date of first employment in a position covered by section 6329)

7. Conversion of Disabled Veteran Leave Balance Based on Change in a Tour of Duty.

a. When an employee is converted to a different tour of duty for leave purposes, including in conjunction with movement to a different agency, the employee's balance of unused DVL must be converted to the proper number of hours based on the proportion of hours in the new tour of duty compared to the former tour of duty. For seasonal employees, hours must be annualized in determining the proportion. (See 5 C.F.R. § 630.1305(c).)

b. Balance conversion rules do not apply to DVL that was credited to a U.S. Postal Service (USPS) or Postal Regulatory Commission (PRC) employee under Postmaster General regulations since those regulations do not provide for variable crediting of hours based on type of work schedule. The balance at the time of separation under Postmaster General regulations will be carried over and will be adjusted during the 12-month eligibility period only when hours of DVL are used.

8. Use of Leave for Medical Treatment. DVL may only be used for the medical treatment of a qualifying service-connected disability, which includes any individual disability that is part of a combined disability rating of at least 30 percent. Medical treatment may include a period of rest, but only if the period of rest is specifically ordered by the employee's health care provider as part of a prescribed course of treatment for the qualifying service-connected disability. Qualifying medical treatment may be provided or prescribed by any healthcare provider who is covered by the definition of "health care provider" in OPM's Family and Medical Leave Act (FMLA) regulations at 5 C.F.R. § 630.1202.

9. Certifying Disabled Veteran Leave.

a. The employee must provide the Benefits and Retirement Center (BRC) with a copy of the employee's disability rating from the VA (just the bottom line number confirming that the rating is 30 percent or more from the VBA, not the underlying diagnoses), indicating a determination that he or she is a veteran with a qualifying service-connected disability. Such documentation/certification must be provided upon employment or as soon as available in order for the BRC to make a determination of eligibility and entitlement to DVL.

(1) The BRC will notify the supervisor when the DVL is available for the employee's use.

(2) The BRC will review the documentation from the VBA certifying the

service-connected disability rating and its effective date, confirming eligibility.

b. Upon receipt of the certifying documentation of an employee's DVL entitlement, the eligible employee will have 12 months from the first day of employment or from the rating award date, if it occurs after the first date of employment, to use the leave. Please note that it is this date (and not when the employee applied for DVL) that will determine when the 12-month period begins. However, an employee may retroactively substitute DVL for other forms of leave that he or she may have taken during this period in order to receive medical treatment for conditions covered by his or her VA rating (see the section below entitled "Retroactive Substitution").

c. The employee must complete leave requests for his or her scheduled service-connected medical appointments using the authorized agency leave system. DVL is requested using the DVL code and must include a personal self-certification from the employee that the leave will be (or was) used for purposes of medical treatment for a qualifying service-connected disability. The self-certification must be included in the comments section. Unless the need for leave is critical and unforeseeable (e.g., a medical emergency or the unexpected availability of an appointment for surgery or other critical treatment), the employee must request leave in advance and specify the dates and hours of absence required for the medical treatment. The employee must provide notice within a reasonable period of time appropriate to the circumstances involved. If the agency determines that the need for leave is critical and not foreseeable and that the employee is unable to provide advance notice of his or her need for leave, the leave may not be delayed or denied.

10. Retroactive Substitution. An employee is permitted to retroactively substitute DVL for other forms of leave or time taken off for the purpose of receiving treatment for a qualifying disability (excluding periods of AWOL or suspension, but including forms such as LWOP, sick leave, annual leave, compensatory time off, or other paid time off), when the leave or time off was taken during the employee's 12-month DVL eligibility period for the medical treatment of a qualifying disability. Retroactive substitution may be necessary when an employee has a pending claim under review by the VBA that is later approved with a retroactive effective date. In this situation, the employee should keep documentation or records relating to medical treatment of a condition that may later be covered as a qualifying service-connected disability.

11. Medical Certification.

e. In addition to the required employee self-certification, a supervisor, at his or her discretion, may additionally require a signed medical certification from a health care provider that the medical treatment was for a qualifying service-connected disability. A supervisor may also require an employee to submit medical certification before approving any retroactive substitution as described

above.

b. When a supervisor requires such medical certification, it should include:

(1) A written statement signed by the health care provider certifying that the medical treatment is for one or more service-connected disabilities of the employee that resulted in a 30 percent or more disability rating;

(2) The date or dates of treatment or, if the treatment extends over several days, the beginning and ending dates of the treatment;

(3) A statement that the treatment required was of an urgent nature or there were other circumstances that made advanced scheduling not possible; and

(4) Any additional information that is essential to verify the employee's eligibility.

c. The employee must provide the additional medical certification within 15 calendar days of the request unless more time is required, not to exceed 30 calendar days.

d. An employee who does not provide the required evidence or medical certification within the specified time period is not entitled to use DVL, and the agency may, as appropriate and consistent with applicable laws and regulations:

(5) Charge the employee as AWOL; or

(6) Allow the employee to request that the absence be charged to LWOP, sick leave, annual leave, or another form of paid time off.

12. Employee Transfers or Separations.

a. When an employee with a positive DVL balance transfers between positions in different agencies, or transfers from the USPS or PRC to a position in another agency, during the 12-month eligibility period, the agency from which the employee transfers must certify the number of unused DVL hours available for credit by the gaining agency. The losing agency must also certify the expiration date of the employee's 12-month eligibility period to the gaining agency. Any unused DVL will be forfeited at the end of that 12-month eligibility period.

b. An employee with a positive balance of DVL who has a break in employment of at least 1 workday during the employee's 12-month eligibility period, and later recommences employment covered by 5 U.S.C. § 6329 within that same eligibility period, is entitled to a re-credit of the unused balance. The losing agency must certify the number of unused DVL hours and the expiration date of the employee’s established 12- month eligibility period to the gaining agency.

c. In the event that certification is not available upon transfer or reemployment, the re-credit of DVL may be supported by written documentation available to the employing agency in its official personnel records concerning the employee, the official records of the employee's former employing agency, copies of contemporaneous leave and earning statement(s) provided by the employee, or copies of other contemporaneous written documentation acceptable to the agency.

d. If an employee's work schedule changes in conjunction with movement to a different agency (during the 12-month eligibility period), the balance of DVL must generally be converted to the proper number of hours based on the proportional relationship between the two schedules (5 C.F.R. § 630.1305(c)).

13. Forfeiture of Disabled Veteran Leave. Any unused DVL will be forfeited at the end of the employee's established 12-month eligibility period. There are no circumstances under which the leave may remain to an employee's credit afterwards. An employee may not receive a lump-sum payment for any unused DVL under any circumstances.

14. Effect of Decrease or Discontinuation of 30 Percent Disability Rating. DVL is subject to forfeiture if an employee receives a discontinued or decreased service-connected disability rating that no longer qualifies the employee for DVL. If an employee's service-connected disability rating is decreased or discontinued during the 12-month eligibility period resulting in the employee no longer having a qualifying service-connected disability rating, the employee must notify the agency of the effective date of the change in the disability rating, and the employee is no longer eligible for DVL as of the end of the day before the effective date of the rating change. Any unused DVL to the employee's credit as of the end of the day before the effective date of the rating change will be forfeited. A rating change has no effect on any DVL the employee used prior to the effective date of the rating change.

CHAPTER 10. MILITARY LEAVE

1. Military Leave. Qualified employees are entitled to time off with full pay for certain types of active or inactive duty training in the National Guard or as a Reserve of the Armed Forces with a charge to accrued military leave.

2. Types of Military Leave.

a. Active duty, active duty training, and inactive duty training – **15 days of military leave** per fiscal year for full-time employees whose appointments are for an indefinite period of time of more than 1 year. Military leave is prorated for part-time employees. For example, a part-time employee who normally works a 20-hour per week schedule would get 7.5 days. An employee can carry over a maximum of 15 days (120 hours) into the next fiscal year.

b. Any absence for purposes of active duty, active or inactive duty training, and/or funeral honors duty beyond this 15 days in a fiscal year (plus any additional days carried over) must be charged to annual leave, previously earned comp time, sick leave (consistent with statutory requirements), or LWOP.

c. Emergency/Contingency duty as authorized by the President, the Secretary of Defense, or a State Governor – **22 workdays of military leave** per calendar year. This leave is authorized for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of a call or order to active duty in support of a contingency operation (5 U.S.C. § 6323(b)).

The term "contingency operation" means a military operation that-

(1) Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(2) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12304a, 12305, or 12406 of title 10, United States Code, chapter 15 of title 10, United States Code, section 712 of title 14, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.

Unlimited Military Leave – Unlimited leave is authorized for Federal civilian employees or individuals who are members of the National Guard of the District of

Columbia. These employees are entitled to leave without loss in pay or time for each day of a parade or encampment ordered or authorized under title 49, District of Columbia Code (5 U.S.C. § 6323(c)). (This type of military duty is very rare.)

e. Duty as Reserve and National Guard Technicians only: 44 workdays of military leave per calendar year for duties carried out overseas under certain conditions (5 U.S.C. § 6323(d)). (GSA does not currently employ dual status Reserve or National Guard Technicians. See 10 U.S.C. § 10216 – Military technicians (dual status)).

3. Effect on Civilian Pay.

a. For active duty, active duty training, and inactive duty training, an employee retains military pay as well as civilian pay, including any premium pay (except Sunday premium pay) he or she would have received if not on military leave.

b. For emergency/contingency duty (22 workdays) and National Guard duty (unlimited leave under title 49 of the District of Columbia code), an employee's civilian pay is **reduced** by the amount of gross military pay (base pay and all allowances) for the total days of military leave.

c. An employee may choose not to take military leave and instead take annual leave, earned comp time, compensatory time off for travel, or sick leave, if appropriate, in order to retain both civilian and military pay.

4. Charges for Military Leave.

a. Military leave usage should be credited to a full-time employee on the basis of an 8-hour workday. The minimum charge to leave is 1 hour. An employee may be charged military leave only for hours that he or she 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) are only charged the amount of military leave necessary to cover the period of training and necessary travel.

c. Employees may use up to 15 days (120 hours) of military leave in any fiscal year (see further below). The military leave may be used during one or more periods of military duty (active duty, active duty for training, or inactive duty for training) during the fiscal year.

d. Under 5 U.S.C. § 6323(a), 15 workdays of paid military leave are available each year. Unlike most other authorities, this authority is on a *fiscal* year basis rather than a leave year basis. In order to use military leave, an employee must be on official military orders. Typically, paid military leave under 5 U.S.C. § 6323(a) is used for the

inactive duty training requirement specified in the military service agreement (i.e. enlistment documentation). In some cases the inactive duty training requirement may exceed 15 workdays per year. In this situation employees may choose to use other forms of paid leave, such as annual leave, to remain in both civilian pay status and uniformed service pay status. See further 5 C.F.R. § 353.208.

e. For employees entitled to military leave under 5 U.S.C. § 6323(b), the leave is charged in the same increments as annual and sick leave.

f. For employees entitled to unlimited military leave for parades and encampments (Title 49 of the District of Columbia Code), the military leave is charged in increments of 1 day.

Documentation. Employees called to active military duty must furnish to their leave-approving official a copy of their military orders or a statement from their commanding officer verifying their attendance at military duty.

7. Military Funeral Leave.

a. Up to 3 workdays (per occurrence) of funeral leave may be granted to an employee in connection with making arrangements or attending the funeral or memorial service for his or her immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the armed forces in a combat zone.

b. Excused absence for funeral leave may also be granted to a war veteran to enable him or her to participate as an active pallbearer or as a member of a firing squad or guard of honor in a funeral ceremony for a member of the armed forces whose remains are returned from abroad for final interment. The maximum excused absence allowed in this instance may not exceed 4 hours in any one day.

8. Return from Active Military Service.

a. Federal employees who are members of the National Guard or Reserve Components of the armed forces and who are returning from active military duty in support of the Overseas Contingency Operations (OCO) are entitled to 5 days of excused absence. An overseas deployment is not required for this entitlement. The following applies to the granting of excused absence for this purpose:

(1) Employees must have been on active duty in support of the OCO for at least 42 consecutive days;

(2) If an additional 42 consecutive days of active duty occurs during the same 12-month period, the employee is not eligible for another 5 days of excused absence.

A subsequent period of active duty of at least 42 consecutive days must end after the current 12-month period for an employee to be eligible for an additional 5 days of excused absence;

(3) The 5 days of excused absence must be used all at once and be granted as soon as the employee reports back for Federal civilian duty or provides notification to the agency of his or her intent to return to civilian duty;

(4) The 5 days of excused absence does not affect the time limits for employees exercising their restoration rights since the commencement of the 5 days constitutes a return to Federal civilian service; and

(5) The period of an excused absence for an employee on a part-time work schedule or an uncommon tour of duty is prorated based on the number of hours in the employee's regularly scheduled workweek. Prorated hours of excused absence are not to be made based on the length of service of active military duty.

b. GSA employees returning from any military operation established under Executive Order (E.O.) 13223 are allowed 5 days of excused absence from their duties to aid in their readjustment to civilian life and return to agency duties.

c. If an employee was not a Federal civilian employee at the time of his or her activation, he or she does not qualify for the 5 days of excused absence under E.O. 13223.

CHAPTER 11. COURT LEAVE

1. Court Leave. Court leave is an authorized excused absence of an employee from official duty for attendance at court and other judicial proceedings, either as a juror or a witness in certain circumstances, without charge to other leave or loss of pay.

a. Court leave is granted to permanent and temporary employees, both full-time and part-time, for serving in a nonofficial capacity for:

(1) Jury duty with a Federal, District of Columbia, State, or local court.

(2) Witness duty on behalf of a Federal, State or local government.

b. Intermittent employees may not be granted court leave.

c. A night shift employee who is eligible for court leave and who is in court during the day is granted court leave for the night shift. The employee continues to receive the night pay or night shift differential.

d. When an employee is required to serve on a jury or as a witness while on annual leave, the leave-approving official must substitute court leave for the employee, if eligible. An employee who is on LWOP when required to serve is not granted court leave.

e. Court leave is granted only for the days of an employee's scheduled tour of duty on which the employee performs court service (i.e., jury duty, appearance as a witness in a nonofficial capacity) or for portions of such days.

2. Jury Duty.

a. It is GSA's policy to request exemption of an employee from jury duty only in those rare cases where the employee's absence would seriously handicap the work of the agency. In such cases, the supervisor should prepare a written statement that clearly relates how the work of the agency would be adversely affected and request an exemption from the appropriate court authority. Employees may request exemptions for compelling personal reasons on their own initiative.

b. When excused from jury duty for a day or a part of a day, an employee must return to work if dismissed early enough to return more than 2 hours before the tour of duty is over. The official authorized to grant court leave may approve the employee to use court leave for the rest of the day in such cases only if the official determines that return to work would constitute a hardship for the employee.

3. Witness Duty.

c. Attendance at a judicial proceeding as a witness in an official capacity is considered official duty and no leave of any kind is charged. Attendance at a judicial proceeding by an employee who is summoned by the court or authority or assigned by the agency to testify in a nonofficial capacity on behalf of the U.S. Government or that of the District of Columbia is also considered official duty. Travel expenses for court attendance may be authorized in situations where the employee is considered to be performing official duty.

d. Court leave may be granted to an employee who is testifying in a nonofficial capacity on behalf of a State or local government.

e. Court leave may be granted to an employee who is testifying in a nonofficial capacity on behalf of a private party when the U.S. or District of Columbia government or a State or local government is a party to the proceeding. (However, court leave is not to be granted to an employee who appears as a witness on his or her own behalf if such a suit is filed by that employee or if the employee is the defendant in the suit. For absences for this purpose, the employee may request the use of annual leave, comp leave or LWOP).

f. An employee may request the use of annual leave, comp leave, or LWOP when the employee is testifying in a nonofficial capacity in a court suit between private individuals or companies (i.e., the U.S. or District of Columbia government or a State or local government is not a party to the suit).

3. Procedures.

a. An employee who is called for court service as either a witness or juror must present and document with their supervisor the court order, subpoena, or summons to the leave-approving official in order to request court leave in the automated electronic record system. Upon return to duty at GSA, the employee must submit to the leave- approving official written evidence, such as a marshal's statement of court attendance.

b. If the employee receives payment from the court for their services while on court leave, the employee may keep the money received for meals and transportation only. In instances where the court makes no distinction in the payment as a fee or as an amount for meals and transportation, the entire amount received must be remitted to GSA according to established office procedures defined for miscellaneous collections (in the CFO 4253.1 Accounts Receivable and Debt Collection Manual). Supervisors have the responsibility to inquire of the employee using court leave to determine if such fees are owed to GSA and to ensure the timely remittance of such amounts.

CHAPTER 12. EXCUSED ABSENCE/ADMINISTRATIVE LEAVE

1. Excused Absence. 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. Excused absences should not be granted for reasons such as time off to settle a case (other than approved Court Leave discussed in the previous chapter) or to allow an employee to accumulate time needed before retiring.

a. Situations where excused absence may be authorized include, but are not limited to, the following:

(1) Attendance at administrative hearings.

(2) Bone marrow and organ/tissue donation and transplantation. An employee may use:

(a) Up to 7 days of leave to serve as a bone-marrow donor.

(b) Up to 30 days of leave to serve as an organ donor.

(3) Blood donations.

Note: All employees who volunteer as blood donors, without compensation, to the American Red Cross, to military hospitals, or other blood banks, or respond to emergency calls for needy individuals will be excused from work without charge to leave. In addition to the time required to travel to and from the blood center and to give blood, donors will be authorized up to 4 hours of excused absence on the day the blood is donated for recuperation purposes. All donors are encouraged to take the full 4 hours for this purpose. (See Comp. Gen. Op. B-188189, November 2, 1977).

(4) Office closures for part-time employees. Part-time employees are not entitled to (a) holidays designated by law or Executive order or (b) days observed as holidays when the actual holiday falls on one of their non-workdays. They are not entitled to an “in lieu of” holiday. For example, if Christmas falls on a Saturday, the “in lieu of” holiday is Friday for most employees. A part-time employee is not entitled to the Friday in lieu of holiday, even if he or she was scheduled to work on that day. However, in such a situation, the employee may be granted excused absence where, for example, the office is closed and the employee does not have a telework agreement permitting work from an alternative work site.

(5) Medical Examinations and Treatments:

(a) Examinations in connection with an application for disability retirement initiated by the agency and examination or preventive treatment authorized under the Federal employees' health program.

(b) For an employee who suffers a traumatic injury on the job, if the injury causes the employee to be disabled from work, the employee's absence on the day of injury will be excused. Continuation of Pay (COP) may be authorized for subsequent absences, examinations, or treatments related to a traumatic injury. When an employee returns to duty and has exhausted (or is not eligible for) the 45 calendar days of COP, the supervisor may grant LWOP-Workers Comp, annual leave, or sick leave for injury- related examinations or treatment; the employee may then apply to the Office of Workers' Compensation Programs for compensation or leave buy back for the period in question.

(c) Each day with a period charged to COP will be counted as 1 day of COP entitlement. If an employee is totally disabled from work, scheduled days off and holidays occurring during a period of disability will be counted toward COP entitlement.

(6) Registration for military service.

(7) Participation in civil defense activities.

(8) Voting and registration.

(9) Inclement weather or closure of the workplace (whenever telework is not feasible).

(10) Job interviews and other out-placement activities when it is determined that this is in the agency's interest. (Downsizing is the most common, but not the only, example where excused absence would be appropriate.)

(11) Participation in government health and fitness activities. An official with delegated authority may approve excused absence for an employee to participate in health and fitness activities if the activity is officially sponsored and administered for a specific, fixed duration. Examples are Federal fitness day events, agency sponsored health screenings, agency fitness center orientation, or a smoking cessation program.

(12) Participation in government sponsored preventive health screenings (*e.g.*, screening for prostate, cervical, colorectal, and breast cancers; sickle cell anemia; blood lead level; blood cholesterol level; immune system disorders such as HIV; and blood sugar level testing for diabetes).

(13) Relocation through permanent change of station (PCS) due to Department of Defense (DoD) Orders issued to the GSA employee's military spouse. When this occurs, under Section 4(a) of Presidential Executive Order 14100, GSA will grant up to 5 workdays of administrative leave, to assist the family with packing, unpacking, moving and traveling. For the purposes of this authority, Orders can be issued to the spouse associated with any military DoD component (i.e. Army, Navy, Air Force, Space Force, or Marines), the U.S. Coast Guard, the NOAA Commissioned Corps, or the Public Health Service.

2. Official Time

a. Official time is not excused absence, but there may be situations where an employee is authorized to use official time to perform activities other than his or her normal duties. An important distinction, for example, is that an employee who was injured while on excused absence may not be entitled to benefits under the Federal Employees' Compensation Act (FECA), while an employee who was injured while on official time may be covered. In addition, official time for serving as a labor organization representative is recorded differently from other categories of official time.

b. Supervisors must authorize official time in certain situations, such as the following:

(1) When an employee serves as a labor organization representative;

(2) When an employee represents another employee in an appeal, discrimination complaint, or grievance;

(3) When an employee prepares his or her response to a notice of proposed adverse action;

(4) When an employee meets with an equal employment opportunity counselor;

(5) When an employee meets with employee assistance program staff;

(6) When an employee attends a court hearing when the employee is the plaintiff and the agency is the defendant (see, for example, 59 Comp. Gen. 290 (1980))

(7) When an employee must participate in fitness activities in order to help them meet job-required medical standards or physical fitness requirements; or

(8) When an employee must prepare complaints, attend hearings or mediations, or answer interrogatories or other documentation requests related to equal employment opportunity complaints or reasonable accommodation

applications. See 29 CFR § 1614.605(b), 5 CFR § 2635.705, and Comptroller General decision 59 Comp. Gen. 290 (1980).

c. At GSA, with the exception of official time for serving as a labor representative, official time is recorded on the employee's timesheets as normal hours of work and is not entered as administrative leave. Official time for labor relations activities has special timekeeping codes (to assist with reports to Congress), as discussed further below.

d. Official time for activities related to labor organization representation.

(1) Labor representative official time is time spent by Federal employees of the agency performing representational work for a union-represented bargaining unit in lieu of their regularly assigned work. Section 7131 of title 5, U.S.C., defines and authorizes official time for an employee representing an exclusive labor representative.

(2) Labor representative official time is time when the representative would otherwise be in duty status, during which employees, without loss of pay or charge to leave, serving in their capacity as union representatives, perform activities such as negotiating agreements, processing grievances, presenting cases in arbitration, and representing employees at meetings with management.

(3) Injuries to employees performing representational functions entitling them to official time are covered under the Federal Employees' Compensation Act.

(4) Labor representative official time is requested, authorized, and recorded through the agency timekeeping system using the following designated time and leave official time categories:

(a) Time Reporting Code: Union - Dispute Resolution. This category is used for reporting official time hours used to investigate, file, and process labor-related grievances, up to and including arbitrations, and to process appeals of bargaining unit employees to the various administrative agencies such as the Merit Systems Protection Board, U.S. Federal Labor Relations Authority, and Equal Employment Opportunity Commission and, as necessary, to the courts.

(b) Time Reporting: Union - Term Negotiations. This category is used for reporting official time hours used by union representatives to prepare for and negotiate an original term collective bargaining agreement or its successor.

(c) Time Reporting Code 71: Union - Mid-Term Negotiations. This category is used for reporting official time hours for time used to bargain over changes or new issues arising during the life of a term agreement.

(d) Time Reporting Code : Union - General Labor/Management Relations. This category is used for reporting official time hours used for activities not included in the above three categories. Examples of such activities include meetings

between labor and management officials to discuss general conditions of employment; labor- management committee meetings; labor relations training for union representatives; Congressional lobbying concerning pending or desired legislation (unless it is otherwise prohibited under law); and union participation in formal meetings and investigative interviews.

3. Weather and Safety Leave (WSL).

a. Weather and Safety Leave is a form of paid time off authorized under the Administrative Leave Act of 2016 (section 1138 of Public Law 114-328). OPM will announce when it is appropriate to use WSL and also when other workplace flexibility options (including unscheduled leave, unscheduled telework, and flexible work schedules) should be used in lieu of WSL. OPM, or local equivalent authorities, will continue to issue Federal operating status announcements for the Washington, DC, area. Employees working in Federal agency offices outside of the "Washington Capital Beltway" must follow the operating status announcements issued by the agency. Regional office heads make workforce status decisions for their office's employees and should report those workforce status decisions to the Central Office.

b. Employees may be granted WSL when it is determined that employees cannot safely travel to or from, or perform work at, at their normal worksite, a telework site, or other approved location because of severe weather or another emergency situation.

c. In most circumstances, supervisors will not be able to grant WSL to an employee who is a telework program participant and able to safely perform telework at the employee's home. This new provision applies regardless of what is stated (or not stated) in the employee's telework agreement and in agency policies and agreements.

d. Authorization of Weather and Safety Leave.

(1) Authorizations for WSL for eligible employees will generally be based on OPM's operating status announcements, unless office-specific conditions require grants of WSL beyond that contemplated by OPM's operating status (e.g., in the case of a building-specific emergency such as a building fire, power outage, or burst water pipe);

(2) HSSOs and Regional Administrators or their designees serve as authorizing officials;

(3) Employees who are eligible for WSL and are not participating in a telework program do not have to submit a leave request or otherwise formally request WSL. However, the employee, supervisor, and office timekeeper are

responsible for ensuring that time and attendance reporting for the relevant period of WSL is properly recorded in the automated time and leave system; and

(4) Employees who are participating in a telework program and who may be eligible for WSL based on one of the exceptions must submit a leave request as detailed in order to request WSL.

4. Telework Participants.

a. In most cases, employees who have a valid approved situational or routine telework agreement in place are not eligible for WSL. In determining whether an exception applies such that a grant of WSL to a teleworking employee may be permissible, the authorizing official must consider whether the WSL conditions affect travel to work at both the regular work site and the alternate work site of an employee. (Generally, WSL should be authorized based on an OPM or office-specific closure or operating status announcement.) Additionally, the authorizing official must evaluate whether an employee could have reasonably anticipated the WSL condition and whether the employee took reasonable steps (within the employee's control) to prepare to telework at the approved alternate worksite.

(1) WSL Conditions at Both Regular and Alternate Work Site. The authorizing official will grant WSL to the employee if the employee is prevented from safely traveling to or safely working at the alternate work site, as well as his or her regular work site due to one or more WSL conditions, *e.g*., flash flooding from a hurricane which led to a power outage at an employee's office (regular worksite) as well as his or her home (approved alternate worksite); and

(2) Anticipating WSL Conditions. If, in the authorizing official's judgment, the WSL conditions could not have been reasonably anticipated, the official may approve WSL to the extent an employee was not able to prepare for telework as described and is otherwise unable to perform productive work at the alternate work site.

(a) Example Where WSL Is Appropriate. An employee is authorized to situationally-telework but must prepare for his or her telework day in advance so that he or she can take work files home (*i.e*., will not be able to perform productive work from home without the work files). A tornado causes a power outage at the employee's regular work site (*i.e.,* office). Since the tornado and associated office power outage could not have reasonably been anticipated and because the employee could not perform productive telework without the work files, the authorizing official

may grant WSL.

(b) Example Where WSL Is Not Appropriate. An employee is authorized to situationally-telework but must prepare for his or her telework day in advance so that he or she can take work files home *(i.e.,* will not be able to perform productive work from home without the work files). A snow storm is forecasted days in advance and causes an office closure. The employee did not take the work files home and could not perform productive telework without the work files. Because the snow storm could have been reasonably anticipated and the employee could have taken but did not take reasonable steps to prepare to telework, the authorizing official may not grant WSL.

(3) WSL Conditions Only at Alternate Work Site. An authorizing official will not approve WSL when the WSL condition does not prevent the employee from safely traveling to and safely performing work at his or her regular work site, even if the affected day is a scheduled telework day, unless the employee is teleworking under a valid remote work agreement (*i.e*., a telework arrangement under which an employee performs the duties of his or her position from an alternate worksite located outside of the commuting area of his or her regular worksite). For example, an employee on a routine telework agreement is regularly scheduled to telework on Mondays and the alternate work site is the home. A windstorm causes a power outage that disrupts power to the employee's home and prevents the employee from teleworking from the alternate worksite on Monday. If the employee is able to safely travel to and work at the regular work site (*i.e*., office) on Monday, then the authorizing official will not approve WSL.

b. In making a determination, the authorizing official must evaluate whether the WSL conditions could have been reasonably anticipated and whether the employee took reasonable steps (within the employee's control) to prepare to perform telework at the approved telework site. For example, if a significant snowstorm is predicted, the employee may need to prepare by taking home any equipment (*e.g.,* laptop computer) and work required for teleworking. If an employee is unable to perform work at the alternate work site because of the employee's failure to make necessary preparations for reasonably anticipated conditions, the authorizing official will not approve WSL, and the employee must request paid leave (*e.g.*, accrued, accumulated, or advanced annual leave, or, if appropriate, sick leave), previously earned compensatory time off, or LWOP.

c. Dependent care responsibilities and telework:

(1) Telework is not an alternative for child, elder, or dependent care. Employees must not use duty time for any purpose other than official duties and must make other arrangements for such care. While policy does allow employees to telework while children or elderly parents are in the home, employees may not use duty time to care for those dependents;

(2) In certain circumstances, WSL conditions that affect an employee's regular worksite (*i.e.*, office) may also cause school/facility closures and result in a child/dependent staying at home with a teleworking employee. Under such a scenario, the employee may telework, as long as the employee is not actively caring for the child/dependent. Employees need to take annual leave to account for any duty time spent caring for a dependent. WSL will not be granted for any time spent caring for a child/dependent. The employee would be expected to account for work and non-work hours during his/her tour of duty and take the appropriate personal leave (*e.g.*, annual leave or leave without pay) to account for the time spent away from normal work-related duties; and

(3) Example: Local Federal offices are officially closed due to a snowstorm. That same snowstorm results in a school closure for an employee's child. The employee may telework while the child is in the house, as long as the employee is not using any duty time to care for the child. Under this scenario, the employee would be expected to account for work and non-work hours during the employee's tour of duty and take the appropriate personal leave (*e.g.,* annual leave or leave without pay) to account for any time spent away from normal work-related duties. The employee may not receive WSL for any time spent caring for a child.

5. Administration of WSL.

a. Employees may be granted WSL only for hours within the tour of duty established for purposes of charging annual and sick leave when absent:

(1) Full-time Employees. For a full-time employee, that tour is the employee's standard schedule, which for most employees is the 40-hour basic workweek;

(2) Part-time Employees. For part-time employees, leave is charged in accordance with their approved part-time schedule;

(3) Flexible Work Schedule. Full-time employees on a flexible work schedule (FWS) may be granted up to 8 hours of WSL in a workday. For a full-time employee on a variable-day or variable-week schedule, the employee must make arrangements to work extra hours during other regularly scheduled workdays or use annual leave, credit hours, or compensatory time off in order to fulfill the 80-hour biweekly work requirement. For example, an employee on a variable-day schedule must work 40 hours in a workweek. The employee worked 6 hours on Monday and was granted 8 hours of WSL on Tuesday due to a snowstorm. The employee will need to work 26
hours over the next 3 workdays, or alternately use leave, credit hours, or compensatory time off to meet the 40-hour workweek requirement; and

(4) Compressed Work Schedules. Full-time employees on compressed work

schedules (CWS) (i.e., the 4/10, 5/4/9 or 3/4-12 work schedules)), may be granted WSL up to the amount of non-overtime hours they would otherwise work on that workday. For example, if the conditions for granting WSL occurred on an employee's 10-hour workday, the authorizing official may grant up to 10 hours of WSL.

b. Unless certain situations are applicable (discussed below), employees will not receive WSL for hours during which they are on other pre-approved leave (paid or unpaid) or paid time off. The authorizing official will not approve WSL for an employee who, in the authorizing official's judgment, is canceling pre-approved leave or paid time off, or changing a regular day off in a FWS or CWS schedule, for the primary purpose of obtaining WSL.

c. Employees may cancel pre-approved leave or paid time off in certain situations arising from WSL conditions and may be granted WSL if all other WSL requirements for WSL are met:

(1) Sick Leave for Appointment. If an employee was previously approved to use sick leave and the legal basis for that sick leave has been eliminated due to WSL conditions, sick leave must be canceled and WSL may be granted if consistent with all other provisions in this chapter. For example, if an employee is scheduled to use sick leave for a medical appointment and that medical appointment is canceled due to a blizzard, the employee's sick leave must be canceled and the employee may be granted WSL if eligible (*e.g.,* if the employee is a non-teleworking and non-emergency employee and is prevented by the WSL condition from safely traveling to, or safely performing work at an approved worksite);

(2) Sick Leave Due to Illness. If an employee is on previously approved sick leave due to the employee's own illness during OPM-designated WSL conditions, that employee will remain on sick leave; and

(3) Leave in Connection with Personal Travel. If an employee has been approved to use annual leave, leave without pay, or compensatory time off in connection with personal travel and that travel has been delayed or canceled due to WSL conditions, the employee may choose to cancel his or her previously approved leave. For example, a hurricane closes an employee's regular worksite and also results in their vacation flight being canceled. The employee may choose to cancel the annual leave and may receive WSL if he or she is a non-telework employee and non-emergency employee who is prevented from safely traveling to or performing work at an approved worksite.

6. Records and Reporting.

a. Authorizing officials must ensure that time and attendance reports from employees or office timekeepers accurately reflect any weather and safety leave granted by the official. Employees share responsibilities with the timekeeper and

authorizing official in affirming the accuracy and completeness of leave used during each pay period.

b. The automated time and leave systems must provide functionality to designate and account for weather and safety leave requirements of this subchapter as a category of leave separate from all other types of leave.

CHAPTER 13. LEAVE WITHOUT PAY (LWOP)

1. LWOP is approved leave for which the employee is not paid. Employees do not have a right to LWOP except for specified situations such as:

a. Disabled veterans for medical treatment for a service-connected disability,

b. Members of the Reserves or National Guard for military training duties,

c. Employees who are eligible for and invoke the Family Medical Leave Act (FMLA) (unless the employee opts to use a form of paid leave), or

d. Injured workers who are receiving medical treatment in conjunction with their workers' compensation claim after their 45-day continuation of pay (COP) period concludes.

2. In all other situations, management has the discretion to determine whether requests for LWOP will be approved.

3. LWOP must not be granted when AWOL is appropriate.

Note: Under Section 2 of Presidential transmittal "Memorandum on Supporting Access to Leave for Federal Employees," February 2, 2023, the heads of executive departments and agencies are encouraged to consider providing leave without pay for Federal employees, as appropriate and consistent with applicable law, including in the following circumstances: (1) to bond with a new child, (2) to care for a family member with a serious health condition, (3) to address an employee's own serious health condition, (4) to help manage family affairs when a family member is called to active duty, including during an employee's first year of service, and (5) to provide unpaid time off for bereavement after the death of a family member, including during an employee's first year of service.

CHAPTER 14. VOLUNTEERISM

1. Volunteerism.

a. Scheduling Work and Time Off.

(1) As a general rule, the Federal personnel system provides agencies with considerable flexibility in scheduling hours of work and time off. Supervisors are encouraged to make appropriate use of these flexibilities in responding to requests for changes in work schedules or time off to allow employees to engage in volunteer activities while giving due consideration to the effect of the employee's absence or change in duty schedule on work operations and productivity.

(2) The Governmentwide Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. § 2635.705, prohibits supervisors from coercing employees to participate in outside activities and coercing employees to use official time to perform activities other than those required in the performance of official duties.

(3) It is generally inappropriate for a Federal agency to pay an employee for hours spent participating in volunteer activities. Under the necessary expense rule in appropriations law, funds must be spent for the purpose for which Congress appropriated the funds. Consequently, each employee's salary must be expended to carry out the purpose of the particular congressional appropriation from which the salary expense is ultimately drawn. Since there are no appropriated funds designated for volunteer activities, funds must not be expended to pay Government employees' salaries for this purpose. Employees must take leave to participate in volunteer activities during official work hours. This rule also applies to employees funded via revolving funds or other reimbursable funded salaries.

(4) Under limited circumstances, however, it may be appropriate to excuse employees from duty for brief periods of time without charge to leave or loss of pay to participate in volunteer activities. OPM has determined that such grants of administrative leave should be limited to one or more of the following situations:

(a) The volunteer service is directly related to GSA's mission.

(b) The volunteer service is officially sponsored or sanctioned by the Agency head, an HSSO, or a Regional Administrator, or their designees.

(c) The volunteer service will clearly enhance the

professional development or skills of the employee in his or her current position.

(d) The absence is brief and in the agency's interest.

b. Authority.

(1) The decision to grant excused absence to allow participation in a volunteer activity must be approved by HSSOs, Regional Administrators, or their designees.

(2) Employees may normally be excused for short periods of time, usually 1 hour a week. HSSOs and Regional Administrators or their designees should limit total excused absence for their workforce during the year and may establish local policy on the use of excused absence for volunteer service, not to exceed the limits established herein. These are maximums, not targets.

(a) Limit excused absence for workforce to a total of 1 percent of work hours during the leave year.

(b) The limit for the individual is normally 1 hour a week, not to exceed 52 hours in a leave year. In unusual circumstances and with the approval of HSSOs and/or Regional Administrators, an individual exception may be granted. The maximum an individual may be allowed is 80 hours in a leave year.

(3) Excused absences should be documented in the time and attendance system as "other excused absence/volunteer."

(4) The volunteer service for which an employee is excused must be performed during the employee's scheduled work hours (*i.e.*, his or her basic tour of duty in a normal workweek).

(5) An employee may not be excused from work as compensation for time spent during non-work hours (e.g., weekends, evenings) on volunteer activities. Compensatory time off may not be earned for the performance of volunteer activities.

(6) Supervisors may not establish or change an employee's daily tour of duty to encompass a period of volunteer service to qualify it for excused absence. Under 5 CFR 610.121, agencies must establish and change work schedules in accordance with the actual work requirements of each employee.

(7) HSSOs and Regional Administrators, or their designees, may waive the 52- hour limit on a case-by-case basis. No exception will be approved to allow more than 80 hours as an individual limit during a leave year.

c. . Recognition and Awards. While GSA strongly encourages its employees to participate in volunteer activities, providing cash or time off for volunteer work is prohibited. Managers are asked to use letters of appreciation and other citations such as certificates of recognition to encourage, thank, and support employees who perform volunteer work to make their communities a better place to live and/or for their contribution to the well-being of others.

d. Responsibilities.

(8) It is the responsibility of HSSOs and Regional Administrators, or their designees, to administer GSA's volunteerism program and to balance support for employees' volunteer activities with the need to ensure that employees' work requirements are fulfilled and that agency operations are conducted efficiently and effectively. In keeping with the call to community service, GSA's management officials should be in support of the President's initiative, Executive Order 13401, which states that each agency shall designate a liaison for volunteer community service and promote community service to all Federal employees.

(9) Human Resources Offices are responsible for providing advice and guidance, and for responding to all reporting requirements when necessary. Contact your servicing Human Resources Office or the Office of General Counsel for guidance on matters not covered in this policy, such as:

(a) The necessity to avoid conflicts of interest, coercion, favoritism, involvement in partisan politics, or other breaches of ethical standards.

(b) The prohibitions on fundraising outside the scope of the Combined Federal Campaign.

(c) The potential liability issues related to employee participation in volunteer activities.

(d) The propriety of anything more than nominal use of GSA resources in support of volunteer activities.

CHAPTER 15. VOLUNTARY LEAVE TRANSFER PROGRAM

1. Purpose.

a. Under the Voluntary Leave Transfer Program (VLTP), an employee may request portions of his or her unused accrued annual leave to be transferred for use by another employee who has been determined by OHRM to have a medical or family medical emergency and has been approved as a leave recipient.

b. Medical emergency means a medical condition of an employee or a family member that is likely to require an employee's absence from duty for a prolonged period of time (at least 24 work hours for full-time employees) and is likely to result in a substantial loss of income to the employee because of the unavailability of paid leave. (Absence from duty necessitated by pregnancy and childbirth is an acceptable reason for requesting use of the VLTP.)

2. Applying to Become a Leave Recipient.

a. Current employees affected by a medical or family medical emergency must apply in writing using OPM Form 630, Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program, to become a leave recipient. In the event that an employee is not capable of making an application on his or her own behalf, another employee in this agency, an employee's representative, or a family member may make the application.

b. Each new application for VLTP is to be submitted to the immediate supervisor and must include:

(1) The name, position title, and grade or pay level of the prospective leave recipient;

(2) A brief description of the nature, severity, and anticipated duration of the medical or family medical emergency affecting the applicant; and

(3) A statement from a physician or other appropriate expert (e.g., Christian Science Practitioner, chiropractor, psychologist, etc.) and any additional information, as appropriate, which shows the nature, severity, and duration of the medical or family medical emergency.

3. Retroactivity. Transferred annual leave may be substituted retroactively for a period of LWOP or to liquidate advanced annual or sick leave granted to the approved leave recipient to cover absences during a medical or family medical emergency.

4. Processing Applications.

a. The actual approval or disapproval of an application must be based on the determination of an OHRM HR specialist as to whether the potential leave recipient's absence from duty is (or is expected to be) at least 24 work hours and if the medical documentation supports the request. (In the case of a part-time employee or an employee with an uncommon tour of duty, the determination should be made on the basis of 30 percent of the average number of hours of work in the employee's biweekly scheduled tour of duty.) Such absence can be consecutive or intermittent hours during the leave year.

b. The VLTP applicant's immediate supervisor should:

(1) Review the applicant's VLTP application, OPM Form 630; complete Sections 12 and 13; and confirm and certify the application's accuracy by signing and dating section 17.

(2) Forward the application to the servicing HR office once the OPM Form 630 has been completed by the applicant and the supervisor.

(3) Notify the servicing HR office immediately that the employee should be removed from the VLTP program when he or she is notified by the employee (or becomes aware) that the medical emergency is over.

c. The servicing HR office must:

(1) Note the date the recipient's application is received in the servicing HR office by handwriting it on the right-hand corner of the OPM Form 630 or, if electronic signatures are authorized, electronically signing and dating receipt in the HR office.

(2) Review the information on the VLTP application for accuracy and completeness.

(3) Determine that the applicant meets/does not meet the minimum requirements established for the VLTP under 5 CFR 630 and as identified in this chapter.

(4) If these minimum requirements are met, forward the certified application to the approving official within 3 workdays of receiving the application so that HR can meet the 10-day timeframe to respond to the recipient.

(5) If the servicing HR office finds that the applicant, according to the information on the application, does not meet the minimum requirements for

acceptance in the VLTP, the uncertified application must be returned to the applicant within 10 workdays with a statement of the reasons why the requirements have not been met and what, if anything, may be done to meet them before submitting an updated application.

d. If the approving official has approved the recipient's application, the servicing HR office must notify the applicant of the approval within 10 workdays of application by returning a copy of the approved application to the recipient.

5. Leave Donations from Other Federal Agencies. It is GSA's policy to accept the transfer of annual leave from donors employed in other Federal agencies, and GSA employees may donate annual leave to employees in other Federal agencies.

6. Using Transferred Leave.

a. A recipient's annual and sick leave accrued and accumulated prior to the approval date of the recipient's application must be used before any transferred annual leave.

b. Transferred annual leave may accumulate without regard to the limitations imposed by 5 U.S.C. 6304(a).

c. Transferred leave may not be:

(1) Transferred to another VLTP leave recipient;

(2) Included in a lump-sum annual leave payment;

(3) Made available for re-credit upon reemployment by a Federal agency; or

(4) Used after the recipient's medical or family medical emergency is terminated.

7. Accrual of Annual and Sick Leave.

a. Employees continue to accrue annual and sick leave while using transferred leave in a separate "set-aside" account. Leave accrues up to a maximum of 40 hours in each category (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 weekly scheduled tour of duty) regardless of whether it is a family medical or personal medical emergency. Once 40 hours of each type of leave are accumulated in this separate account and the medical emergency still exists, this separate leave accumulation stops.

b. Leave accrued while an employee is in transferred leave status must be kept in a separate leave account from any leave account. While using donated leave, a

leave recipient may accrue no more than 40 hours of annual leave and 40 hours of sick leave in “set-aside accounts.” The leave in the set-aside accounts will be transferred to the employee’s regular leave accounts when the medical emergency ends or if the employee exhausts all donated leave. Leave in set-aside accounts is not available for use by the employee until transferred to the employee’s regular leave accounts.

c. Any leave recipient who returns to work on a part-time schedule while still in a medical emergency situation (e.g., therapy, gradual return to work under doctor’s orders, family member’s therapy) will earn regular annual and sick leave (5 U.S.C. § 6304 and § 6307). If in a given pay period an employee uses some donated leave but also works and uses regular leave, all leave earned during that pay period is credited to the employee’s regular leave account, not the separate account described above. If otherwise permitted, this accrued regular leave must be used before any donated leave.

d. If an employee who is in a leave transfer status terminates his or her Federal service, these separate 40-hour annual and sick leave accruals may not be credited to the employee for lump-sum leave purposes.

8. Donating Leave.

a. Without a waiver, a leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year may not donate more than the lesser of:

(1) Half the amount of annual leave he or she would accrue during the leave year in which the donation is made, or

(2) The number of work hours remaining in the leave year (as of the date of the transfer) for which he/she is scheduled to work and receive pay.

b. An employee cannot donate leave to his or her immediate supervisor.

c. Unused leave donated to the recipient must be restored to the donor’s account upon termination of a medical or family medical emergency on a prorated basis based on the percentage of the hours donated over the total hours donated from all sources.

9. Termination of Participation in VLTP:

a. Participation in the VLTP shall terminate and all unused leave will be returned by the Payroll Services Branch to donors:

(1) At the end date provided by the employee on OPM Form 630, Section 10, unless the employee has provided an updated end date with updated medical

documents;

(2) When the recipient transfers from GSA to an agency or organization operating a voluntary leave bank program;

(3) At the end of the biweekly pay period in which:

(a) The recipient's supervisor determines, after written notice and an opportunity for the recipient (or representative) to answer orally or in writing, that the leave transfer recipient is no longer affected by a medical emergency. (At the recipient's request, this determination may be reviewed by the HR approving official.);

(b) The supervisor receives written notice from the recipient or representative that the recipient is no longer affected by the medical emergency or the employee requests to terminate participation in VLTP. (The recipient must notify his or her supervisor immediately when the approved medical emergency ends.);

(c) There is no remaining unsubstituted LWOP or unliquidated advanced annual or advanced sick leave that resulted from the medical emergency;

(d) GSA receives notice that OPM has approved the recipient's application for disability retirement under the Civil Service Retirement System (CSRS) or the Federal Employees' Retirement System (FERS); or

(e) When the recipient's Federal service is terminated.

CHAPTER 16. EMERGENCY LEAVE TRANSFER PROGRAM

In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of Federal employees, the President may direct OPM to establish an Emergency Leave Transfer Program (ELTP) under which an employee in any executive agency may donate accrued annual leave for transfer to employees of the agency or to employees in other agencies who are adversely affected by such disaster or emergency.

1. Definitions.

a. Disaster or Emergency. A major disaster or emergency (e.g., floods, hurricanes, earthquakes, bombings, etc.), as declared by the President, that results in severe adverse effects for a substantial number of employees (e.g., loss of life or property, serious injury, or mental illness as a result of a direct threat to life or health, etc.).

b. Emergency Leave Donor. A current Federal employee whose voluntary written request for transfer of annual leave to the ELTP is approved by his or her employing agency.

c. Emergency Leave Recipient. A current Federal employee whose application to receive annual leave under the ELTP has been approved by the agency.

d. Family Member. For the purpose of the ELTP, any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship. The definition of family member covers a wide range of relationships, including spouses and parents thereof; children and spouses thereof; brothers and sisters, and spouses thereof; grandparents and grandchildren, and spouses thereof; same-sex and opposite-sex domestic partners and parents thereof, including domestic partners of the aforementioned; stepparents and stepchildren; foster parents and foster children; and guardianship relationships.

2. General Provisions.

a. When directed by the President, OPM will establish an ELTP for a specific disaster or emergency and notify agencies of the establishment of the program. Once notified, the CHCO is authorized to establish an ELTP for the agency and oversee the administration of the program, with responsibilities including:

(1) Facilitating the distribution of donated annual leave from approved

emergency leave donors to approved emergency leave recipients within the agency; and

(2) Determining the period of time for which donated annual leave may be accepted for distribution to approved emergency leave recipients.

b. OHRM will coordinate with human resource and payroll system(s) and service provider(s) to establish, manage, provide instructions and ensure an ELTP account is established and available for GSA employees to use.

c. An emergency leave recipient may not receive more than 240 hours of donated annual leave at any one time from an ELTP for each disaster or emergency. HSSOs have been delegated the authority to allow additional disbursements based on the employee's continuing need, but only after taking into consideration the amount of donated annual leave available to all approved emergency leave recipients and the individual needs of those recipients.

d. An emergency leave recipient may not receive donated leave for any period that is covered by unemployment benefits or workers' compensation.

e. An employee may not apply for the ELTP until a disaster or emergency is declared as such by the President and the President has directed OPM to establish the ELTP.

f. All information pertaining to the ELTP is kept confidential. The identity of a recipient is disclosed only at the recipient's personal request.

3. Eligibility.

a. An employee (as defined in 5 U.S.C. 6331(1)) who has been adversely affected by a disaster or emergency (e.g., a major disaster or emergency that results in loss of life or property, serious injury, or mental illness as a result of a direct threat to life or health) may receive donated leave under the ELTP.

b. An employee who has a family member who has been adversely affected by a disaster or emergency may also apply to become an emergency leave recipient. An emergency leave recipient may use donated annual leave to assist an affected family member, provided such family member has no reasonable access to other forms of assistance.

c. An employee is considered to be adversely affected by a major disaster or emergency if the disaster or emergency has caused severe hardship to the employee or family member of the employee to such a degree that the employee's absence from work is required.

d. An employee is not required to exhaust other available leave before

receiving donated leave under the ELTP.

4. Emergency Leave Transfer Application Process.

a. An employee must make a written application to become an emergency leave recipient using OPM Form 1637, Application to Become a Leave Recipient Under the Emergency Leave Transfer Program. If an employee is not capable of making a written application, a personal representative may make a written application on behalf of the employee.

b. Requests for donated annual leave should be submitted to the employee's Human Resources Service Center within 30 calendar days of the date the President has directed OPM to establish the ELTP after a major disaster or emergency.

c. The HRSC Director, or designee, will review the ELTP application for completeness and regulatory compliance. Complete and compliant applications will be forwarded to the HSSO for final approval or disapproval and returned to HRSC for final processing. Employees will receive written notification of approval or disapproval within 10 business days of their HRSC receiving their completed and compliant application. If the agency disapproves the application, the reasons for disapproval will be provided.

d. Approval or disapproval will be made solely based on the judgment of the HSSO as to whether the employee is or has been affected by a disaster or emergency, as defined above. The HSSO will also determine the amount of donated annual leave to be transferred to each emergency leave recipient. The amount may vary according to individual needs.

e. Approved applications will be forwarded to the Leave Administration Program Manager in OHRM, who will maintain a centralized file of approved emergency leave recipients.

5. Donating Emergency Leave.

a. Emergency leave donors may not donate leave to specific emergency leave recipients, but only to the bank established for this purpose using the Voluntary Leave Transfer Program (VLTP) application.

b. An emergency leave donor must specify the number of hours of accrued annual leave to be donated. The minimum amount that may be contributed in a leave year is 1 hour; the maximum amount is 104 hours. GSA may waive the 104-hour limitation if the annual leave donated does not sufficiently provide for all

the emergency leave recipients.

c. The payroll system maintains the official record of the amount of annual leave donated by each emergency leave donor. Upon cessation of the specific emergency leave transfer program any unused balances are returned to the donors.

d. ELTP donations do not count against limits on donations under GSA's VLTP.

e. HSSOs have the discretion to allow all or part of an emergency leave donor's annual leave donations. A donor may donate only unused annual leave or restored annual leave that is in the donor's account at the time of the donation.

6. Using Emergency Leave.

a. An emergency leave recipient can only use annual leave donated under ELTP for purposes related to the major disaster or emergency for which the emergency leave recipient was approved.

b. When an emergency leave recipient is using donated annual leave for a current need, it must be applied to the recipient's annual leave account, not the recipient's sick leave account.

c. Donated annual leave under ELTP may be substituted retroactively for any LWOP used by the leave recipient related to the major disaster or emergency.

d. A recipient may be advanced annual leave or sick leave, as appropriate (even if the recipient has available annual and sick leave), so that the recipient is not forced to use his or her accrued leave before donated annual leave becomes available.

e. While an emergency leave recipient is using donated annual leave from the ELTP, the recipient will accrue annual and sick leave at the same rate as if the recipient were on annual or sick leave and will be subject to the same limitations on accumulation.

f. Leave transferred under the ELTP may not be included in a lump-sum annual leave payment, re-credited to a former employee upon reemployment by a Federal agency, or used to establish initial eligibility for immediate retirement or acquire eligibility to continue health benefits into retirement.

7. Approved Application Processing and Timesheet Coding.

a. OHRM will send all approved ELTP recipient packages to the Payroll Services Branch via KC-Payroll.Finance@gsa.gov.

b. The Payroll Services Branch will maintain data in the Payroll application regarding:

(1) The number of leave hours approved for and the number of hours used by each emergency leave recipient; and

(2) The number of hours donated by each emergency leave donor.

c. All ELTP recipients and timekeepers supporting emergency leave recipients will record the number of Emergency Leave Transfer Hours used by the recipient.

d. At the request of OHRM during a declared disaster or emergency, the Payroll Services Branch will provide information from the Payroll application regarding:

(1) The total number of emergency leave hours available for donation;

(2) The number of donated hours used by each recipient employee; and

(3) The donated leave hour balances of each recipient employee.

4. Leave Donations from other Federal Agencies.

a. The OHRM Leave Administration Program Manager will serve as the liaison between GSA and OPM if GSA does not have sufficient amounts of donated annual leave to meet the needs of GSA employees approved for emergency leave under the ELTP.

b. GSA will accept transfer of annual leave hours from an ELTP bank established by another agency if the amount of leave donated by GSA emergency leave donors does not meet the needs of approved emergency leave recipients.

5. Leave Donations to Employees of Other Federal Agencies.

a. The transfer of annual leave from a GSA ELTP leave bank to the ELTP leave bank of another Federal agency is permitted if the GSA ELTP leave bank has more donated leave hours than are approved for GSA emergency leave recipients, and the other Federal agency has a shortfall of hours in its ELTP leave bank to meet the needs of its agency's emergency leave recipients. Leave donations are permitted between Executive Branch and Judicial Branch employees. OPM will coordinate such transfers with the leave administrator of each agency.

b. Donated annual leave may be transferred from a GSA leave bank to an

ELTP administered by another agency during a Governmentwide transfer of annua leave.

6. Waiver of Limitations on Donations. The CHCO has the authority to grant waivers of the above limitations for annual leave donations when it is anticipated that insufficient donations will be received from GSA emergency leave donors or from donors of other Executive and/or Judicial branch agencies. Waivers may not be granted solely to avoid annual leave forfeiture at the end of the leave year. Waivers must be in writing and include a description of the circumstances.

7. Liquidating Indebtedness. The ELTP-approved employee (and supporting timekeeper/supervisor) may use donated annual leave to liquidate an indebtedness for advanced annual leave or sick leave used because of the adverse effects of the disaster or emergency, or to retroactively substitute for any period of LWOP due to the adverse effects of the major disaster or emergency.

8. Termination of Major Disaster or Emergency. An emergency leave recipient's status ends under the following conditions, whichever occurs earliest:

a. When GSA or OPM determine that the major disaster or emergency has terminated;

b. At the end of the biweekly pay period in which the emergency leave recipient or the recipient's personal representative notifies the HRSC that the recipient is no longer affected by the major disaster;

c. At the end of the biweekly pay period in which the recipient's HRSC determines, after written notice from the agency and an opportunity for the emergency leave recipient or the recipient's personal representative to answer orally or in writing, that the emergency leave recipient is no longer affected by the major disaster or emergency; or

d. At the end of the biweekly pay period in which the agency is notified of OPM's approval of the emergency leave recipient's application for disability retirement; or when the leave recipient's Federal employment is terminated (resignation, retirement, or death).

9. Restoration of Donated Annual Leave.

a. If at the end of a major disaster or emergency, any unused donated leave remains in the emergency leave recipient's account, the HRSC officially notifies the Payroll Services Branch when the disaster is officially over and when to return any unused leave to donors at that time. Upon receipt of this notification, the Payroll Service Branch performs the necessary analysis, actions and notifications to have the leave returned to the donor's accounts following the guidelines described in this

policy.

b. The amount of unused donated annual leave to be restored to each emergency leave donor and/or leave bank must be proportional to the amount of annual leave donated by the employee or the leave bank. The amount will be determined as follows:

(1) Divide the remaining number of hours of unused transferred annual leave by the total number of hours of annual leave transferred to the ELTP from all Federal agency donors who are not excluded from consideration.

(2) Multiply the result from above by the number of hours of annual leave transferred by each donor not excluded from consideration.

(3) Round-up or down as appropriate based on the fractional amount (round up after the decimal period of 0.55 or more, and round down after the decimal period of 0.54 or less), and restore the leave to the nearest hour to those emergency leave donors and/or leave banks not excluded below.

c. Any unused annual leave remaining in the emergency leave account after the restoration will be forfeited. In addition, all redistributed leave must be returned to its point of origin (e.g., if all the leave was donated from a leave bank, the leave must be redistributed to that leave bank).

d. If an emergency leave donor retires from Federal service, dies, or is otherwise separated from Federal service before the date unused donated annual leave can be restored, no leave will be restored to that donor, nor will the donor be included in the above distribution computation. Unused donated leave shall be restored to emergency leave donors who have transferred to or are employed by other Federal agencies to the extent administratively feasible.

e. Emergency leave donors may elect to have unused transferred annual leave restored to them in one of the following ways:

(1) Crediting the emergency leave donor's annual leave account in the current year. Note that unused transferred annual leave credited to a leave donor’s account in the current leave year may be subject to forfeiture (e.g., the use or lose rule).

(2) Crediting the donor's annual leave account, effective on the first pay period of the leave year following the year of the donor's election.

f. Annual leave donated to the ELTP for a specific major disaster or emergency may not be transferred to another ELTP for a different major disaster or emergency.

g. Transferred annual leave restored to the account of an emergency leave donor may not be restored in excess of the annual maximum leave accrual as specified in the annual leave policy.

h. In no case shall the amount of annual leave restored to an emergency leave donor exceed the amount transferred to the ELTP by the emergency leave donor.

CHAPTER 17. HOME LEAVE

Home leave is a leave category pursuant to 5 U.S.C. § 6305(a) that is available to employees assigned to an overseas area who were originally recruited from the United States (including its territories or possessions). Civil service regulations for this authority are found within 5 C.F.R. Part 630, Subpart F. Under Section 203(f) of the Annual and Sick Leave Act of 1951 (65 Stat. 672 at 680) this authority was originally reserved for Foreign Service officers appointed under Title 22 of the U.S. Code, however, the Overseas Allowances Act of 1960 (74 Stat. 792 at 799 - 800) expanded the scope of this leave authority to Federal employees in general, as regulated by the Civil Service regulations.

a. Eligibility. Per 5 C.F.R. § 630.606, an employee is entitled to take home leave only upon completion of a **one-time basic service period of 24 months** of continuous service abroad. This basic service period is terminated by: (i) a break in service of 1 or more workdays, or (ii) an assignment (other than a detail) to a position in which an employee is no longer overseas.

This basic service period, which relates to the first overseas tour, only needs to be satisfied once. This basic service period can be satisfied while at a prior Federal agency, for example when GSA hires an employee already working in a foreign area.

Per 5 C.F.R. § 630.603, service abroad towards the 24-month continuous service in overseas location:

(1) Begins on the date of the employee's arrival at a post of duty outside the United States, or on the date of his entrance on duty when recruited abroad;

(2) Ends on the date of the employee's departure from the post for separation or for assignment in the United States, or on the date of his separation from duty when separated abroad; and

(3) Includes: (i) absence in a non-pay status up to a maximum of 2 workweeks within each 12 months of service abroad, (ii) authorized leave with pay, (iii) time spent in the Armed Forces of the United States which interrupts service abroad (but only for eligibility, not leave-earning purposes), and (iv) a period of detail. In computing service abroad, full credit is given for the day of arrival and the day of departure.

NOTE: Due to 5 C.F.R. § 630.602, employees are ***only*** eligible for home leave if they satisfy the eligibility criteria of 5 U.S.C. § 6304(b), which is the statutory authority for 45-day annual leave accrual ceiling. Under this authority, an employee is ***only*** eligible for home leave and 45-day leave accrual authorities if he or she was:

(1) Directly recruited or transferred by the Government of the United States from the United States or its territories or possessions including the Commonwealth of Puerto Rico for employment outside the area of recruitment, or from which transferred, or,

(2) Employed locally (i.e., already overseas) but was: (i) originally recruited from the United States (or its territories or possessions, including the Commonwealth of Puerto Rico but outside the area of employment), (ii) has been in substantially continuous employment by other agencies of the United States, United States firms, interests, or organizations, international organizations in which the United States participates, or foreign governments, and (iii) has had conditions of employment that provided for their return transportation (i.e. return PCS) to the United States or its territories or possessions including the Commonwealth of Puerto Rico.

A special provision in this statute also allows individuals employed locally to be declared eligible for home leave and the 45-day annual leave accrual ceiling who: (i) were, at the time of employment, temporarily absent (for the purpose of travel or formal study) from the United States, or from their respective places of residence in its territories or possessions including the Commonwealth of Puerto Rico; and (ii) during the temporary absence, maintained residence in the United States (or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment).

b. Earning Rates. Per 5 C.F.R. § 630.604, for each 12 months of service abroad, an employee earns home leave at the following annual rate, which is dependent in many cases on the amount of the post (hardship) differential applicable to the country of assignment (see further: DSSR 500 and U.S.C. § 5925(a)). For an employee:

(1) Who is serving at a post for which payment of a foreign differential of 20 percent – 15 days.

(4) Who is serving at a post for which payment of a foreign differential of at least 10 percent but less than 20 percent – 10 days.

(5) All other areas – 5 days. [For example, countries such as Germany have a zero percent post (hardship) differential.]

c. Crediting of Home Leave. GSA credits home leave to an employee's leave account, as earned, in multiples of 1 day (reported on the time card as 8 hours a day).
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d. Leave Accumulation and Transfer. There is no limit on how much home leave you can accumulate. When taking another assignment overseas with GSA (or another agency), home leave that was earned from a previous overseas assignment with

another agency may be credited to your leave account. This is accomplished by providing the Payroll Services Branch with the SF 1150 from your prior agency upon transfer to the GSA or, in lieu of the SF 1150, your last leave and earning statement from your previous overseas assignment.

e. Granting Home Leave. Home leave, when granted, is for use in the United States, or its territories or possessions. While there is no limit on the amount that can be earned, it cannot be used as terminal leave or as a basis for a lump sum payment.

f. Using Home Leave. Home leave requires that the employee first complete at least 24-months of continuous service in a foreign area (at GSA or a prior agency). Employees may use home leave during renewal agreement travel or upon completion of the final overseas tour (see further below).

Under GSA travel policy, renewal agreement travel (RAT) may occur between tours, or 6 months before or after the expiration of the current overseas tour, as defined by the Overseas Employment Service Agreement (i.e., GSA Form 5040 or 5042). Renewal agreement travel is governed by the Federal Travel Regulations (see 41 C.F.R. Parts 302-2 and 302-3), as well as by GSA Order 5730.1.

As with annual leave, all grants of home leave are at the discretion of the supervisor. GSA may grant home leave in combination with other types of leaves of absence (e.g., annual leave, sick leave, etc.). In addition, periods of duty (i.e., Regular Time) may be permitted during the period of home leave as the needs of the agency require, following consultation between the employee and his or her supervisor.

Home Leave Following the Final Overseas Tour: Most overseas assignments will result in an incumbent being returned to the United States through reassignment and return relocation (Under 5 U.S.C. §§ 5722 or 5724(d)) at the conclusion of the final overseas tour of duty. Under the civil service regulations found within 5 C.F.R. § 630.606(e)(3), the final balance of home leave can be used for a paid leave of absence upon that return without incurring a collected monetary debt to the agency. At GSA, use of the final home leave balance upon return to the U.S. should be used by the employee within the first 6 months following the return, as dated according to the effective date of the (CONUS) reassignment personnel action (SF-50). Any residual home leave balance remains recorded to the employee's leave account, in the event that the employee at some point returns to an overseas post in the future (see further 5 C.F.R. § 630.607).

g. Refund of Home Leave. The civil service regulation at 5 C.F.R. § 630.606(e) provides some narrow circumstances in which an employee who uses home leave will later incur a monetary debt for the monetary value of used home leave. Under this regulation generally a debt will occur if the employee is scheduled by the agency to return overseas but fails to do

so for certain personal reasons, such as resignation from Federal service or agency transfer.

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CHAPTER 18. FUNERAL AND BEREAVEMENT LEAVE

Within the civil service there are multiple authorities that can be used to provide paid leave for funeral and bereavement. The categories below describe the authorities currently available Government-wide.

1. Sick Leave for Bereavement. An employee is entitled to use a total of up to 104 hours (13 days) of sick leave each leave year for family care and bereavement, which include making arrangements required by the death of a family member and attending the funeral of a family member. (See 5 C.F.R. § 630.401(a)(4) and (b)). For this authority, the definition of "family member" covers a wide range of relationships, including spouse; parents; parents-in-law; children; brothers; sisters; grandparents; grandchildren; step parents; step children; foster parents; foster children; guardianship relationships; same sex and opposite sex domestic partners; and spouses or domestic partners of the aforementioned, as applicable.

2. Funeral Leave for Veterans Participating in a Funeral Ceremony. A veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, may be excused from duty without loss of pay or charge to leave for up to 4 hours of excused absence to serve as a pallbearer, member of a firing squad, or guard of honor in a funeral ceremony for a member of the Armed Forces whose remains are returned from abroad. (See 5 U.S.C. § 6321).

3. Funeral Leave for First Responders. A Federal law enforcement officer or firefighter may be excused from duty without loss of pay or charge to leave to attend the funeral of a fellow Federal law enforcement officer or firefighter who was killed in the line of duty. (See 5 U.S.C. § 6328).

4. Funeral Leave for Combat-Related Death of an Immediate Relative. An employee is entitled to up to 3 workdays of funeral leave to make arrangements for or to attend the funeral of an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone. If the employee provides satisfactory reasons, the 3 workdays do not need to be consecutive. The definition of "immediate relative" covers a wide range of relationships, including spouse; parents; parents-in-law; children; brothers; sisters; grandparents; grandchildren; step parents; step children; foster parents; foster children; guardianship relationships; same sex and opposite sex domestic partners; and spouses or domestic partners of the aforementioned, as applicable. (See further 5 U.S.C. § 6326, 5 C.F.R. Part 630, subpart H, 26 U.S.C. § 112 and IRS Publication 3).
5. Parental Bereavement Leave. Effective December 27, 2021, an employee shall

be allowed a one-time entitlement to a total of 2 administrative workweeks of paid leave during any 12-month period because of the death of a qualifying child (i.e., son or daughter) of the employee. Employees are allowed to use parental bereavement leave intermittently, to create a reduced work schedule over the short-term, as long as the supervisor or leave-approving official agrees to this requested strategy. See 5 U.S.C. § 6329d(b)(2). When the necessity for leave is foreseeable, the employee shall provide such notice as is reasonable and practicable. The terms "employee" and "son or daughter" have the same meanings given those terms within the Family and Medical Leave Act, see 5 U.S.C. § 6381 (i.e., these terms mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability). Parental bereavement leave is considered a separate personnel legal authority compared to the Family and Medical Leave Act and the Annual and Sick Leave Act of 1950, as amended.

For additional information, see U.S.C. § 6329d, S.1605 – National Defense Authorization Act for Fiscal Year 2022, Pub. L. 117-81, Section 1111, and OPM Memorandum for Heads of Executive Departments and Agencies: *Parental Bereavement Leavel*, CPM 2022-08.

Under this authority within 5 U.S.C. § 6329d, due to the definition of "employee" (see 5 U.S.C. § 6381), certain categories of employees are excluded from coverage, employees excluded are those: (a) on temporary appointments not to exceed one year, (b) on an intermittent tour of duty, or (c) who have completed less than 12 months of service with the Federal government, and (d) individuals not covered by the Title 5 annual and sick leave program.

When administering parental bereavement leave, there are some general rules, or limitations, to be followed (see further OPM CPM 2022-08, April 1, 2022):

a. The 12-month period commences on the date of the death of the child;

b. If one or more children of an employee dies at a later time during a 12-month period associated with the earlier death of another child of the employee, each later death will result in the commencement of a corresponding 12-month period. Thus, an employee may have overlapping 12-month periods. Any use of bereavement leave during an overlap period including parts of more than one 12-month period will count against the
2-week limit for each affected 12-month period.

c. Due to the definition of son or daughter (related to 5 U.S.C. § 6381), this benefit typically applies to the death of children under age 18, however, in certain circumstances it can apply to older children who are not capable of taking care of themselves;

d. The entitlement is converted to hours for certain timekeeping purposes, for example, a full-time employee is entitled to 80 hours while an employee on a 20-hour per week part-time schedule is entitled to 40 total hours.

e. The statutory entitlement for parental bereavement leave under 5 U.S.C. § 6329d is considered separate from sick leave for funerals, discussed above and regulated to 13 workdays (104 hours for full-time employees) at 5 CFR
§ 630.401, originally found under the former (expired) Family Friendly Leave Act, Public Law 103-388, October 22, 1994. Because it is a separate entitlement, the benefits can be coordinated.

Example: An employee's minor child dies when his child and spouse are involved in a car accident. The employee may use up to 13 workdays (104 hours) of paid sick leave for bereavement to arrange and attend the child's funeral and then 2 additional workweeks (i.e., 80 hours) under 5 U.S.C. § 6329d for parental bereavement. In this type of circumstance, the employee may be able to take up to 184 hours (combined) of paid leave without charge to personal annual leave, for the general purposes of the funeral and bereavement.

f. GS night pay differential may be paid with parental bereavement leave during a tour of duty with regularly-scheduled, non-overtime duty at night, without the 8-hour per pay period limitation found within 5 U.S.C. § 5545(a)(2).

g. Parental bereavement leave cannot be used while a Reservist or National Guardsman is under military orders, because this category of leave is not included within the civil service regulation 5 C.F.R. § 353.208.

h. In certain circumstances, an employee may experience a qualifying event, take some parental bereavement leave - but not all available - and then transfer to a different Federal agency. This information should be recorded by the losing agency in the Remarks section of the form SF-1150. GSA allows intermittent use - meaning, periods of bereavement leave separated by periods of time - therefore, the transferring employee is authorized to use additional leave up to the leave authority's limit.

i. Upon separation from Federal service (due to retirement, resignation, etc.) the value of any unused hours is typically forfeited. No lump sum payment is made for unused hours. Reinstatement following a break in service, within the same 12-month period as the qualifying death, may allow the employee to use this leave benefit if the benefit was not used (or not completely used) before separation.

j. For leave approval and documentation, an employee's self certification

is sufficient for approval purposes. If there is a question about whether a death has occurred, the agency may request that the employee provide either a copy of the death certificate from the medical examiner (once available) or a written statement from the hospital that a qualifying death has occurred.

CHAPTER 19. PAID PARENTAL LEAVE

Paid parental leave is available due to the Federal Employee Paid Leave Act (subtitle A of title LXXVI of division F of the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116–92, December 20, 2019), which will hereafter be referred to as ‘‘FEPLA.’’

1. Background. FEPLA amended 5 U.S.C. § 6382(d) to allow the substitution of paid parental leave for FMLA unpaid leave granted in connection with the birth of an employee's qualifying son or daughter or the placement of a qualifying son or daughter with an employee for adoption or foster care occurring on or after October 1, 2020. In order to be eligible for paid parental leave under FEPLA, an employee must be eligible for FMLA leave under 5 U.S.C. § 6382(a)(1)(A) or (B), and must meet FMLA eligibility requirements.

Paid parental leave under FEPLA is limited to 12 workweeks and may be used during the 12-month period beginning on the date of the child's birth or placement. Within these 12 work weeks, paid parental leave is available as long as an employee has a continuing parental role with the child whose birth or placement was the basis for the leave entitlement.

For more information, see the interim final rule, 85 FR 48075, dated August 10, 2020 and codified at 5 C.F.R. Part 630, Subpart Q.

2. Eligibility. To leverage this leave authority, an employee must first be eligible, by meeting the requirements under the FMLA. For example, the employee must: (a) have at least 12-months of Federal service, does not have to be consecutive,
(b) have an established work schedule, and (c) be on a non-temporary appointment. Eligibility is determined by the employee relations specialist assigned to support that office.

3. Leave Entitlement and Usage. There are some basic principles that employees and employees relations specialists should be aware of:

a. A covered employee must first invoke FMLA for the birth of the child or placement.

b. Once FMLA is approved, and paid parental leave is requested and approved, it is limited to 12 workweeks (480 paid hours).

c. GSA allows the FMLA entitlement to be used intermittently, paid parental leave hours can also be used intermittently.

d. FMLA eligibility may be due to reason other than birth or placement

(for example, a serious health condition), any FMLA hours used for these purposes will reduce the number of FMLA hours available related to birth or placement, which, in turn, will reduce the number of paid parental leave hours that can be authorized. In other words, 480 hours (for full-time employees) of paid parental leave may not always be available, based on the employee's situation.

e. Paid parental leave may be used only during the 12-month period following the birth or placement. There are no carryover provisions for any unused paid parental leave. An employee may not be paid for unused or expired paid parental leave.

f. An employee is entitled to 12 weeks of unpaid FMLA leave during any 12-month FMLA period. A 12-month FMLA period is triggered by use of FMLA leave. Since an employee may only use 12 weeks of FMLA unpaid leave in any 12-month period, the use of FMLA leave not associated with paid parental leave may affect an employee's ability to use the full 12 weeks of PPL or may affect the timing of when the employee may use the 12 weeks of PPL. The availability of paid parental leave will depend on when the employee uses various types of FMLA leave relative to any 12-month period. For example, an employee may be placed on bedrest for 3 weeks before childbirth and have a first FMLA 12-month period begin due to the employee's "serious health condition." Or, an employee may use FMLA leave prior to the upcoming birth due to a serious health condition of a covered family member (e.g., a spouse, parent, or child under 18 or over 18 but incapable of self care because of a physical or mental disability). Here is a more in-depth example:

   Angie is having her first baby. Her doctor advises her to be on bedrest for the 3 weeks leading up to her due date. Angie therefore invokes FMLA prior to the birth for her own serious health condition. Her FMLA 12-month period begins with this use of FMLA. Angie chooses to substitute 3 weeks of annual leave for FMLA unpaid leave prior to the baby's birth. [She invokes FMLA during this period so that her employer has the obligation to approve the paid time off.] After the baby's birth, she uses her paid sick leave entitlement (independent of FMLA) to take 3 weeks of paid sick leave to recover from the childbirth (i.e. since she is physically incapacitated under 5 C.F.R. § 6301.401(a)(2)). Following this sick leave, she then substitutes 9 weeks of paid parental leave for the remaining 9 weeks of FMLA available to her in her current FMLA 12-month period. Angie still has 3 weeks of paid parental leave available that she may use during the 12 months following her baby's birth, but since she has exhausted her 12 weeks of FMLA leave in that 12-month period, she must wait for this original FMLA 12-month period to expire before she can invoke FMLA again and then substitute the remaining paid parental leave for unpaid FMLA. After the original 12 month FMLA period expires, Angie again

invokes FMLA and substitutes the final remaining 3 weeks of paid parental leave for unpaid FMLA leave during this new 12-month FMLA period.

g. Interaction of Family and Medical Leave Act (FMLA), Sick Leave, and Paid Parental Leave:

(1) An employee is entitled to 12 weeks of unpaid FMLA leave during any 12-month FMLA period. A 12-month FMLA period is triggered by use of FMLA leave.

(2) In the case of FMLA leave based upon the birth or placement of a child, the entitlement to such leave expires 12 months after the birth or placement.

(3) Employees are entitled to substitute up to 12 weeks of paid parental leave for unpaid FMLA leave based upon the birth or placement of a child during the 12-month period following the birth or placement.

(4) Employees are entitled to use paid sick leave following childbirth for personal medical needs or for care of a family member with a serious health condition without invoking FMLA (see 5 C.F.R. § 630.401(a)).

(5) Employees are therefore entitled to use paid sick leave following childbirth for adoption without invoking FMLA.

(6) Due to the new paid parental leave authority, as described further within the new Civil Service regulation at 5 CFR § 630.1203(i), employees are able to be in a paid leave status to bond with a healthy newborn (or adopted or foster child), without having to substitute annual leave or advanced annual leave, as was historically the case.

(7) If sick leave is used outside of FMLA, the normal sick leave rules apply (i.e., cannot be used for bonding with a child, except that, in the case of a child placed for adoption, sick leave may be used to care for the child if an adoption agency or a court directs the employee to take time off from work to care for or bond with the child as a required activity for the adoption to proceed).

(8) Employees may also request annual leave without invoking FMLA, however, annual leave (on its own merits, outside of FMLA) is subject to the right of the supervisor to schedule the time at which annual leave may be taken, so the agency may deny an employee's request to use annual leave. However, if the employee invokes FMLA, the agency may not deny the employee's request to substitute annual leave for unpaid FMLA leave.

h. If GSA happens to employ both parents, each parent is entitled to his or her own FMLA protection and paid parental leave substitution. Meaning, the employed parents can take PPL concurrently, consecutively, or anytime before the end of the 12-month period. For example, a husband can receive approval (and use) 480 paid hours of paid parental leave following a birth and his wife can then invoke FMLA and paid parental leave rights to stay home with the child for an additional 12 weeks. Often daycare centers have a minimum enrollment age for infants, so for such centers that have a 6-month old minimum age rule, both parents may find this type of solution a feasible option.

i. The paid parental leave authority also applies to employees on a part-time regular schedule. For such employees, the hourly equivalent of 12 workweeks is adjusted based on the weekly tour of duty. For example, for an employee on a 20-hour per week tour of duty, the total paid entitlement is 240 hours rather than 480 hours.

j. Under 5 C.F.R. § 630.1203(f), if there is a change in an employee's scheduled tour of duty during any 12-month period that commenced due to use of family and medical leave, and the employee has not used the full allotment of family and medical leave during such 12-month period, the remaining balance of family and medical leave must be recalculated based on the change in the number of average hours in the employee's scheduled tour of duty. For example, if a regular full-time employee has a balance of 120 hours of unused family and medical leave for a 12-month period that is in progress and then converts to a part-time schedule of 20 hours per week, the balance would be recalculated to be 60 hours. (Since the old schedule was 80 hours biweekly or an average of 40 hours weekly, the new part-time tour is half of the former full-time tour. 40/80 times 120 equals 60.)

k. The paid parental leave authority may be used in any order, along with other authorities, such as annual leave or sick leave (when appropriate) under the Annual and Sick Leave Act of 1951, as amended. There is no required order of usage for the separate authorities.

l. In terms of documentation, for a birth, a letter from the hospital, or birth certificate, is considered sufficient evidence of a qualifying event. The letter from the hospital and/or birth certificate should name both parents. In the case of placement due to foster care or adoption, a letter from a state social worker or a court order is considered sufficient documentation to support approval of paid parental leave.

m. In certain cases there may be multiple, separate, FMLA-related birth or placement events in a short period of time. For example, there may be a natural birth and then six months later there is a foster care placement into the family. In this type of situation, while there are two separate FMLA

events, they have overlapping periods. Paid parental leave approved counts towards both FMLA events during an overlapping period. From a practical standpoint, in the above example, if the employee uses all 480 hours after the natural birth, the employee will not be able to be approved for additional paid parental leave until that 12-month period (following the natural birth) is over, which will be 6 months following the date of the subsequent, later foster placement.

4. Return to Work Requirement. Under FEPLA, an employee may not use any paid parental leave unless the employee agrees in writing, before commencement of the leave, to subsequently work for GSA for at least 12 workweeks following return to duty. If the employee fails to return to duty, the agency may follow the debt collection procedures described within 5 C.F.R. §§ 630.1705(e) and (f). The agency may require a reimbursement equal in amount to the total amount of any Government contributions paid by the agency on behalf of the employee to maintain the employee's health insurance coverage under the Federal Employees Health Benefits Program (FEHB) during the period(s) when paid parental leave was used.

While debt collection is at the agency's discretion, collection is not authorized when: (a) the employee and/or the child have a serious health condition or (b) circumstances beyond the employee's control prevent him or her from returning to a duty status at the employing agency. (See further 5 C.F.R. §§ 630.1705(f) and (h)).

5. Intermittent Paid Parental Leave. In general, FMLA leave due to the birth or adoption of a child is typically used on a continuous basis. However, the employee and the agency can mutually agree that FMLA leave for the birth or adoption of a child can be used on an intermittent basis, or can be used in a manner to create a "reduced leave schedule." (A reduced leave schedule means a daily or weekly work schedule under which the usual number of hours actually worked during the employee's scheduled tour of duty are reduced as a result of the increased use of leave. See further 5 C.F.R. § 630.1202). When FMLA leave is permitted on an intermittent or reduced leave schedule basis, paid parental leave may also be substituted and used in that manner. For more information see 5 C.F.R. §§ 630.1203 and 1205.

CHAPTER 20. FEDERAL HOLIDAYS

Federal employees are entitled to eleven (11) paid holidays during the calendar year. These holidays are described within 5 U.S.C. § 6103(a). Part-time employees scheduled for duty on a holiday may be granted excused absence from duty and receive holiday pay. Employees on an intermittent tour are not eligible for paid holidays.

Full-time employees not scheduled for duty on a holiday are entitled to an "in-lieu-of" holiday (sometimes referred to as an "observed" or "substitute" holiday). When a holiday falls on a non-workday that is Monday through Saturday, the general rule under 5 U.S.C. § 6103(b) is that the in-lieu-of holiday is observed for pay and leave purposes on the employee's last workday ***preceding*** the calendar holiday.

Example: Christmas, December 25, falls on a calendar Saturday. Under 5 U.S.C. § 6103(b), employees scheduled for duty Mondays through Fridays (and off on Saturdays and Sundays) observe Christmas as a paid holiday on Friday December 24.

This rule applies even if the calendar holiday and in-lieu-of holiday fall in different pay periods. Part-time employees are not entitled to in-lieu-of holidays.

Sometimes a Federal holiday instead falls on a Sunday non-workday. When this occurs, the in-lieu-of holiday rule from executive order 11582 (February 11, 1971) applies instead. In this circumstance, the employee observes the holiday on the ***next*** scheduled workday**.**

Example: New Year's Day for 2023 (i.e. January 1, 2023) actually falls on a calendar Sunday. For employees scheduled for duty Mondays through Fridays (and off on Saturdays and Sundays), the New Year's Day Federal holiday is observed for pay and leave purposes on Monday, January 2, 2023.

Number of Hours of Holiday Pay: Full-time employees on a standard or flexible schedule are provided with up to 8 hours of holiday paid time off (see 5 U.S.C. § 6124). Full-time employees on a compressed schedule are entitled to the number of hours that they would have been scheduled for duty were it not a Federal holiday (See 5 C.F.R. § 610.406(a)). For example, an employee on a compressed "4/10" schedule is entitled to 10 hours of holiday leave.

Effective Date of Appointments and Compensation for Holidays: In certain cases a Federal holiday falls on a Monday (such as Columbus Day). In this circumstance, appointees to an agency attend enter-on-duty activities and take the oath of office on Tuesday. The question often arises whether the new appointees can be paid for the holiday. Under the U.S. Supreme Court precedents of U.S. v. Flanders, 112 U.S. 88 (1884) and U.S. v. Eaton, 169 U.S. 331 (1898), agencies should establish the effective date of the appointment as Sunday, the first day of the pay period (and the day before the Monday Federal holiday). If the appointment is made effective on that Sunday, the

appointees can be paid for the Monday Federal holiday even though their oath of office does not occur until Tuesday. This precedent holds that the effective date of the appointment establishes the date for compensation due and that the oath of office functions merely in a “ministerial” (i.e. ceremonial) capacity. (See further 4 Comp. Dec. 496, March 9, 1884). When an appointment is made effective the first day of the pay period, the employee may also accrue annual leave and sick leave for that pay period, under the Annual and Sick Leave Act of 1951. In addition, that first pay period becomes fully creditable for the next within grade increase under the General Schedule.

Pay status before or after holiday: An employee in a pay status for the workday immediately before or after a holiday is entitled to pay for the holiday regardless of whether he is on leave without pay or absent immediately succeeding or preceding the holiday. 56 Comp. Gen. 393 (1977), overruling 13 Comp. Gen. 207 (1934) and modifying 45 Comp. Gen. 291 (1965); 18 Comp. Gen. 206 (1938); 16 Comp. Gen. 807 (1937); and 13 Comp. Gen. 206 (1934).

APPENDIX A. DEFINITIONS

Absent Without Leave (AWOL). A period of absence without pay for which an employee did not obtain prior approval and the absence is not subsequently approved.

Accrued Leave. Leave an employee earns during the current leave year that is unused at any given time in that leave year.

Accumulated Leave. Unused leave remaining to the credit of an employee at the end of a leave year.

Administrative Closure. This is the shutdown by administrative order of an installation or facility before employees are scheduled to report to duty and when normal operations are interrupted by events (usually) beyond the control of management and employees, such as a snowstorm, power failure, or fire. Employees may be told to report elsewhere, may be put on furlough, or may be granted administrative leave. Emergencies cause most closings, but managers may sometimes foresee and plan for other closings, e.g., for local holidays.

Administrative Dismissal. The release by administrative order of employees already at their work site without charge to annual leave or loss of pay when normal operations are interrupted by events beyond the control of management and employees, such as a snowstorm, power failure, or fire.

Administrative Order. An order issued by an authorized official of the agency relieving regular employees from duty without charge to leave or loss of pay.

Administrative Workweek. A period of 7 consecutive calendar days.

Advanced Leave. Annual or sick leave hours granted for use prior to being earned.

Alternative Work Schedules (AWS). AWS consists of both compressed work schedules (CWS) and flexible work schedules (FWS).

Approving Official. A supervisor or manager who has been delegated authority to approve leave or take other personnel action.

Available Paid Leave. An employee's accrued, accumulated, re-credited, and restored annual or sick leave. It does not include advanced annual or sick leave, any annual or sick leave in an employee's set-aside leave accounts that has not yet been transferred to the employee's regular annual or sick leave account, or other forms of paid time off (i.e., credit hours under flexible work schedules, compensatory time off, or religious compensatory time off).

Basic Workweek. For full time employees, this refers to the days and hours within an administrative workweek that make up the employee's regularly scheduled 40-hour workweek.

Basic Work Requirement. This is the number of non-overtime hours an employee must work or account for by leave within a pay period before being eligible for overtime.

Committed Relationship. One in which the employee and the domestic partner of the employee are each other's sole domestic partner (and are not married to or domestic partners with anyone else), and share responsibility for a significant measure of each other's common welfare and financial obligations. This includes, but is not limited to, a relationship between two individuals of the same or opposite sex that is granted legal recognition by a State or by the District of Columbia as a marriage or analogous relationship (including, but not limited to, a civil union). (See 5 CFR 630.201(b))

Compensatory Time Off (Comp Time). Compensation for irregular or occasional overtime work with an equal amount of compensatory time off from the employee's tour of duty instead of monetary payment.

Compressed Work Schedule (CWS). This is a fixed work schedule (no flexible time bands) in which an employee can complete the biweekly work requirement in less than 10 working days. For part-time employees the bi-weekly requirement of less than 80 hours and less than 10 workdays may require the employee to work more than 8 hours in a day. (See 5 U.S.C. 6121(5).)

Continuation of Pay (COP). Continuation of regular pay for up to 45 calendar days of wage loss due to disability and/or medical treatment after a traumatic injury; the intent is to avoid interruption of pay while the claim is adjudicated. Subject to usual deductions from pay, such as income tax, retirement, allotments, etc.

Core Hours. The time periods during the workday, workweek, or pay period that are within the tour of duty during which an employee covered by a flexible work schedule is required by the agency to be present for work. (See 5 U.S.C. 6122(a)(1).) Core hours are defined as 9:00am to 2:30pm (local time), excluding the lunch period. Core hours should be developed and communicated as part of local business process and procedure.

Covered Active Duty. In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13) (B) of title 10, U.S.C. (See 29 U.S.C. § 2611.)

Covered Service Member. (1) A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

Credit Hours. Non-overtime hours that an employee elects to work, with prior supervisory approval, within the flexible time band or another day in order to have an equal amount of time off on another day. SES members may not earn credit hours.

Emergency Employee. An employee who occupies a position that has been determined by management to be a critical job vital to public health, safety, welfare, national defense, or the operation of essential facilities or functions.

Exigency of the Public Business. An exigency of the public business may be said to exist when circumstances are beyond the control of the employee(s) affected, and the exigency could not have been reasonably anticipated.

Excused Absence. An approved absence from duty without loss of pay and without charge to an employee's leave.

Family Member (Definition 1). The following definition is applicable for sick leave, funeral leave, voluntary leave transfer, military family leave, and emergency leave transfer.

An individual with any of the following relationships to the employee:

- Spouse and parents thereof;
- Sons and daughters, and spouses thereof;
- Parents, and spouses, thereof;
- Brothers and sisters, and spouses thereof;
- Grandparents and grandchildren, and spouses thereof;
- Domestic partner and parents thereof, including domestic partners of any individual in paragraphs (2) through (5) of this definition; and
- Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

For leave purposes, a domestic partner is an adult living in a committed relationship (see definition provided separately) with another adult. Both domestic partners of

the same sex and of the opposite sex are included, including those living in relationships acknowledged by States as marriages or equivalent to marriage (5 CFR 630.201(b)).

The children of domestic partners are considered the equivalent of the employee's own children, and in loco parentis relationships are included under "parents" and "sons and daughters" (5 CFR 630.201(b)).

Family Member (Definition 2). The following definition is applicable to the Family Medical Leave Act (FMLA)). An individual with any of the following relationships to the employee:

Spouse, as defined in the statute, means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the state where the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a state that recognizes such marriages, or

(2) If entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

State means any state of the United States or the District of Columbia or any territory or possession of the United States;

Parent means a biological, adoptive, step, or foster father or mother, or any individual who is “standing in loco parentis” to an employee meeting the definition of son or daughter below. This term does not include parents “in law.”

Son or daughter means a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person “standing in loco parentis” who is—

(1) Under 18 years of age; or

(2) 18 years of age or older and incapable of self-care because of a mental or physical disability. A son or daughter incapable of self-care requires active assistance or supervision to provide daily self-care in three or more of the “activities of daily living” or “instrumental activities of daily living.” Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using the telephones and directories, using a post office, etc. A “physical or mental

disability” refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual as defined in 29 CFR 1630.2 (h), (i), and (j).

Son or daughter on covered active duty or call to covered active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee is “standing in loco parentis”, who is on covered active duty or call to covered active duty status, and who is of any age.

Family Medical Leave Act (FMLA). The FMLA entitles eligible employees to take unpaid, job-protected leave for the birth and care of a child, placement for adoption or foster care of a child with the employee, care of an immediate family member (spouse, child, parent) who has a serious health condition, and/or the employee's own serious health condition.

Flexible Time Band. The times during the workday, workweek, or pay period within the tour of duty during which an employee covered by a flexible work schedule may choose to vary his or her times of arrival to and departure from the worksite consistent with the duties and requirements of the position.

Flexible Work Schedule (FWS). This work schedule established under 5 U.S.C. 6122 for full-time or part-time employees with an 80 hours biweekly basic work requirement that allows an employee to determine his or her schedule within the limits set by the agency.

The Fair Labor Standards Act of 1938 (FLSA). See 29 U.S.C., Chapter 8.

FLSA-exempt. A position whereby the duties and hours of work are “not covered” by the minimum wage and overtime provisions of FLSA.

FLSA-nonexempt. A position whereby the duties and hours of work are “covered” by the minimum wage and overtime provisions of FLSA.

Health Care Provider. Per 5 CFR § 630.1202:

(1) A licensed Doctor of Medicine or Doctor of Osteopathy or a physician who is serving on active duty in the uniformed services and is designated by the uniformed service to conduct examinations under this subpart;

(2) Any health care provider recognized by the Federal Employees Health Benefits Program or who is licensed or certified under Federal or State law to provide the service in question;

(3) A health care provider as defined in paragraph (2) of this definition who practices in a country other than the United States, who is authorized to practice in accordance

with the laws of that country, and who is performing within the scope of his or her practice as defined under such law;

(4) A Christian Science practitioner listed with the First Church of Christ, Scientist, in Boston, Massachusetts; or

(5) A Native American, including an Eskimo, Aleut, and Native Hawaiian, who is recognized as a traditional healing practitioner by native traditional religious leaders who practices traditional healing methods as believed, expressed, and exercised in Indian religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, consistent with Public Law 95-314, August 11, 1978 (92 Stat. 469), as amended by Public Law 103- 344, October 6, 1994 (108 Stat. 3125).

Irregular or Occasional Overtime Work. Overtime work that is not part of an employee's regularly scheduled administrative workweek and not approved in advance of the beginning of the administrative workweek.

Leave Without Pay (LWOP). An approved absence from duty in a non-pay status requested by an employee and approved by the appropriate approving official.

Leave Year. A leave year begins on the first day of the first full biweekly pay period in a calendar year. A leave year ends on the last day of the 26th pay period after the leave year begins.

Military Funeral Leave. Leave in conjunction with the burial of a military or veteran family member.

Non-pay Status. Any day(s) or hour(s) for which an employee is not entitled to pay. The employee is on the agency's rolls but not in pay status; i.e., the employee is on LWOP, AWOL, suspension, or furlough.

Regular Overtime Work. Overtime work that is part of an employee's regularly scheduled administrative workweek and is approved in advance of the beginning of the administrative workweek.

Regularly Scheduled Administrative Workweek. For a full-time employee, it is the period when an employee is regularly scheduled to work within an administrative workweek, e.g., a period of 7 consecutive 24-hour periods designated in advance. For a part-time employee, it means the officially prescribed days and hours during which the employee is regularly scheduled to work.

Restored Leave. Annual leave that was previously forfeited because the employee exceeded the maximum leave accumulation for carryover into a new leave year, but that has now been restored to a restored leave account.

Suspension. The placing of an employee for disciplinary reasons in a temporary status without duties and pay.

Tour of Duty. The hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.

Unscheduled Leave Policy. A policy that addresses those occasions when the office is open for business, but weather or other emergency conditions may require the granting of annual leave without prior approval to non-emergency employees. In these instances, an official announcement is made and employees will notify their supervisor of their absence.

VLTP Donor or Leave Donor. An employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by his or her employing agency.

VLTP Recipient or Leave Recipient. A current employee whose application to receive annual leave from the account of one or more leave donors has been approved by his or her employing agency.