



2012

Absence and Leave Handbook



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Table of Contents

Purpose..... 4

Chapter 1 – Definitions..... 4

Chapter 2 – Annual Leave..... 6

 2-1 Annual Leave Approval..... 6

 2-2 Annual Leave Accrual 7

 2-3 Annual Leave Ceilings 7

 2-4 Advanced Annual Leave 8

 2-5 Annual Leave Restoration..... 8

 2-6 Lump Sum Payment for Annual Leave..... 10

 2-7 Use of Annual Leave to Reach Initial Eligibility for An Immediate Annuity 10

Chapter 3 – Sick Leave..... 11

 3-1 Sick Leave for Family Care or Bereavement Purposes..... 12

 3-2 Unused Sick Leave as Service Credit..... 13

 3-3 Advance Sick Leave 13

Chapter 4 – Military Funeral Leave or Funeral Leave 13

Chapter 5 – Military Leave 14

Chapter 6 – Military Leave and Federal Employee Health Benefits (FEHB) 14

Chapter 7 – Leave Without Pay (LWOP) 14

 7-1 LWOP Authorization..... 14

 7-2 LWOP Limitations and Exceptions..... 15

Chapter 8 – Absence Without Official Leave (AWOL)..... 15

Chapter 9 – Family and Medical Leave Act..... 15

 9-1 Eligibility..... 16

 9-2 Military Family Leave Entitlements..... 16

 9-3 Active Military Duty FMLA 17

Chapter 10 – Voluntary Leave Transfer Program..... 18

 10-1 VLTP Definitions 19

 10-2 Leave Recipient Qualifications..... 19

 10-3 Leave Recipient Application..... 19

 10-4 Leave Application Review 20

 10-5 VLTP Applicant Responsibilities 20

 10-6 Supervisor of Applicant Responsibilities under VLTP 21

 10-7 Leave Share Coordinator Responsibilities 22

 10-8 Veteran Participation..... 22

 10-9 Use of Donated Annual Leave 22

 10-10 Application to Become a Leave Donor..... 23

 10-11 Limitations on Donations of Annual Leave 23

 10-12 Transfer of Annual Leave..... 24

 10-13 Donation Solicitation 24

 10-14 Termination of Medical Emergency..... 25

 10-15 Bureau/Office Termination of Applicant’s Enrollment in the VLTP Program..... 25

Chapter 11 – Excused Absences 26

 11-1 Blood Donation 26

 11-2 Bone Marrow and Organ Donation..... 26

 11-3 Voting and Registration..... 26

11-4 Employees Returning from Active Duty..... 27

11-5 Health and Fitness Activities 27

11-6 Court Leave 28

11-7 Excused Absence for Employee Assistance Program (EAP)..... 29

Chapter 12 – Administrative Leave 29

12-1 Compensation While on Administrative Leave..... 29

12-2 Administrative Leave Considerations 29

12-3 Employee Notification 30

12-4 Independent Criminal Review 31

Chapter 13 – Home Leave 31

Appendix 1: Voluntary Leave Transfer Program Forms 32

Appendix 2: Medical Release Form for VLTP 33

Appendix 3: Sample Voluntary Leave Transfer Announcement Memo 34



(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.

Domestic Partner. An individual who is in a committed relationship with a Department of the Interior employee. Partners may be the same or opposite gender. (*See Committed Relationship*)

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. A sudden call to jury duty or military duty or a project's becoming suddenly visible politically or reaching a critical stage at the end of the year are examples of an exigency of the public business. If other employees can be substituted for those who forfeit leave, an exigency does not exist.

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

Family Member. (*Definition applies for sick leave, funeral leave, voluntary leave transfer, military family leave and emergency leave transfer.*)

An individual with any of the following relationship 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.

Family Member. (*Definition applies to the Family Medical Leave Act (FMLA)*). An individual with any of the following relationship to the employee:

- Spouse (husband or wife pursuant to a marriage that is a legal union between one man and one woman, including common law marriage between one man and one woman in states where it is recognized);
- Children (including adopted or foster children, stepchildren or a legal ward); and
- Parents.

Normally, annual leave is granted to an employee only after the leave is accrued. However, a supervisor may consider granting requests for advanced annual leave upon proper application when:

- The employee is eligible to earn annual leave and the employee is not on leave restriction.
- The request does not exceed the amount of annual leave that the employee would earn during the remainder of the leave year or the remainder of his or her appointment, whichever is shorter.
- There is reasonable assurance that the employee will return to duty and is not contemplating a resignation or retirement.

Advanced annual leave is not an entitlement to the employee. If an employee is indebted for advanced annual leave and separates from Federal service, he or she is required to repay the agency by refunding the amount of unearned leave or having the agency deduct the owed amount from any pay due to the employee. If an employee is indebted for advanced annual leave at the beginning of the next leave year, he or she is required to repay the agency by refunding the amount of unearned leave or having the agency deduct the owed amount from any pay due to the employee. If an employee dies or retires/separates on disability, he or she does not have to repay the debt.

2-5 Annual Leave Restoration

Although employees and supervisors should monitor, schedule and use leave throughout the year, Employee's who have excess use or lose annual leave may request restoration of this leave into a new leave year when the employee is unable to use the leave due to illness, administrative error, an exigency of the public business. Bureau delegations of authority identify who may authorize restoration of annual leave.

Examples of exigency of the public business may include disaster duty, an emergency detail, jury service, etc. The operational requirement for denying or canceling leave must be of such significance that the employee could not be excused from duty during the period of requested leave.

Annual leave which was properly scheduled (or rescheduled) and approved for use before the end of the leave year and which must be forfeited because of an illness occurring or lasting so late in the leave year that the leave could not be used shall be restored in the amount the employee was prevented from using.

An approving official shall not restore leave forfeited because of illness when:

- the employee could have reasonably foreseen the absence which would preclude the use of excess annual leave such as planned surgery, therapy or normal maternity cases; and

- the employee neglects to reschedule annual leave not used because of illness; or an employee recovers soon enough to use excess annual leave.

An employee may have an absence recorded as annual leave rather than sick leave but not retroactively.

Employees must submit a written request for restored annual leave to their approving official. The request should include the following information:

- A copy of the written request to schedule the leave with the dates and the total number of hours scheduled. The leave must have been scheduled in writing prior to pay period 23 of the leave year to be eligible for restoration;
- In the case of exigency of public business, an explanation from the supervisor explaining the reason for denying or canceling the leave and an explanation why the leave could not be rescheduled before the end of the leave year. The operational requirement for denying or canceling leave must be of such significance that the employee could not be excused from duty during the period of requested leave. The supervisor must also identify the specific beginning and ending dates of the exigency period during which the employee was prevented from using annual leave;
- In the case of illness, a statement from the employee indicating the period of illness and, if applicable, the reason the leave could not be rescheduled before the end of the leave year;
- In the case of administrative error, an explanation of the error that caused the employee to be unable to use the leave; and
- A statement or other verification from the supervisor that the requested amounts of restored leave was available as use or lose leave in the employee's leave account at the end of the leave year.

If the approving official approves the written request for restored leave, a memo is sent to the appropriate SHRO stating how much leave will be restored. The SHRO will then forward the action on to payroll. The payroll office will establish a restored leave account and credit the restored leave to that account.

Restored leave is credited to a separate leave account and must be scheduled and used no later than two years after the end of the leave year in which it was restored. Any restored leave unused at the expiration of the established time limits is forfeited with no further right to restoration.

Employees may also be required to provide a plan that shows how restored leave will be used in the coming leave year.

2-6 Lump Sum Payment for Annual Leave

Sick leave is a period of approved absence with pay from official duties. Most employees earn 4 hours of sick leave each pay period, regardless of years of service. Maximum annual carryover is unlimited. Sick leave is authorized when an employee:

- Is incapacitated for duty as a result of physical or mental illness, injury, pregnancy or childbirth;
- Receives medical, dental or optical examinations or treatment;
- Would endanger the rest of the workforce by being present on the job after exposure to a contagious disease as determined by a health care provider or public health authorities;
- Makes arrangements necessitated by the death of a family member or arranges for and attends the funeral of a family member;
- Provides care for a family member who is incapacitated as a result of physical or mental illness, pregnancy, childbirth, or who must be assisted to medical, optical, dental examinations or treatments;
- Adopts a child;
- Participates in a drug or alcohol counseling program, or other counseling program which is under the auspices of a licensed practitioner and which has been prescribed as treatment by a licensed practitioner; or
- Requires time to replace or repair a prosthetic device, or train in the use of an aid, e.g., a Seeing Eye dog.

For an absence of more than three workdays or for a lesser period when determined necessary by a supervisor, the supervisor may also require a medical certificate or other administratively acceptable evidence as to the reason for an absence. An employee must provide required evidence within 15 days of the request for evidence. If it is not practicable under the particular circumstances to provide the requested evidence or medical certification within 15 calendar days after the date requested by the supervisor, despite the employee's diligent, good faith efforts, the employee must provide the evidence or medical certification within a reasonable period of time under the circumstances involved, but no later than 30 calendar days after the date the agency requests such documentation. If the employee fails to provide required evidence, the employee's absence may be charged to AWOL.

3-1 Sick Leave for Family Care or Bereavement Purposes

Federal employees may use a total of up to 480 hours (12 weeks) of sick leave each leave year to care for a family member with a serious health condition each leave year. There is no limitation on the amount of accrued or accumulated sick leave that an employee can use for his or her own personal medical needs.

Employees may receive up to 104 hours of sick leave in a calendar year to a full time employee for-

- his or her own medical appointments;
- general care for a family member or to accompany a family member to medical appointments;
- care of a family member who would, as determined by the health authorities, jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease; or
- making arrangements necessitated by the death of a family member or to attend the funeral of a family member.

Part-time employees and employees with uncommon tours of duty are also covered, and the amount of sick leave permitted for family care and bereavement purposes is pro-rated in proportion to the average number of hours of work in the employee's scheduled tour of duty each week.

Employees may not use sick leave or donated leave to take care of an ill pet. An employee must use his or her annual leave or leave without pay for this purpose.

3-2 Unused Sick Leave as Service Credit

Under the Civil Retirement System unused sick leave is included in the total service credit of an employee. The National Defense Authorization Act (HR 2647) was signed by the President on October 28, 2009 and allows Federal Employment Retirement System (FERS) employees to include unused sick leave in the total service credit of an employee. The credit is phased into FERS with a fifty (50) percent credit for those who retire between the effective date of the National Defense Authority Act (HR) 2647) and December 31, 2013, and full credit for sick leave under FERS for those retiring on or after January 1, 2014.

An employee who has a break in service and returns to Federal service is entitled to re-credit of his or her sick leave regardless of the date of his or her separation.

3-3 Advance Sick Leave

A supervisor may advance a maximum of 30 days or 240 hours of sick leave to a full-time employee for purposes related to the adoption of a child, for family care or bereavement purposes, or for a serious health condition of the employee or family member. A supervisor may approve sick leave only when supported by evidence that is administratively acceptable. When requesting advanced sick leave, medical documentation requirements may apply. The supervisor has discretion to grant advanced sick leave to the employee. The procedures for advancing annual leave discussed on page 6 and 7 will be followed.

Federal employees who have completed 12 months of federal government service, regardless of appointment or pay schedule are eligible under Title II of FMLA.

Temporary employees or employees who have not completed 12 months of federal government service may be eligible under Title I. The Department of Labor has issued implementing regulations for Title I at 29 CFR 825.

9-2 Military Family Leave Entitlements

On October 28, 2009, the President signed the National Defense Authorization Act for Fiscal Year 2010 (2010 NDAA), Public Law 111-84. Section 565 of the 2010 NDAA amends the military family leave entitlements of the Family and Medical Leave Act (FMLA).

Employees may invoke Military FMLA to take care of a member of the Armed Forces (including a member of the National Guard or Reserves), who has sustained a serious injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

Employees may also invoke FMLA to take care of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period 5 years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy for a serious injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

An employee who is the spouse, son, daughter, parent or next of kin of may receive Family and Medical Leave act entitlements. Employees taking care of a service member or a veteran who incurred a serious illness or injury incurred in the line of duty while on active duty in the Armed Forces may receive up to 26 weeks of FMLA during a single 12-month member period to care for the service.

Note: If the employee invokes regular FMLA, the regular FMLA will be subtracted from the Military Family Leave Entitlements.

9-3 Active Military Duty FMLA

Employees who have a spouse, son, daughter or parent on covered active duty (or has been notified of an impending call or order to covered active duty) may receive up to 12 administrative work weeks of unpaid FMLA leave during any 12 month period for the following exigencies:

- Short-notice deployment. To address any issue that arises from the fact that a military member is notified of an impending call or order to covered active duty 7 or fewer calendar days prior to the date of deployment.

- To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status.
- To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status.
- To arrange for alternative childcare when the covered active duty or call to covered active duty status necessitates a change in the existing childcare arrangement for a biological, adopted, or foster child, a stepchild, or a legal ward of a military member, or a child for whom a military member stands *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.
- To provide childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the covered active duty or call to covered active duty for a biological, adopted, or foster child, a stepchild, or a legal ward of a military member, or a child for whom a military member stands *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.
- To enroll in or transfer to a new school or day care facility a biological, adopted, or foster child, a stepchild, or a legal ward of the military member, or a child for whom the military member stands *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, when enrollment or transfer is necessitated by the covered active duty or call to covered active duty status.
- To attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a biological, adopted, or foster child, a stepchild, or a legal ward of the military member, or a child for whom the military member stands *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status.
- To make or update financial or legal arrangements to address the military member's absence while on covered active duty or call to covered active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System obtaining military identification cards, or preparing or updating a will or living trust.
- To act as the military member's representative before a Federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military

Leave Recipient: is a current employee for whom the Servicing Human Resources Office (SHRO) has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.

Medical Emergency: is a medical condition of an employee or a family member of such employee, that is likely to require an employee's absence from duty for more than 24 hours and will result in a substantial loss of income to the employee because of the unavailability of paid leave.

Paid Leave Status: administrative status of an employee while the employee is using annual or sick leave.

Shared Leave Status: administrative status of an employee while the employee is using transferred leave.

10-2 Leave Recipient Qualifications

The recipient must not have any annual leave, restored annual leave or sick leave in order to receive and use donated annual leave.

An employee who is affected by a medical emergency that is likely to result in his/her being absent for 24 hours without paid leave may request to become a leave recipient.

10-3 Leave Recipient Application

If the employee is not capable of making application on his or her own behalf, a personal representative of the potential leave recipient may make written application on his or her behalf. The request must contain a statement of the reasons why the employee is not capable of making the request on his or her own behalf. The OPM 630 application for participation in the leave share program must be accompanied by the following information concerning the potential leave recipients:

- The name, position title and grade or pay level of the potential leave recipient;
- The reason transferred leave is needed. This must include a brief description of the nature, severity, and anticipated duration of the medical emergency. If it is a recurring medical emergency, the approximate frequency of the medical emergency affecting the potential leave recipient;
- The SHRO will request certification with respect to the medical emergency from his/her treating physician to include diagnosis, prognosis, expected duration and ending date of the medical emergency, as well as the extent to which the employee must be available to care for a family member, if applicable. The applicant will sign a waiver (Appendix 2) authorizing the SHRO to obtain this information;

- Use donated leave only for the purpose for which it was approved.
- Notify supervisor and Leave Share Coordinator in writing immediately when the medical emergency has ended and terminate participation in the Leave Share Program.
- Take steps to terminate participation in the VLTP when the medical emergency has ended. Coordinate with the appropriate Leave Share Coordinator.

10-6 Supervisor of Applicant Responsibilities under VLTP

- Work with the Employee Relations Specialist and Leave Share Coordinator to ensure that the employee is notified of the available options including: disability retirement, telework, other leave programs (such as FMLA and LWOP) as well as procedures under the VLTP.
- Review OPM Form 630 and attached medical documentation and complete box 17 on the form recommending either approval or disapproval of participation in the program.
- Ensure that the Leave Share coordinator receives OPM Form 630 and medical permission form to Leave Share Coordinator and work with that individual as needed.
- Monitor employee's progress and check periodically to inquire if the medical emergency continues to exist.
- Ensure that the employee uses donated leave only for the purpose for which it was approved.
- Take steps to terminate participation in the VLTP when the medical emergency has ended. Coordinate with appropriate Leave Share Coordinator about the procedure.
- Document efforts made to cover work normally performed by the recipient (i.e. use of contractor services, overtime, etc.) to determine the degree the absence impacts the agency.

10-7 Leave Share Coordinator Responsibilities:

- Provide information to employee, or his/her representative, and supervisors on the Voluntary Leave Transfer Program.
- Review OPM Form 630 to verify that the requirements for the applicant to become a voluntary leave transfer program recipient have been met.
- Receive medical documentation from the medical provider and review the information before employee is approved into the program.

- If participation in the program is approved, write memorandum to the employee, in conjunction with the supervisor, regarding his/her participation in the program.
- Input appropriate information into the payroll system concerning employee's participation in the VLTP
- Publicize employee's need for donated leave, with his/her permission.
- Troubleshoot problems with the VLTP for the employee and the supervisor.
- Work with supervisor and Employee Relations Specialist as needed to resolve problems.

10-8 Veteran Participation

Veterans who sustained a combat-related disability while serving in the armed forces (including the reserves or National Guard) may participate in the Voluntary Leave Transfer Program without exhausting their available paid leave. The employee must be going through medical treatment for the combat-related disability in order to be eligible for the VLTP program.

10-9 Use of Donated Annual Leave

Donated annual leave may be used only for the purpose of the medical emergency for which the leave recipient was approved. The donated annual leave may be substituted retroactively for periods of LWOP. It can also be used to liquidate indebtedness for advance annual or sick leave granted on or after the date the medical emergency began.

- Full time employees approved in a leave recipient status may only accrue up to 40 hours of sick leave and up to 40 hours of annual leave in set-aside accounts. These hours of accrued leave will be made available to the employee after participation in the program has been terminated.
- Leave recipients with part-time or uncommon tours of duty are limited to receiving, for any given medical emergency, the number of hours they would have been expected to work during the year (based on an average of the hours worked in the previous 12 months), except for the medical emergency.

10-10 Application to Become a Leave Donor

A prospective leave donor must submit a completed Voluntary Leave Transfer Program Leave Donor Application, OPM 630A if the leave donor is an Interior employee and OPM 630B if the donor is outside Interior, to the applicant's leave coordinator. This link is found in the memorandum advertising the need for leave donations.

The SHRO reviews the application and ensures that the employee has sufficient leave to make the donation; that all limitations have been observed and that the application has been completed, signed and dated.

The applicant's leave coordinator approves or disapproves the leave donor application and sends it to the leave donor's supervisor. A copy of the approved application is forwarded to payroll and the donor's timekeeper. Bureau/Office procedures may vary, but the SHRO and Bureau Leave Coordinator will ensure that the leave is credited and the applicant is receiving donated leave. After 90 days, additional medical information will be requested and the leave coordinator will review the application to see if the medical emergency still exists.

10-11 Limitations on Donations of Annual Leave

Normally an employee may donate no more than a total of one-half of the amount of annual leave he/she would be entitled to accrue during the leave year in which the donation is made (including those who have leave subject to forfeiture at the end of the leave year).

In circumstances where an employee desires to donate annual leave in excess of the limit, the SHRO must counsel the employee on the potential impact to his/her leave account. The employee must then submit a written request specifying the number of hours they desire to donate, and the request must be approved by the donor's supervisor. The supervisor will take into consideration all circumstances surrounding the request, and the approved request will be submitted to the SHRO for processing.

10-12 Transfer of Annual Leave

An employee may donate his or her annual leave to an employee who has been approved to participate in the VLTP with the exception that employees may not donate leave to their supervisor.

The SHRO may accept the transfer of annual leave from leave donors employed by one or more other agencies when:

- a family member of a leave recipient is employed by another agency and requests the transfer of annual leave to the leave recipient;
- in the judgment of the SHRO, the amount of annual leave transferred from leave donors employed by the leave recipients employing agency may not be sufficient to meet the needs of the leave recipient; or
- in the judgment of the SHRO, acceptance of leave transferred from another agency would further the purpose of the voluntary leave transfer program.

Before accepting the transfer of annual leave from a leave donor of another agency, Payroll must be provided with a copy of the OPM 630B signed by the donor's agency leave transfer coordinator showing the amount of annual leave to be credited.

The privacy of leave recipients and donors should be guarded. Communications with either group must be kept confidential. No information should be revealed to anyone (including to a recipient who wishes to thank donors) who does not have a need to know or to anyone without the written and specific permission of the person whose privacy will be breached. Individuals granted access must be advised of the requirements of this paragraph by the leave transfer coordinator.

10-13 Donation Solicitation

When an employee has been accepted into the program and enrolled for 90 days, the employee's bureau or office VLTP Coordinator may send out a department-wide solicitation memo after receiving SHRO approval.

Bureaus/equivalent offices announce leave donation requests for the first 90 days after a leave recipient has been accepted into the program. If after 90 days the recipient is still in need of donated leave, the bureau/office VLTP Coordinator may request the Department VLTP Coordinator expand the request for donated leave Department-wide. The Department's VLTP Coordinator is the work-life program manager in the Office of Human Resources.

The request should include the date that the recipient was accepted into the program and a copy of the memo that was distributed to bureau/equivalent office employees.

If the recipient requires more than 90 days of donated leave, the bureau/equivalent office must review the case and determine that the original medical condition still exists and the recipient remains qualified for VLTP. This process should be re-evaluated every 90 days of the continuing qualified medical condition.

10-14 Termination of Medical Emergency

The medical emergency is terminated at the end of the biweekly pay period in which:

- the employee, or the employee's personal representative, notifies the Department that the medical emergency is over;
- the leave recipient's SHRO receives notice that the Office of Personnel Management (OPM) has approved an application for disability retirement for the leave recipient; or
- the recipient's employment is terminated or death occurs;

The date of termination must be input into FPPS at the beginning of the pay period following the date of termination. Otherwise, any donations received in the last pay period prior to the termination date will be lost. Any unused donated annual leave will be restored to the leave donor(s) following the guidelines found in 5 CFR 530.911.

When the medical emergency terminates, no further requests for transfer of annual leave may be granted for that particular medical emergency. The donated leave remaining from the medical emergency is not to be held pending a future unforeseen emergency situation. If the medical emergency has been terminated and the bureau fails to return the leave from the employee's leave account the employee may not use the unused leave for future medical emergencies.

10-15 Bureau/Office Termination of Applicant's Enrollment in the VLTP Program

An employee may not indefinitely remain in the VLTP solely because a large number of annual leave donations have been received. Based on the agency's need to accomplish work and the fact that there is no foreseeable end to a medical emergency, management may deny the use of donated annual leave regardless of the number of hours donated to an employee. This decision must be made in consultation with an Employee Relations Specialist, and could result in the employee's removal from the position or federal service if he or she cannot return to work and perform the essential functions of his or her position.

Employees may not remain in the VLTP on a full use basis for more than one year. If there is a valid reason that employees need to stay in the program full-time for more than one year; the employee may apply for a waiver to the rule to their Bureau/Office HR Leave Coordinator who will review the case and grant an extension.

Employees who require intermittent use of donated leave after the 1-year mark will have their cases reviewed every three months to determine if they are eligible to continue their participation.

Bureau/Offices have the discretion to remove an employee from the VLTP program if there is no foreseeable end in sight to the employee's absence and/or the employee's absence is a burden to the Bureau/Office.

Chapter 11. Excused Absences

An excused absence is a period of authorized absence from official duties without loss of pay and without charge to an employee's leave account.

11-1 Blood Donation

Employees who donate blood to the Red Cross or other recognized blood banks may be excused from duty for up to 4 hours.

Requests for administrative leave to donate blood will be made at least two days in advance of the scheduled appointment. Supervisors will be responsible for determining the availability of administrative time for blood donations. The following day, the individual employee will be responsible for providing his/her supervisor a certificate certifying that he/she donated blood.

11-2 Bone Marrow and Organ Donation

An employee may use up to 7 days of excused absence each calendar year to serve as a bone-marrow donor. An employee also may use up to 30 days of excused absence each calendar year to serve as an organ donor. Leave for bone marrow and organ donation is a separate category of leave that is in addition to annual and sick leave.

11-3 Voting and Registration

Employees may be excused for a reasonable time, when practicable to do so without unduly interfering with operations, to vote or register in any elections or in referenda on civic matters within their community.

Where the polls are not open at least three hours before or after an employee's regular hours of work, the employee may be granted excused absence which will permit reporting for work up to three hours after the polls open or leaving work up to three hours before the polls close, whichever requires less excused absence.

In jurisdictions where registration in person is required and registration cannot be accomplished on a non-workday or during non-duty hours, an employee may be granted up to a full day of excused absence in order to register.

If an employee's voting location is beyond normal commuting distance and vote by absentee ballot is not permitted, the employee may be granted sufficient time off to make the trip to cast his or her ballot. Where more than one day is required to make the trip, time off in excess of one day shall be charged to annual leave, accrued compensatory time, or LWOP.

Up to a full day of excused absence may be granted as required for an employee to prepare and have certified an absentee ballot, if these activities cannot be accomplished during non-working hours.

11-4 Employees Returning from Active Duty

Employees returning from military active duty will receive 5 work days of excused absence, without charge to leave, upon notification to their employing agencies of their intent to return to Federal civilian employment. Agencies may grant this period of excused absence prior to the employee's resumption of his duties, or at a time mutually agreeable to the agency and the employee, if the employee has already returned to duty. However, employees may not "stockpile" this leave to use at a later date.

11-5 Health and Fitness Activities

Employees will use non-duty time to participate in health and fitness activities. Employees may use lunch periods as well as time immediately before and after work hours. Supervisors are encouraged to accommodate as much as possible employee's requests for alternate work schedules and annual leave in order to participate in health and fitness activities.

Employees with a physical fitness requirement as a condition of employment may participate in health and fitness activities during work hours up to the number of hours set by the employee's bureau.

In certain limited circumstances, bureaus/offices may exercise their authority to grant short periods of excused absences for participation in health and fitness programs. The following policy will apply in the use of excused absences:

- The activity should be officially sponsored and administered, such as a Federal Fitness Day event, or a bureau-sponsored health screening;
- The amount of excused leave should be a short period, and the activity for which excused absence is granted should be of a specific, fixed duration. Examples of such activities are participation in a fitness center orientation or a smoking cessation program consisting of several brief class sessions;
- An excused absence should not be granted for participating in an activity over an extended or indefinite period or for regularly recurring periods;
- The bureau official approving the excused absence should ensure that the employee's absence will not interfere with the timely and effective performance of bureau work and service to the public.

11-6 Court Leave

Court leave is an approved absence from official duties, without loss of or reduction in pay or leave, and is provided to an employee who is summoned in connection with a judicial proceeding to perform jury duty in a federal, state, or municipal court or to serve as a witness in a nonofficial capacity for the United States, the District of Columbia, or a state or local government.

Full-time permanent and temporary employees are entitled to court leave.

Part-time or intermittent employees without a regular tour of duty are not entitled to court leave.

Employees appointed on a part-time or intermittent basis, who have a regularly scheduled tour of duty, may be granted court leave for jury duty or witness service performed during his or her tour of duty, where the employment covers a protracted period under a continuing, established work schedule.

If an employee's absence is properly chargeable to court leave, he may not elect at the time, or at a later day, to have the absence charged to annual leave.

The Department, as an employer, shall not request that an employee be excused from jury duty or be granted a deferment from jury duty, except in cases of genuine emergency. Excuse from jury duty shall not be requested when a deferment will satisfy the operating requirements of the Department.

In cases of genuine necessity, an employee's supervisor or his or her designee may write directly to the court requesting that the employee be excused from jury duty, or that the jury duty be deferred. An employee however, may request exemption from jury duty for compelling personal reasons on his or her own initiative.

Court leave shall be granted to an eligible employee for absence during the tour of duty, including regularly scheduled overtime, to perform jury duty. Court leave shall be granted only for those days and hours an employee would otherwise be in a pay status.

Since it is mandated by statute that the compensation of an employee shall not be reduced because of jury duty, employees granted court leave for jury duty are entitled to the compensation they would otherwise have received, including any premium pay and differentials (31 Comp. Gen. 173; 23 id. 904).

An employee, whose compensation and leave are protected by law from reduction because of jury duty, is prohibited from receiving compensation for such service in any court of the United States for any period of jury duty for which the employee would have been in a pay status in his or her Federal position. The employee generally receives pay from the Court for each day served and must reimburse the Department for that amount. The employee can keep the amount paid for commuting costs.

11-7 Excused absence for Employee Assistance Program (EAP)

Excused absence may be used when an employee requests counseling under an agency Employee Assistance Program (EAP). Individuals who are subsequently referred to private counseling will use sick leave, annual leave or leave without pay, whichever is appropriate. Please consult the appropriate Bureau/Office EAP policy for further guidance.

Chapter 12. Administrative Leave

The term "Administrative Leave" describes the situation when an employee is temporarily relieved of his or her normal responsibilities by their supervisor, continues to receive regular pay and benefits, and is normally required to remain away from the work-site during regular work hours. Administrative leave is not a category of leave, like sick leave or annual leave, but describes a person's work status. The placement of an employee on administrative leave does not constitute an adverse action, but should only be done in the most exceptional situations (i.e., cases involving proposed removals or indefinite suspensions), when all other

options are considered imprudent. Administrative Leave should not be confused with excused absence.

12-1 Compensation While on Administrative Leave

Compensation for administrative leave with pay shall be equal to the employee's base rate of pay, and shall not continue beyond the length of the situation for which the leave was granted.

12-2 Administrative Leave Considerations

Administrative Leave should only be considered in rare instances. An employee should only be placed on administrative leave with pay when immediate action must be taken to remove an employee from his or her work site because of a disruption; threat to the health and/or safety of an employee; person or property entrusted to that employee and no other viable options are available. In such limited circumstances, it is permissible to place an employee on administrative leave with pay pending a review, investigation or disciplinary proceeding surrounding the situation that resulted in the employee being placed on a paid leave of absence.

In most situations where the primary concern is the health or safety of the general work force, options may be limited and an administrative leave with pay may be the most appropriate option. If, however, the primary concern is the health or safety of a particular individual, or group of individuals, a modification of duties, a temporary reassignment to another position or another work area or a reassignment to another work shift may suffice to limit access to the person(s) whose health or safety may be endangered. Such actions would avoid the need to place an individual on administrative leave with pay.

In situations where the primary concern is the safety of property, it may be possible to remove access to government property either through a modification of job duties and responsibilities, a temporary reassignment to another position or reassignment to another work area so that no property is entrusted to an employee who could adversely affect or destroy the property.

Each situation will differ and will require a case-by-case determination. When an official believes that an employee should be placed on Administrative Leave, management must consult with the servicing SHRO who will consult with the Office of the Solicitor as appropriate. Only bureau/office heads, their deputies, or the Director of the Office of Human Resources may authorize the placement of an employee on administrative leave for an extended period of time (i.e., beyond 45 days); this authority may not be re-delegated. Bureau/Office heads (or their deputies) must coordinate decisions regarding the placement/continuation of an employee in an administrative leave status for more than 45 days with the Director of the Office of Human Resources who will review such decisions for the Department and may rescind them if considered inappropriate

When an individual is placed on Administrative Leave during an administrative investigation, the approval official or designee shall be responsible for monitoring the status of the investigation and the length of time that an employee is on administrative leave with pay. Monitoring shall be done by the appointing authority or designee at appropriate intervals.

Please refer to 370 DM 752, dated 2006,
http://elips.doi.gov/app_DM/act_getfiles.cfm?relnum=3738

If the link is unavailable, contact your servicing Human Resource Office for the latest guidance.

12-3 Employee Notification

An employee placed on administrative leave with pay pending the completion of an investigation shall be notified in writing at the outset of the leave that he or she shall:

- Be in a work-ready status at all times during his/her regularly scheduled hours of work, and must be able to report for duty with short notice. If he/she is unable to do so, they must request approval of appropriate sick or annual leave.
- Stay off of the property of the employing agency during the leave or first call the supervisor to make arrangements to conduct business or to otherwise be on the property of the employing agency.
- Not hold another job during the hours he or she is normally scheduled for work. If the employee works during such hours, he or she will forfeit the administrative leave with pay and will be subject to discipline.

12-4 Independent Criminal Review

If a review produces evidence sufficient to warrant an independent criminal review or investigation, and the health or safety of an employee or any person or property entrusted to the employee's care continues to be at issue, the employee may remain on administrative leave with pay pending review, investigation or any legal proceedings.

Chapter 13. Home Leave

Employees serving outside the United States who meet the requirements of 5 U.S.C. 6304 (b) for the accumulation of a maximum of 45 days (360 hours) of annual leave are eligible for home leave benefits. The rules and regulations governing home leave can be found at 5 CFR 630.6.

Appendix 1: Voluntary Leave Transfer Program Forms

OPM 630- Application to Become a Leave Recipient under the Voluntary Leave Transfer Program
http://www.opm.gov/FORMS/PDF_FILL/opm630.pdf

OPM 630A-Request to Donate Annual Leave to Leave Recipient under the Voluntary Leave Transfer Program (Within Agency)
http://www.opm.gov/FORMS/PDF_FILL/opm630a.pdf

OPM 630B-Request to Donate Annual Leave to Leave Recipient under the Voluntary Leave Transfer Program (Outside Agency)
http://www.opm.gov/FORMS/PDF_FILL/opm630b.pdf

OPM 630 C-Transfer of Leave Records for Leave Recipient Covered by the Voluntary Leave Transfer Program
http://www.opm.gov/FORMS/PDF_FILL/opm630c.pdf

If the above links are unavailable, contact your servicing Human Resource Office for the latest guidance.

Appendix 2: Medical Release Form for VLTP

**Department of the Interior
Voluntary Leave Transfer Program
Healthcare Certification Release Authorization**

Employee's Name:

I authorize the Bureau/Office Voluntary Leave Transfer Coordinator to contact my treating physician directly to receive medical certification documents supporting my application to the Voluntary Leave Transfer Program. I understand that failure to sign this document will result in being denied admission to the VLTP Voluntary Leave Transfer Program.

Physician's Name:

Address:

City:	State:	Zip Code:
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Phone Number:	Fax Number:
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Employee Signature:	Date Signed:
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THIS AUTHORIZATION WILL NEED TO BE RENEWED NINETY DAYS AFTER THE EMPLOYEE HAS BEEN ACCEPTED INTO THE VOLUNTARY LEAVE TRANSFER PROGRAM.

Appendix 3: Sample Voluntary Leave Transfer Announcement Memo

TO: All Department of Interior Employees

FROM: XXXXXXX

Bureau VLTP Coordinator or higher official in the appropriate Bureau/office

SUBJECT: Announcement of Opportunity to Donate Annual Leave

The Voluntary Leave Transfer Program allows employees to donate a portion of their annual leave to other employees who are experiencing a personal emergency or hardship. This memorandum provides information regarding leave share requests for which you may make a donation.

Mr. Interior Employee with the _____ has a need for leave donations. Mr. Interior Employee is recovering from _____. His leave balances are not adequate to cover his anticipated absence.

Any interested Department of Interior employee may donate a portion of his or her annual leave to _____ (The HR Specialist working the case). Employees wishing to do so must complete Optional Form 630-A and return it to _____ (Include the name and address and fax of the the HR Specialist working the case). This form is available on The Office of Personnel Management's website. With the use of Adobe Acrobat Reader, the form can be completed on-line and printed locally. Use a web browser to go to <http://www.opm.gov/oca/leave/html/formindx.htm>

Donation of leave is a very personal matter. Your participation in the leave transfer program is entirely voluntary and will be treated confidentially.

If you have questions, please contact _____ at _____ (This should be the local VLTP Coordinator handling the case).