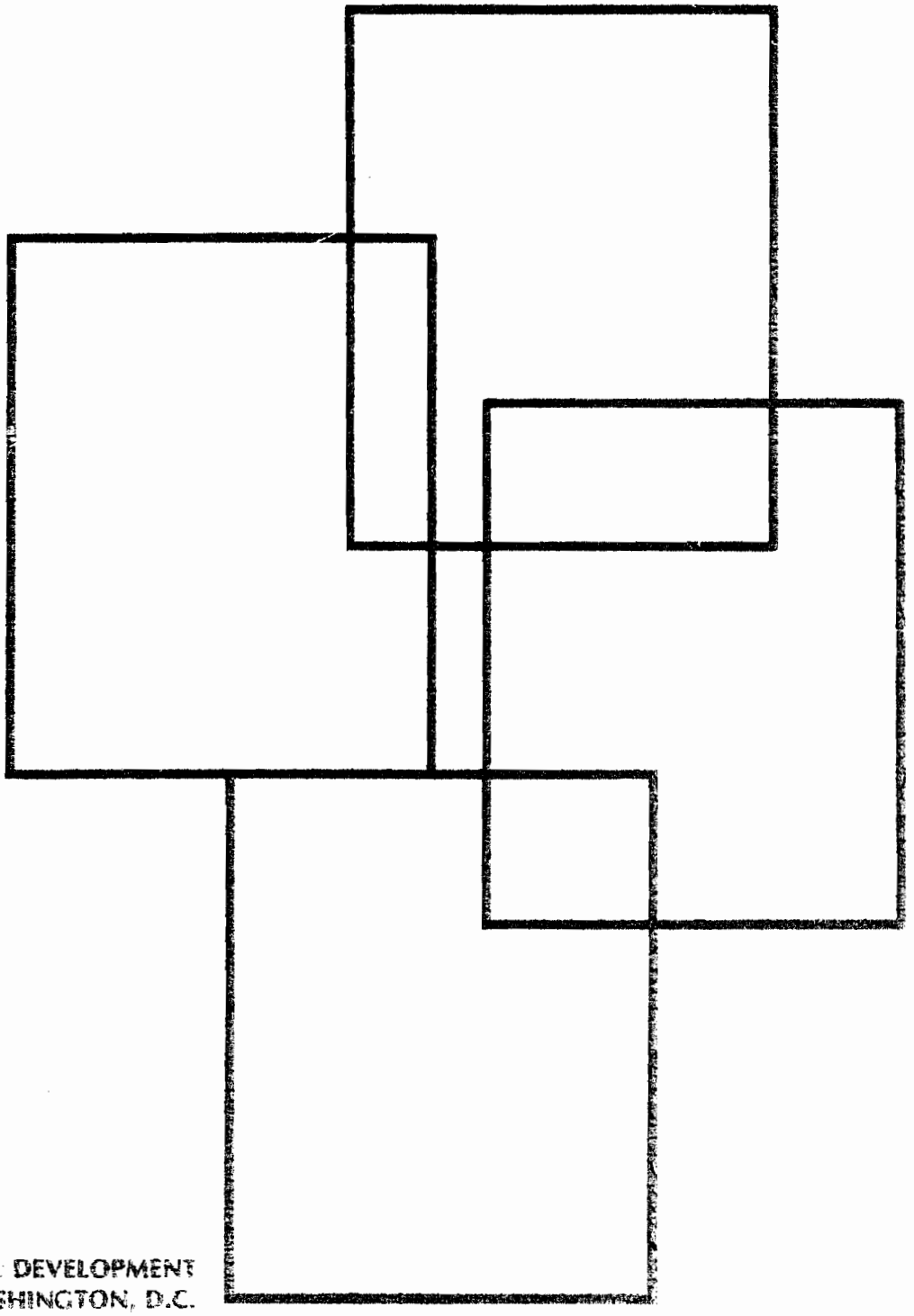
Attendance and Leave



AGENCY for INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C.

ipma NEWS
Special Bulletin

July 1993

Family and Medical Leave Regulations Issued

The Department of Labor has issued interim final regulations implementing the Family and Medical Leave Act. The law, which becomes effective on August 5, 1993, applies to employers with at least 50 employees. Employees will be allowed to take up to 12 weeks of unpaid family and medical leave during any 12 month period.

Effective Date - The Act takes effect on August 5, 1993, unless a collective bargaining agreement is in effect on that date. In such cases, the Act is effective upon the termination of the collective bargaining agreement, but no later that February 5, 1994. The regulations provide that since both the entitlement to leave and the requirement of providing notice are not effective until August 5, 1993, only leave starting on and after that date can be counted against the 12 weeks of leave to which employees are entitled.

Public Agency - The regulations provide that the Act considers a State to be a single employer for purposes of counting the number of employees to determine if they are eligible for leave under the law. Any political subdivision of a State also will be treated as a single employer. Most Federal agencies are covered by a separate title of the Act, which will be administered by the Office of Personnel Management.

Determining The 12 Month Period - To be eligible for leave, an employee must have worked for the employer for at least 12 months and for at least 1,250 hours during the year preceding the start of the leave. Employees who are exempt under the Fair Labor Standards Act and for whom there are no hours worked records will be presumed to have met the 1,250 hours of service requirement. The Labor Department indicated that in order to ease the administrative burden in determining the 12 month period during which the employee is entitled to leave, employers can choose a uniform method to compute the 12 month period from among the following alternatives: a fixed 12 month period for all employees, 12 months measured forward from the first date leave is used, and a rolling 12 month period measured backward from the date leave is used.

Intermittent Leave - The approval of the employer is needed to take leave intermittently or to work reduced schedules where leave is taken as a result of the birth, adoption, or placement of a child for foster care. Leave to care for a seriously ill family member or due to the employee's own serious health condition can be taken whenever medically necessary. The Labor Department did not include a minimum amount of leave that must be taken by employees. Employees requesting intermittent leave or a reduced work schedule can be temporarily transferred to an alternative position with equivalent pay

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and benefits if it better accommodates recurring periods of leave. Only the time actually taken as leave may be charged against entitlement of employees when leave is taken intermittently or on a reduced leave schedule. For example, the regulations state that if an employee who normally works five day workweeks takes one day off on leave, only one-fifth of one week of leave has been used. For part-time employees the leave entitlement is calculated on a pro rated basis. The regulations provide that employers can dock the pay of exempt employees for family and medical leave of less than one full day without affecting their exempt status under the FLSA.

Definition of Spouse and Child - Family and medical leave will be available as the result of the birth, adoption or placement of a child for foster care, to care for a spouse, child or parent with a serious health condition or due to the disabling illness of the employee. The regulations define spouse as including common law marriage where they are recognized by the State but would not include unmarried domestic partners. A child would include someone 18 years of age and older who was incapable of self-care as a result of a mental or physical disability.

Serious Health Condition - A serious health condition is an illness, injury, impairment, or physical or mental condition that requires either inpatient care or continuing treatment by a health care provider. A serious health condition includes treatment for a serious, chronic health condition which, if left untreated, would likely result in an absence from work of more than three days. Examples of serious health conditions that are cited include heart attacks, cancer, back conditions requiring therapy or surgery, strokes, appendicitis, pneumonia, emphysema, pregnancy, and childbirth. Voluntary or cosmetic treatments which are not medically necessary would not be considered a serious health condition unless inpatient hospital care is required.

Unpaid and Paid Leave - While family and medical leave is generally unpaid, the law does permit employees to substitute accrued paid leave under certain circumstances and employers will be allowed to require employees to substitute paid leave. Accrued paid vacation or personal leave can be substituted for any purpose. Accrued paid family leave may be substituted for birth or adoption, or to care for a seriously ill immediate family member. Additionally, accrued sick leave can be substituted to care for a seriously ill immediate family member or for the serious health condition of the employee. The regulations will not allow employees to take an additional 12 weeks of leave for the birth of a child after conclusion of a disability leave period provided by an employer. According to the regulations "any period before and after birth where a mother is not able to work for medical reasons may be considered leave for a serious health condition, despite the fact that the period after birth is also leave to care for the newborn child." The law does not prohibit employees from later using paid sick or personal leave if the employees take only unpaid leave.

Health Insurance Coverage - The law requires employers to maintain coverage under any group health plan under the conditions coverage would have been provided if no leave had been taken. Where the leave is unpaid, the regulations urge employers and employees to work out arrangements that accommodate the administrative concerns of the employers and the financial situation of the employees. The regulations allow employers to require that payment be made either to the insurance carrier or the employer but no additional charge may be added for administrative expenses. Payments can be made in the following ways: at the same time as it would be made if by payroll deduction; on the same schedule as payments are made under COBRA; prepaid as part of a cafeteria plan at the employee's option; on the same schedule as employees on leave without pay or any system voluntarily agreed to by the parties. The regulations provide a 30 day grace period after the

agreed upon date for payment within which employees may make payment of the premiums without affecting health insurance coverage. Employers can recover premiums paid for health insurance if employees do not return to work unless the failure to return was due to the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employees' control. These exceptions are designed to prevent an employer from recovering health insurance premiums from employees who are unable to return to work because they are disabled by a serious health condition, or because they are needed to care for a seriously ill family member, or because their circumstances suddenly and unexpectedly changed during leave.

Equivalent Position - When leave ends, employees are entitled to return to the same jobs they held before going on leave or to equivalent positions. An equivalent position must have the same pay, benefits and working conditions and it must involve the same or substantially similar duties and responsibilities. Employees must be restored to the same worksite or to geographically proximate worksites. Health insurance and other benefits must be resumed at the end of leave in the same manner and at the same levels as provided when the leave commenced. As an example, the regulations state that employees covered by life insurance prior to taking leave that is not continued during leave cannot be required to meet any qualifications, such as taking a physical examination, in order to requalify for life insurance upon their return from leave. As a result, the regulations provide that employers may find it necessary to modify life insurance or other benefits programs so that they can restore employees to equivalent benefits, make arrangements for continued payment of costs to maintain such other benefits, or pay these costs subject to recovery from the employee following return from leave.

Key Employee - Under limited circumstances, an employee who qualifies as a key employee may be denied restoration to employment. A key employee is one who is salaried, and is among the highest paid ten percent of the employees employed at the worksite. Employees must be notified by the employer of their status as a key employee if there is any possibility that the employer may deny reinstatement. Employers may deny a job to a key employee only if necessary "to prevent substantial and grievous economic injury to the operations of the employer." The Labor Department believes that this test can only be met on rare occasions.

Notice - Employees must give 30 days advanced notice to employees of the need to take family and medical leave when it is foreseeable for the birth or placement of a child for adoption or foster care, or for planned medical treatment. When it is not possible to provide such notice, employees must give notice within one or two business days of when the employee learns of the need for leave. Verbal notice is sufficient. Reasonable efforts should be made by employees to schedule medical treatments so as not to disrupt the operations of the employer. Where employees fail to give notice, employers could deny leave until 30 days after the notice is provided.

Medical Certifications - Employers can require a medical certification from a health care provider either to support leave requests to care for an employee's seriously ill family member or for leave due to a serious health condition of the employee. The certification must be provided within 15 calendar days. The regulations include a form that can be reproduced by employers and given to health care providers to complete. A certification for medical leave must include a statement that the employee is needed to care for a seriously ill family member or, if the employee has a serious health condition, a statement that the employee is unable to perform the functions of the position. The heath care provider may review a description of the employee's essential job functions provided by the employer. An employer can require an

employee to obtain a second medical opinion, at the employer's expense. If the opinions of the two health care providers differ, the employer may require a third opinion, again at the employer's expense, from a health care provider mutually agreed upon by the employer and employee. The regulations do not resolve how to select the third health care provider if the employer and employee can not agree. The regulations obligate both parties to act in good faith in attempting to reach agreement on the third health care provider.

Enforcement Mechanisms - Employees who are denied leave or who are denied reinstatement at the end of leave in violation of the law may file a complaint with the Department of Labor. Employees also could file a private lawsuit against the employer to obtain damages and other relief. Complaints under this law will be handled in a similar manner to those filed under the FLSA.

Posting Requirements - The law requires covered employers to post a notice describing the Act's provisions. Employers can obtain copies of the notice from the Wage and Hour Division of the Department of Labor. Penalties can be assessed against employers who fail to comply with the posting requirement.

Impact of State Laws - The Act does not supersede any State or local law that provides greater family or medical leave rights. An employer must comply with any provisions of State or local law that provide greater family or medical leave rights. Employers covered by both federal and state laws must comply with the provisions of both. For example, the regulations state that if State law provides 16 weeks of leave in two years, an employee may be entitled to take 16 weeks one year under the State law and 12 weeks in the next year under the Federal law. State and Federal leave entitlements run concurrently. Thus an employee would not be entitled to 28 weeks of leave in a single year under this example. The Labor Department advised in order to assist employers, it is preparing informational materials that compare the provisions of each State law with the Federal law and, to the extent possible, will designate which provision the Department considers more generous.

Comments - Comments on the interim final regulations are due by September 2, 1993, and should be sent to the Administrator, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S3502, Washington, D.C. 20210.

AGENCY FOR INTERNATIONAL DEVELOPMENT

HANDBOOK TRANSMITTAL MEMORANDUM	DATE June 15, 1993	TRANS. MEMO NO. 27:59

MATERIAL TRANSMITTED:

Handbook 27 - Attendance and Leave

Page 3A-11, 3 FAM 433.3a, has been corrected to remove "or annual leave" from the clause.

FILING INSTRUCTIONS:

1. REMOVE PAGES: — REPLACEMENT PAGES:

   3A-11 and 3A-12 (TM 27:57) — 3A-11 and 3A-12

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CHECKLIST FOR HANDBOOK 27
ATTENDANCE AND LEAVE

AUTHOR OFFICE: FA/HRDM/PP

DATE	MATERIAL TRANSMITTED	TM NO.
11/30/92	Entire handbook	27:57
1/29/93	Page 10-1	27:58
6/15/93	Pages 3A-11 and 3A-12	27:59

AGENCY FOR INTERNATIONAL DEVELOPMENT

HANDBOOK TRANSMITTAL MEMORANDUM	DATE January 29, 1993	TRANS. MEMO NO. 27:58

MATERIAL TRANSMITTED:

Handbook 27 - Attendance and Leave

Page 10-1 of Chapter 10 was inadvertently dropped from the last printing of the handbook.

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HANDBOOK TRANSMITTAL MEMORANDUM	DATE November 24, 1992	TRANS. MEMO NO. 27:57

MATERIAL TRANSMITTED:

Handbook 27 - Attendance and Leave

HB 27 has been reissued in its entirety. Chapters 1-7 and Chapter 11 have been revised to include new Agency policies and/or procedures.

Chapter 8 has been revised to include the new timekeeper's guide.

Chapter 9 has been revised in its entirety to outline Agency leave policies for Mission Directors, Deputy Mission Directors, AID Representatives and AID Affairs Officers when assigned under the FSA of 1980, as amended, and when appointed under the FAA of 1961, as amended.

Chapter 10 has been revised for editorial purposes only.

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HANDBOOK 27

ATTENDANCE AND LEAVE

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HANDBOOK 27
ATTENDANCE AND LEAVE

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CHAPTER 1

HOURS OF DUTY

1A. Purpose

This chapter defines hours of duty for Agency employees. It consists of Uniform Regulations, 3 FAM 410, Hours of Duty (App. 1A), and relevant Agency procedures and requirements. Where differences exist between 3 FAM 410 and Agency specific procedures and requirements, this chapter has precedence.

1B. Authorities and References

1. 5 U.S.C. Chapter 61, Hours of Work
2. 5 CFR 610, Hours of Duty
3. 3 FAM 410, Hours of Duty
4. FPM 610, Hours of Duty
5. FPM Supplement 990-2, Books 550, 610, 620, 630

1C. Applicability

This chapter applies to all U.S. citizen direct-hire employees who have a regularly scheduled workweek. It does not apply to:

1. The Head of the Agency
2. Commissioned officers of the Foreign Service *
3. Members of the Senior Foreign Service *
4. Employees outside the continental U.S. and Alaska who are paid in accordance with local prevailing wage rates for the area in which employed.

1D. Policies - General

1. The official workday in AID/W is 8:45 a.m.-5:30 p.m., during which time all AID/W offices must be covered. For overseas, the basic workday is established by officials at the post (see App. 1A, sec. 413.3).

2. Full-time employees must work eight hours a day; part-time employees must work the schedule indicated on their SF-50s (see App. 1A, sec. 413.3-3a).

3. The regular basic workweek for full-time employees is the established 40-hour workweek within each administrative workweek.

* Excluded for premium pay purposes only.

1D

4. The lunch break for full-time employees is 45 minutes, which is in addition to the eight-hour workday requirement. There are no other break periods. A lunch break is not required for part-time employees with a work schedule of less than eight hours per day. Part-time employees with an eight-hour per day work schedule have a 45-minute lunch break in addition to the eight hour workday.

5. The workweek for commissioned officers of the Foreign Service and members of the Senior Foreign Service is a 40-hour week for purposes of biweekly pay periods derived from per annum salaries, accruing and charging leave and other related purposes. (See App. 1A, sec. 415. Note: 5 U.S.C. 5541 (xiv) refers to FSOs; 5 U.S.C. 5541 (xv) refers to members of the SFS.)

1E. Flexitime Work Schedule

The Agency's flexitime hours in AID/W are 7 a.m.-6:30 p.m. Core hours are 9:30-11:30 a.m. and 1:30-3:45 p.m., during which time all full-time employees must be in a duty status.

1F. Flexitime Policies

1. Any employee in an organizational unit that participates in flexitime has a right to request a preferred work schedule which is subject to approval by the supervisor.

2. Employees who prefer a work schedule with a longer lunch break may use time during the flexible period between 11:30 a.m. and 1:30 p.m. if approved by the supervisor. Any such extended lunch break is in addition to the eight hour workday requirement.

3. An approved flexitime schedule becomes an employee's regularly scheduled administrative workweek.

4. Time missed by an employee out of his/her scheduled workday may be made up in the same day within the Agency's flexitime hours if approved by the supervisor. Otherwise, time missed will be charged to the appropriate leave category. For employees with an eight-hour workday requirement, the lunch break may not be used to make up the time missed.

5. Flexitime is an Agencywide concept and no organizational unit is exempt unless the head of the unit can provide strong written justification through the Bureau/Office EMS to the Director, Office of Human Resources Development and Management (HRDM/OD), describing the reason(s) for the requested

1F5

exclusion. Employee abuse of flexitime hours is not an acceptable justification. It is the supervisor's responsibility to prohibit abuses, and to take corrective actions if abuses occur.

1G. Responsibilities

1. Supervisor

a. Makes certain there is adequate office coverage during official hours (8:45 a.m.-5:30 p.m.).

b. Approves/disapproves an employee's proposed flexitime work schedule following a discussion with the employee.

c. Plans office work flow to ensure that there is productive work for employees to perform, especially when employees on flexitime schedules are arriving early or leaving late.

d. Makes concerted effort to schedule office meetings during core hours.

2. Employee

Submits to supervisor for approval a preferred work schedule in advance of any change of schedule.

1H. Irregular Workweek

In AID/W, irregular workweeks must be approved by the Director, HRDM/OD; for overseas, irregular workweeks must be approved by officials at the post (see App. 27-1, sections 413.2 and 413.3).

1I. Inauguration Day

Inauguration Day is a legal holiday for AID/W employees only, except when an employee is in a travel status or performing official duties away from the District of Columbia metropolitan area on that day. Inauguration Day is January 20 following a Presidential election. When Inauguration Day falls on a Sunday, the day selected for the public observance will be the legal holiday.

410
HOURS OF DUTY

411 AUTHORITY

(TL:PER-135 8-1-89)
(Effective Date 6-5-89)
(Uniform State/AID/USIA/Commerce/Agriculture)

The regulations in this section are based upon the following authorities and, in part, are abstracted from the regulations issued by the U.S Office of Personnel Management:

a. 5 U.S.C. 6101 governs the establishment of basic workweeks and permits variation of the 40-hour week for educational purposes.

b. 5 U.S.C. 6103 provides for the observance of holidays falling on a Saturday and certain other nonworkdays.

c. Executive Order 11582, January 1, 1971, covers various situations regarding observance of holidays falling on a Sunday and certain other nonworkdays.

412 DEFINITIONS

As used in these regulations, the following definitions apply:

a. Administrative workweek means a period of 7 consecutive calendar days beginning with Sunday, and ending the following Saturday.

b. Regularly scheduled administrative workweek for:

(1) Full-time employees means the period within an administrative workweek, established in accordance with section 413, within which these employees are scheduled to work;

(2) Part-time employees means the officially prescribed days and hours within an administrative workweek during which these employees are scheduled to work.

c. Basic workweek for full-time employees means the established 40-hour workweek within each administrative workweek.

d. Workday means those hours which comprise in sequence the employee's regularly scheduled tour of duty within any 24-hour period, whether falling entirely within one calendar day or not. Note however, that premium pay entitlements are determined on the basis of a calendar day.

e. Regularly scheduled work means work that is scheduled in advance of the 7-day administrative workweek, including regular overtime and night work.

413 ESTABLISHMENT OF BASIC WORKWEEK

413.1 Authority to Establish Regular Basic Workweek

413.1-1 Regular Basic Workweek

a. Each overseas and domestic establishment will establish the basic workweek for its employees. When possible, the basic workweek will be the same for all agencies at the same geographic location.

b. A basic workweek of 40 hours in length, which does not extend over more than 6 of any 7 consecutive days, will be established for each group of full-time employees.

c. Whenever work requirements make it impracticable to prescribe a regular schedule of specific hours and days of a scheduled workweek, a first 40-hour tour of duty may be established as the basic workweek. It will consist of the first 40 hours of work performed over 6 of the 7 day administrative workweek. All work performed within the first 40-hour tour is considered regularly scheduled work, as that term is defined in section 412(e), for hours of duty and premium pay purposes. Additional hours of officially ordered or approved work within the 7-day administrative workweek are overtime work.

413.1-2 Scheduling Regular Basic Workweeks

A regular basic workweek will meet the following requirements:

a. The basic workday is in multiples of 1 hour;

b. Assignments to days and hours of duty are scheduled in advance of an administrative workweek for periods of not less than 1 week;

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

d. The working hours in each day in the basic workweek are the same;

e. The basic non-overtime workday does not exceed 8 hours;

f. The occurrence of holidays does not affect the designation of the basic workweek, and days and hours of duty cannot be rescheduled either to permit or prevent the inclusion of holidays within the basic workweek; and

g. Breaks in working hours of more than 1 hour are not scheduled in any basic workday.

413.2 Authority to Establish Irregular Basic Workweek

413.2-1 Irregular Basic Workweek

a. Irregular basic workweeks may be established at domestic or overseas posts whenever necessary because of extremes of climate, local customs, traditions or practices, differences in time zones, or other factors requiring duty at irregular hours.

b. A basic workweek which does not meet the requirements in section 413.1-2 is an irregular basic workweek.

413.2-2 Scheduling Irregular Basic Workweeks

Irregular basic workweeks at domestic locations and for employees overseas must be authorized in writing, and the authorization must contain an explanation of the circumstances justifying the establishment of irregular basic workweeks. The authorization must be kept on record and at the post as a prerequisite to the preparation of irregular basic workweek orders. Normally, the immediate supervisor will authorize irregular workweeks.

a. Irregular basic workweeks should conform to as many as practicable of the requirements listed for a regular basic workweek.

b. Whenever it is impracticable to prescribe a regular schedule of definite hours of duty for each workday, the first 40 hours of work performed within a period of not more than 6 out of 7 consecutive days may be established as the basic workweek. All work performed within the first 40-hour period is considered regularly scheduled work for hours of duty and premium pay purposes. Additional hours of officially ordered work within that 7-day period will be treated as overtime.

c. Irregular basic workweeks are not scheduled on more than 6 out of 7 consecutive days.

d. Hours or days of duty are not rescheduled either to permit or prevent the inclusion or exclusion of holidays within the basic workweek.

e. The workday is in multiples of 15 minutes.

f. Breaks in working hours of more than 1 hour are not scheduled in any basic workday, unless in rare circumstances, a split shift with a break of more than 1 hour is absolutely necessary.

413.2-3 Variation in Basic Workweek for Educational Purposes

a. Each overseas and domestic establishment may authorize an irregular basic workweek of not less than 40 hours to permit an employee to take one or more courses in a college, university or other educational institution when it is determined that:

(1) The courses being taken are not training under 5 U.S.C. 4101-4118;

(2) The rearrangement of the employee's basic workweek will not appreciably interfere with the accomplishment of the employee's duties;

(3) Additional costs for personnel services will not be incurred; and

(4) Completion of the courses will equip the employee for more effective performance.

b. The organization may not pay the employee any premium pay solely because the special workweek authorized under this section causes the employee to work on a day, or at a time during the day, for which premium pay would otherwise be payable.

c. The Department or agency may from time to time request reports on the use of this authority.

413.3 Orders Scheduling Basic Workweek

413.3-1 General Instructions

Written orders are issued in advance and filed at each post scheduling a basic workweek (regular or irregular) for each employee at the post. Prepare orders as follows:

a. Issue a general order when the same basic workweek applies to all or to a large segment of employees.

b. Issue additional orders to prescribe different hours and days of work for other employees or groups of employees (i. e., identify the employees or groups of employees by name, title, organizational unit or otherwise, in such a manner that there is no doubt as to the applicability of the order).

c. In the general order and any additional orders specify the calendar days constituting the basic workweek and the hours of employment for each such day. If night work is included, identify the hours of night work and where appropriate specify the allotment chargeable in each case.

d. If an order requires an employee to work on Saturday or Sunday, the first nonworkday in the administrative workweek will be "designated" as the employee's "Saturday" and the second nonworkday as the employee's "Sunday" for holiday, leave, and pay purposes, except that the 25% differential for Sunday work applies only to the "calendar" Sunday (see Exhibit 414.2).

e. In orders establishing an irregular basic workweek for employees, include an explanation of the circumstances which justify the establishment of an irregular basic workweek.

f. Orders are signed by the approving officer at the post (see section 421.3c).

413.3-2 Orders to Support Payroll

a. For State, Commerce and USIA, whenever a basic workweek or a change to a basic workweek is approved, a copy of the order accompanies the first payroll voucher for the payment of salary for that basic workweek.

b. For AID, the copy of the order is retained at the post for auditing purposes.

413.3-3 Workweek for Part-Time Employees

a. State, Commerce, and AID

When a part-time employee is appointed, the days and hours within an administrative workweek during which the employee is required to be on duty regularly shall be recorded under "Remarks" on the Notification of Personnel Action, SF-50. Subsequent permanent changes in the workweek are recorded in the same manner. Temporary changes should be recorded on part IV of Form JF-56, Authorization and Compensation for Irregular or Occasional Overtime, regardless of whether or not there is an entitlement to premium pay.

b. USIA

SF-50s reporting appointments of American part-time employees by USIA overseas establishments will show under "Remarks" the total number of hours to be worked regularly during each administrative workweek. Subsequent changes in the total number of hours to be worked during each administrative workweek will be recorded in the same manner. The days and hours that make up the regularly scheduled workweek of part-time USIA employees of overseas establishments will be recorded on work orders issued and distributed in accordance with instructions in sections 413.3-1 and 413.3-2.

413.4 Time Changes

When time is officially changed (as from standard to daylight saving) during an employee's basic work hours, causing the employee to work actually more or fewer hours than usual, the employee is credited with the appropriate amount (usually 1 hour) of overtime, or conversely, charged leave or leave without pay, as appropriate.

414 HOLIDAYS

414.1 Holidays for Federal Employees

The following days are legal public holidays for U.S. Government employees as authorized in 5 U.S.C. 6103(a).

New Year's Day	January 1
Birthday of Martin Luther King, Jr.	Third Monday in January
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

Any other day designated as a holiday by U. S. Federal statute or Executive Order.

414.2 Determining Holidays

a. When a U. S. Federal holiday falls on one of the employee's regularly scheduled workdays in the basic workweek, that workday is the employee's holiday.

b. When a holiday falls on an employee's nonworkday, the employee's holiday will depend on the day on which the holiday falls, the employee's basic workweek, and on the days designated as the employee's "Saturday" or "Sunday," respectively. (See section 414.3 and Exhibit 414.2, "Holiday—Determination of Days Off").

414.3 Basic Workweek of Monday Through Friday

a. Holiday Falls on Sunday

When a designated U. S. Federal holiday falls on Sunday, the employee's holiday is Monday.

b. Holiday Falls on Saturday

When a designated U. S. Federal holiday falls on Saturday, the employee's holiday is Friday.

414.4 Basic Workweek Other Than Monday Through Friday

a. Workweeks Which Do Not Include Sunday

When an employee's basic workweek does not include Sunday, and a designated U. S. Federal holiday falls on Sunday, the employee's next regular workday within that basic workweek is the employee's holiday.

b. Workweeks Which Include Sunday

When an employee's basic workweek includes Sunday and a designated U. S. Federal holiday falls on the day that has been designated as the employee's "Sunday" (see section 413.3-1d), the next regularly scheduled workday after the employee's "Sunday" is the holiday.

c. Holiday Falling on Nonworkday in Lieu of Saturday

When a designated U. S. Federal holiday falls on an employee's "Saturday" (see section 413.3-1 d), the regular workday preceding the employee's nonworkday is the holiday.

d. Workdays Covering Portions of Two Calendar Days

Any employee whose workday covers portions of two calendar days and who would ordinarily be excused from work scheduled for the hours of any calendar day on which a holiday falls, will, instead, be excused from work on the employee's entire workday which commences on any such calendar day. For example:

Basic Workweek: 8 p.m. Monday to 4 a.m. Saturday

Holiday: Occurs on Wednesday

Day Off: Begins at 8 p.m. on Wednesday and continues to 4 a.m. on Thursday.

414.5 Local Holidays

(See 3 FAM 465.3j.)

415 HOURS OF DUTY FOR FOREIGN SERVICE OFFICERS (FSOs)

415.1 Background

5 U.S.C. 5541 (XIV and XV) stipulates that FSOs are excluded from the provisions of premium pay, including regular (Title 5) compensatory time off. Since FSOs are excluded from this provision, they also are excluded from the law's provisions regarding the 40-hour basic workweek and work schedules, and are subject to existing regulations on those subjects as explained in this section.

415.2 Authority

a. 5 U.S.C. 301 authorizes the Heads of Executive branch agencies to prescribe regulations for the government of their agencies, the conduct of their employees, and the distribution and performance of business.

b. The Foreign Service Act of 1980, as amended (22 U.S.C. 3921, 3922 and 3926) provides that the Secretary of State, and the heads of the other foreign affairs agencies may prescribe regulations in relation to the duties, functions, and obligations of officers and employees of the Service and the administration of the Service.

415.3 Regulations

a. The workweek for FSOs is a 40-hour week, for purposes of biweekly pay periods derived from per annum salaries, accruing and charging leave under chapter 400, and any other related purpose.

b. FSOs are subject to working such additional hours over the 40 hours of the basic workweek as the needs of the Service require.

c. Any additional hours FSOs work in excess of the basic 40 hours cannot be legally compensated, either with premium pay or compensatory time off,except as provided by:

(1) Special allowances for substantial amounts of overtime time as authorized by 3 FAM 238 which applies only to the incumbents of a limited number of positions both in Washington and abroad.

(2) Compensatory time off at designated isolated posts in foreign areas as authorized by 3 FAM 232.6-2. 3 FAM 232.6-2c also authorizes the granting of compensatory time off at certain foreign posts to facilitate rearrangement of the 40-hour basic workweek to cope with special lo-

cal conditions.Compensatory time off may not be granted under this portion of section 411 to compensate for work over 40 hours per week.

(3) The provisions of the Fair Labor Standards Act as they apply to a limited number of nonexempt employees working in the United States only.

(4) Special compensatory time off for FSOs, 3 FAM 232.6-3.

(5) Special compensatory time off for religious observances, 3 FAM 232.6-4.

d. In carrying out their authority to order and schedule FSOs to work such hours in addition to the basic 40 hours, supervisors should ensure that requests for performance of additional hours are judicious and exercised only when absolutely necessary because of the needs of the Service, with as much advance notice to the employee as possible.

(End Uniform State/AID/USIA/Commerce/ Agriculture regulations)

416 FLEXIBLE AND COMPRESSED WORK SCHEDULES

(Uniform State, AID, Commerce)

416.1 Authority

5 U.S.C. 6120 authorizes the use of flexible and compressed work schedules.

416.2 Definitions

a. Compressed schedule means:

(1) for a full-time employee, an 80-hour biweekly work requirement which is scheduled for less than 10 workdays; and

(2) for a part-time employee, a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays.

b. Flexible schedule means a variation in the normal working hours of an individual or an organization within the constraints of the 8-hour day and 40-hour week.

c. Basic work requirement means the number of hours, excluding overtime hours, an employee is required to work or is required to account for by leave.

d. Credit hours for purpose of a flexible work schedule established under these regulations, means any hours in excess of an employee's basic work requirement and which the employee elects to work so as to vary the length of a workweek or a workday. Credit hours in a flexible work schedule are not overtime hours.

e. Overtime hours for flexible work schedules means all hours in a pay status in excess of 8 hours in a day or 40 hours in a week, but does not include credit hours.

f. Overtime hours for compressed work schedules means any hours in excess of the specified hours which constitute the compressed work schedule.

416.3 Authority to Establish Flexible and Compressed Work Schedules

a. Where employees have exclusive representation, the establishment of flexible and compressed work schedules must be negotiated before implementation. For State, managers and supervisors are required to obtain approval from their Executive Office prior to implementing these schedules. Also, in certain instances it may be necessary to document the alternate or compressed work schedule on an official personnel action. Under these constraints, Principal Officers and Office Directors are authorized to use flexible and compressed work schedules provided they determine the use of such schedules has the potential to improve productivity and/or provide greater service to the public. Authorizing officials should establish proper controls to document that employees work the required hours.

b. Compressed and flexible work schedules may be authorized for selected individuals, organizational components or for all employees in the organization. Management may experiment with the use of these schedules, and subject to appropriate collective bargaining obligations, may revert to previous tours of duty if the determination is made that using such schedules is not effective, efficient, or in the best interest of the organization. Under certain circumstances, it may be appropriate to combine elements of both flexible and compressed work schedules.

416.4 Compressed Work Schedules

a. Compressed work schedules have a basic work requirement of 80 hours in a biweekly pay period for a full-time employee. For a part-time employee,the basic work requirement is less than 80 hours which may be scheduled for less than 10 workdays.

b. For the purpose of compressed work schedules, the tour of duty is defined by (i.e., is identical with) the particular schedule which the organization wishes to establish. For all compressed schedules,

the tour of duty is arranged in such a way that employees on these schedules will fulfill their basic work requirements in less than 10 days during the biweekly pay period. This may include a tour of duty that provides for a four-day workweek,one that is limited to approximately 9 hours a day for 9 days within a biweekly pay period, or other approved variations.

416.5 Flexible Work Schedules

a. There are a number of possible variations under a flexible work schedule. Normally, employees would work 8 hours per day, and 40 hours in each week, but would, with management concurrence, have latitude in designating the actual working hours.

b. **Core time** refers to those designated hours and days during the biweekly pay period when an employee on a flexible schedule must be present for work. **Flexible time** refers to that part of the schedule of working hours during which employees may choose their time of arrival and departure from the work site, within limits consistent with the duties and requirements of the position.

For AID, core time is 9:30–11:30 a.m. and 1:30–3:45 p.m. within encompassing flexible hours of 7:00 a.m. to 6:30 p.m.

c. Actual flexitime refers to a system of work scheduling which splits the workday into two distinct kinds of time—core time and flexible time. The two requirements under any flexitime schedule are:

(1) employees must be at work during core time, and

(2) employees must account for the total number of hours they are scheduled to work.

d. Additional information on establishing and using flexible and compressed work schedules is available from PER/ER in State, and from the Office of Foreign Service Personnel in Commerce.

417 through 419 (Unassigned)

HOLIDAYS - DETERMINATION OF DAYS OFF

Uniform State/AID/USIA/Commerce/Agriculture

DAY OF HOLIDAY	EMPLOYEE'S NONWORKDAYS						
	Sunday and Saturday	Sunday and Monday	Monday and Tuesday	Tuesday and Wednesday	Wednesday and Thursday	Thursday and Friday	Friday and Saturday
SUNDAY	Monday	Saturday	Sunday	Sunday	Sunday	Sunday	Sunday
MONDAY	Monday	Tuesday	Sunday	Monday	Monday	Monday	Monday
TUESDAY	Tuesday	Tuesday	Wednesday	Monday	Tuesday	Tuesday	Tuesday
WEDNESDAY	Wednesday	Wednesday	Wednesday	Thursday	Tuesday	Wednesday	Wednesday
THURSDAY	Thursday	Thursday	Thursday	Thursday	Friday	Wednesday	Thursday
FRIDAY	Friday	Friday	Friday	Friday	Friday	Saturday	Thursday
SATURDAY	Friday	Saturday	Saturday	Saturday	Saturday	Saturday	Sunday
THANKSGIVING	Thursday	Thursday	Thursday	Thursday	Friday	Wednesday	Thursday
LABOR DAY	Monday	Tuesday	Sunday	Monday	Monday	Monday	Monday

NOTE. — In the examples above where the employee's workweek includes Saturday or Sunday, the first nonworkday has been designated as the employee's Saturday and the second nonworkday becomes the employee's Sunday (see sections 413.3-1d).

Chapter 2

LEAVE (GENERAL)

2A. Purpose

1. This chapter deals with certain general aspects of leave, including leave for parental and family responsibilities. It includes Uniform Regulations 3 FAM 420, Leave (App. 2A).

Other chapters in this Handbook provide the regulations which specifically govern Annual Leave (Ch. 3), Sick Leave (Ch. 4), Home Leave (Ch. 5), Other Absence in Pay Status (Ch. 6), Absence in Nonpay Status (Ch. 7), Timekeeping (Ch. 8), Officers Exempted from Leave Act (Ch. 9), Disposition of Leave Balances (Ch. 10), and Voluntary Leave Transfer Program (Ch. 11).

2B. Authorities and References

1. 5 USC 63, Leave
2. 5 CFR 630, Absence and Leave
3. 3 FAM 420, Leave
4. FPM 630, Absence and Leave
5. FPM Supplement 990-2, Books 550, 630

2C. Applicability

This chapter applies to all U.S. citizen direct-hire employees, including experts and consultants serving under appointments of 90 days or more, except:

1. A person appointed by the President and paid in accordance with the Executive Pay Schedule, i.e., EX I thru EX V.

2. A part-time employee who does not have an established regular tour of duty during the administrative workweek.

3. Mission Directors, Deputy Mission Directors, AID Representatives and AID Affairs Officers if exempt from the leave laws in 5 U.S.C. Chapter 63 under the policies outlined in Chapter 9 of this Handbook.

2D. Leave for Parental and Family Responsibilities

1. Policy

The Agency will consider requests for leave for purposes of meeting parental and family responsibilities on a case-by-case basis, with determinations based upon applicable regulations and the needs of the employee and the organizational unit.

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Leave to meet parental and family responsibilities consists of appropriate combinations of annual leave, sick leave and leave without pay; it is not a separate category of leave. For specific guidance on the leave categories, see references listed below:

Purpose	HB 27 References	LEAVE CATEGORIES* Sick Leave	Annual Leave	Leave Without Pay(LWOP)
Maternity Leave (childbirth)	Ch. 3, 4, 7, App 6A	X	X	X
Paternity Leave	Ch. 3, 7, App 6A		X	X
Adoption Arrangements and Care	Ch. 3, 7		X	X
Foster Care Arrangements	Ch. 3, 7		X	X
Child Care:				
Infant Care (newborn)	Ch. 3, 7		X	X
Routine Examinations	Ch. 3, 7		X	X
Contagious Diseases	Ch. 3, 4 App 4A	X**	X	X
School Activities	Ch. 3, 7		X	X
Sitter Cancellation	Ch. 3, 7		X	X
Care of Parents/Other Dependents	Ch. 3, 7		X	X

* Foreign Service employees may use home leave (in addition to sick or annual leave or LWOP) for such purposes when home leave has been approved in accordance with HB 27, Ch. 5, Home Leave.

** Sick Leave may be granted only if medical certification is provided (App. 4A).

App. 2A - 3 FAM 420

420
LEAVE

421 GENERAL

(TL:PER-129 6-28-89)
(Effective Date 6-5-89)
(Uniform State/AID/USIA/Commerce/Agriculture)

421.1 Authority

The following are the more significant authorities pertaining to the issuance of regulations in this section:

a. Section 206(a) of the Foreign Service Act of 1980 (FSA) relating to the general authority of the Secretary to prescribe regulations deemed appropriate to carry out functions under the Act.

b. Section 202 authorizes the Directors of IDCA and USIA, the Secretaries of Agriculture and Commerce, and any other agency head authorized to use the FSA to exercise the functions vested in the Secretary of State by the FS Act of 1980.

c. 5 U.S.C. 6301-6312 relating to annual and sick leave.

d. Regulations issued by the Office of Personnel Management (5 CFR 630).

e. 5 U.S.C. 5551-5552 relating to lump-sum payments for annual leave upon separation from the Service; or when entering active duty in the Armed Forces.

f. 5 U.S.C. 5562 relating to entitlement to payment for or restoration of annual leave which was accrued and forfeited because an employee, while in missing status, was unable to use such annual leave.

g. 5 U.S.C. 6304(d)(1) relating to the restoration of forfeited annual leave due to administrative error, exigencies of the public business, or illness.

h. 5 U.S.C. 5581-5583 relating to settlement of accounts of deceased officers and employees; order of precedence of payment.

i. 5 U.S.C. 3581-3584 relating to the transfer of personnel to public international organizations in which the United States Government participates.

421.2 Applicability

Except as stated under paragraphs a and b of this section, the regulations contained in subchapters 430 through 490 apply to all full-time United States citizen Foreign Service employees, those part-time employees as defined in section 421.3j, and participating agency employees of AID and the Department of Commerce, to whom the annual and sick leave laws are applicable.

a. 5 U.S.C. 6301 exempts persons compensated under section 401 of the FSA as amended. Except as otherwise specifically provided, section 480 applies only to chiefs of diplomatic missions, AID mission directors, and other AID employees compensated under Section 401 of the FSA, e.g., Chairperson,Development Assistance Committee (DAC).

Career ambassadors who are not chiefs of mission are also exempted from the provisions of the annual and sick leave laws by 5 U.S.C. 6301. Except as otherwise specifically provided, section 480 applies only to career ambassadors who are not chiefs of mission.

b. Annual leave accumulated by members of the Senior Foreign Service shall not be subject to the limitation on accumulation imposed by 5 U.S.C. 6304(g) [Section 2312(b)(2)] of the FSA.

421.3 Definitions

As used in these regulations, the following definitions apply:

a. Accrued leave means leave earned by an employee during the current leave year that is unused at any given time in that year.

b. Accumulated leave means the unused leave remaining to the credit of an employee at the beginning of a leave year. For purposes of lump-sum payment,accumulated leave means the regular carry over balance from the previous leave year, and unused annual leave accrued during the then current leave year, plus any unused restored annual leave maintained in a special leave account.

c. Approving Officer means any officer-in-charge, or designee, who has general responsibility for the proper administration of leave regulations as they pertain to employees under that officer's jurisdiction. (See Exhibit 432.2).

d. Decision Officer means the official designated by the head of the Agency to determine that an exigency of the public business or administrative error or sickness of the employee, when the annual leave was requested and approved in advance, caused forfeiture of scheduled annual leave, and to author-

ize its restoration for later use. (For AID, see AID HB 27, Chapter 3.)

e. Exigency of the Public Business means an operational demand beyond the control of an agency which could be sudden or could be anticipated and of such importance as to preclude: 1) the use of scheduled annual leave and 2) any reasonable alternative to the cancellation of scheduled leave.

f. Headquarters means the Washington headquarters of the Department of State, U.S. Information Agency, the Agency for International Development, the Foreign Agricultural Service and the Animal and Plant Health Inspection Service of the Department of Agriculture, and the Department of Commerce, as appropriate.

g. Leave laws means sections 6301-6311. 5 U.S.C.

h. Leave year means the period from the beginning of the first complete pay period in the calendar year to the beginning of the first complete pay period in the following calendar year.

i. Missing status means the status of an employee who is officially carried or determined to be absent in a status of missing, missing in action,interned in a foreign country, captured, beleaguered or besieged by a hostile force, or detained in a foreign country against the employee's will; but does not include the status of an employee for a period during which the employee is officially determined to be absent from post of duty without authority.

j. Part-time employee means an employee for whom there has been established in advance a regularly scheduled work week of 16 to 32 hours per week except as noted in FPM Chapter 340.

k. Possessions means the possessions of the United States, including the Virgin Islands of the United States, Guam, the Commonwealths of Puerto Rico, and the Northern Mariana Islands, and American Samoa.

l. Restored annual leave means any scheduled annual leave which could not be used by an employee due to an exigency of the public business,administrative error (including failure to reschedule the leave by the official who cancelled it), or sickness of the employee, and which was forfeited and subsequently approved for restoration by a Decision Officer.

m. Scheduled annual leave means leave requested and approved in advance in writing on an SF-71, for use at specified periods of time.

n. Restoration means annual leave which has been forfeited because it was in excess of the employee's leave ceiling and is restored to the employee later in a separate leave account.

o. United States means the 50 States and the District of Columbia.

421.4 Communications Regarding Leave

Inquiries concerning leave policies, interpretations and clarification of regulations should be addressed to: (Employees should review agency-specific procedures for restoration of forfeited annual leave)

For State: Bureau of Personnel, Office of Employee Relations (PER/ER).

For AID: Office of Personnel Management, Personnel Policy Branch (PFM/PM/PCF/PP). For time and attendance reports, Office of Financial Management,Washington Accounting Operations Division (M/FM/WAOD).

For USIA: Foreign Service Personnel Division, Office of Personnel (M/PF), or (for VOA) Labor and Employee Relations Division, Office of Personnel (VOA/PL).

For Commerce: Office of Foreign Service Personnel.

For USDA: FAS: Personnel Division, Personnel Programs (See also 3 FASR 63 on Leave Administration).
APHIS: Human Resources Division, International Programs, Management Liaison Staff.

421.5 Leave Accrual Chart

(See Exhibit 421.5).

422 through 429 (Unassigned)

LEAVE ACCRUAL CHART

Uniform/ State/AID/USIA/Commerce/Agriculture

(Also see sections 431.1 through 431.6 and 943.2.)

	RATE OF ANNUAL LEAVE ACCRUAL		RATE OF SICK LEAVE ACCRUAL	
CATEGORY	PER LEAVE YEAR	PER FULL BIWEEKLY PAYROLL PERIOD	PER LEAVE YEAR	PER FULL BIWEEKLY PAYROLL PERIOD
FULL TIME EMPLOYEES				
CATEGORY 8 - With 15 years or more service	26 days or 208 hrs.	8 hrs.	13 days or 104 hrs.	4 hrs.
CATEGORY 6 - With 3 years or more but less than 15 years of service	20 days or 160 hrs.	6 hrs. (10 hrs. for last FULL pay period in the calendar year)	13 days or 104 hrs.	4 hrs.
CATEGORY 4 - With less than 3 years of service	13 days or 104 hrs.	4 hrs.	13 days or 104 hrs.	4 hrs.
CATEGORY 0 - New employees appointed for a period of less than 90 days will not be entitled to annual leave until after being employed for a continuous period of 90 days under successive appointments without a break in service (also see section 431.1-1c). At the end of the 90 day period, persons in this category are placed in category 4, 6, or 8 depending upon amount of Federal service.				
PART TIME EMPLOYEES *				
With 15 years or more of service	Undetermined	1 hr. for each 10 hrs. in pay status	Undetermined	1 hr. for each 20 hrs. in a pay status
With 3 years or more but less than 15 yrs.	Undetermined	1 hr. for each 10 hrs. in pay status	Undetermined	1 hr. for each 20 hrs. in a pay status
With less than 3 years of service	Undetermined	1 hr. for each 13 hrs. in pay status	Undetermined	1 hr. for each 20 hrs. in a pay status

* Part-time employees earn annual and sick leave only when a tour of duty has been prescribed in advance during each administrative workweek.

CHAPTER 3

ANNUAL LEAVE

3A. Purpose

This chapter provides the policies and procedures for the accrual, approval and charging of annual leave (AL) for U.S. citizen employees of A.I.D. Uniform Regulations 3 FAM 430, Annual Leave (App. 27-3), covers most annual leave situations of Agency employees. Where differences exist between 3 FAM 430 and Agency specific procedures and requirements, this chapter has precedence.

3B. Authorities and References

1. 5 USC 6301-6304
2. 5 CFR 630.301-309
3. FPM 630, Absence and Leave
4. FPM Supplement 990-2, Book 630
5. PL 83-181, Restoration of Forfeited Annual Leave
6. 3 FAM 430, Annual Leave

3C. Applicability

This chapter applies to all U.S. citizen direct-hire employees, including Participating Agency Service Agreement employees, and experts and consultants serving under appointments of 90 days or more. Excluded are:

1. Part-time employees who do not have established regular tours of duty during the administrative workweek;

2. Persons appointed by the President and paid in accordance with the Executive Pay Schedule, i.e., EX I thru EX V.

3. Mission Directors, Deputy Mission Directors, AID Representatives and AID Affairs Officers if exempt from the leave laws in 5 U.S.C. Chapter 63 under the policies outlined in Chapter 9 of this Handbook.

3D. Definitions

1. Administrative error. An error due to failure to follow Agency guidelines that results in loss of AL through no fault of the employee, or an error made on official leave records.

2. Approving officer. The person, usually a supervisor, responsible for administering leave for employees in a work unit.

3. Decision officer. The officer, designated by the Administrator, responsible for determining that an exigency of the public business

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exists, and that there is no alternative to cancellation of approved leave.

Decision officers are (a) Associate Administrators, (b) Assistant Administrators and heads of Directorates and independent Offices reporting directly to the Administrator or an Associate Administrator, and (c) heads of overseas posts (limited to determining that an exigency exists and concurring in cancellation of scheduled leave by approving officer).

If the decision officer's leave is affected or if the decision officer approved the leave in question, the decision authority passes to the next higher level.

4. Exigency of the public business. An operational demand beyond the Agency's control and of such importance as to preclude the use of scheduled AL. Examples: insurrection, violence, natural or man-made disasters, medical evacuation or emergency visitation, sudden call to jury or military duty. Normal workload, inadequate staffing, absence of other employees and poor leave planning do not constitute an exigency of the public business and are not justifications for canceling scheduled leave.

5. Extended exigency. An exigency of such significance as to threaten national security, safety or welfare; that lasts more than three calendar years; that affects a segment of the Agency or occupational class; or that precludes subsequent use of both restored and accrued leave within specified time limits.

6. Forfeited AL. Leave that exceeds an employee's ceiling at the end of the leave year.

7. Restored AL. Leave that had been forfeited but is restored and placed in a separate leave account.

8. Scheduled AL. Leave requested and approved in advance in writing on SF 71, Application for Leave.

9. Work unit. An office, staff or other unit below the bureau or independent office level.

3E. Policies

1. An employee has an absolute right to use annual leave, assuming he/she has followed prescribed procedures for requesting leave and subject to the right of the approving officer to fix the time at which leave may be taken, i.e., subject to the needs of the work unit.

2. An employee who is requesting leave of three or more days must submit his/her request on an SF 71.

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3. A request for leave will be considered based on the need for the employee's services; leave may not be denied or canceled for arbitrary or capricious reasons, such as for disciplinary or punitive actions.

4. An employee who will have leave subject to forfeiture at the end of the leave year should submit an SF 71 for all leave subject to forfeiture prior to the beginning of the third pay period before the end of the leave year. An employee who chooses not to submit an SF 71 or to use previously approved leave to avoid forfeiture is not entitled to have the forfeited leave restored; the leave is considered voluntarily lost.

5. Supervisors will give priority to leave requests by employees who have leave subject to forfeiture.

6. Leave forfeited because of exigency of public business or illness must have been requested and approved in writing to be considered for restoration.

7. Approved leave subject to forfeiture may not be canceled unless the decision officer has determined in advance of the cancellation that an exigency of the public business exists and there is no alternative to cancellation. The determination must be justified in writing at the time it is made.

8. Leave will not be restored for an employee who requests postponement of leave scheduled for use during the last three pay periods of the leave year; the leave is considered voluntarily lost.

9. Annual leave may not be retroactively substituted for sick leave (SL) to avoid forfeiture.

10. If an employee separates from federal service due to disability or death, he/she or his/her estate does not have to repay a leave debt.

3F. Responsibilities

1. Employee

a. Early in the leave year, reviews his/her leave record, taking into account leave to be accrued during the leave year. By March 31, provides his/her supervisor with a tentative leave schedule for all leave subject to forfeiture by the end of the leave year.

b. Submits, in advance of proposed leave, SF 71, Application for Leave, to his/her supervisor.

c. Is aware of whether he/she has sufficient accrued leave to use as requested.

d. In the event of an emergency which precludes requesting leave in advance, contacts his/her supervisor to obtain approval to use leave.

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e. Prior to the end of the pay period, notifies his/her supervisor of illness or injury during a period of approved AL, and requests AL be changed to SL.

f. If it appears likely that leave will be forfeited, that is, approved leave cannot be rescheduled during the last three pay periods of the leave year, requests, in writing, restoration of the leave subject to forfeiture prior to the beginning of the third pay period (six weeks) before the end of the leave year. Overseas employees submit requests to the post executive officer for forwarding to the appropriate EMS in AID/W; AID/W employees submit requests through the supervisor to their EMSs.

g. If leave has been forfeited due to exigency of the public business or administrative error, submits written request for restoration, to be received by the appropriate EMS no later than April 1, following the end of the leave year.

h. If leave has been forfeited due to illness or injury, submits written request to his/her supervisor for restoration as soon as possible. Provides medical certificate or signed personal statement, as appropriate, upon return to work.

i. When appropriate, submits a written request to his/her timekeeper for an audit of his/her leave records.

2. Approving Officer

a. Administers leave schedules throughout the leave year for subordinates, and encourages employees to plan and use leave.

b. Approves/disapproves employees' SF 71s within a reasonable time of submission. If disapproved, reschedules leave on an SF 71 at a mutually agreeable time.

c. Certifies to his/her EMS by April 1 that all employees in the organizational unit have scheduled leave subject to forfeiture for use throughout the leave year.

d. Cancels scheduled leave when the decision officer has issued a written determination that an exigency of the public business exists and there is no alternative to cancellation. Prepares a statement of facts concerning the exigency, including inclusive dates.

e. Reschedules prior to the beginning of the third pay period before the end of the leave year any approved leave which has been canceled.

f. Approves restoration of AL forfeited due to illness when the proper procedures have been followed by the employee.

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g. Maintains all original copies of documentation supporting leave requests and cancellations.

h. When an employee's request for restoration is approved, sends the request to FA/FM, specifying the number of hours to be restored.

3. Executive Officer

Forwards employees' requests for restoration to the appropriate EMS.

4. Executive Management or Administrative Staff (EMS)

a. Makes certain that all procedural requirements have been met by employees requesting restoration of forfeited leave.

b. Prepares approval/disapproval memorandum requesting restoration of forfeited leave for signature of decision officer.

c. Takes appropriate action on restoration requests no later than May 1 following the end of the leave year in which forfeited.

d. By June 15, provides the Administrator a written report specifying the final disposition of all requests for restoration of leave forfeited in the preceding leave year.

5. Decision Officer

Determines that an exigency of the public business exists and agrees with cancellation of scheduled leave.

6. Associate Administrators, Assistant Administrators and Heads of Directorates and Independent Offices

Approves/disapproves requests for restoration of leave forfeited due to exigency of the public business or administrative error.

7. Office of Financial Management

a. Conducts leave audits.

b. Notifies the employee of the number of hours to be restored and the time limitation for use, and sends a copy to the employee's timekeeper.

c. Establishes a separate leave account for an employee whose restoration request has been approved.

3G. Senior Executive and Senior Foreign Service Leave Accumulation

Limitations on accumulation of leave do not apply to AL accrued by Senior Executive Service (SES) and Senior Foreign Service (SFS) employees. During the year in which appointed, SES employees may carry over the total of their ceiling at the time of appointment, plus hours earned during the remainder of the leave year following appointment. SFS employees who were both eligible for and requested appointment to the SFS prior to June 15, 1981, began accruing unlimited leave from the date of their request; all other SFS employees begin accruing leave from the date of their SFS commissions.

3H. Mandatory Approval of Leave Requests

There are two instances in which approval of leave requests is mandatory, based on the assumption that the employee has followed leave procedures and has provided documentation acceptable to the Agency:

1. A disabled veteran, providing he/she submits medical certification that medical treatment is required;

2. A member of a reserve component of the Armed Forces or the National Guard, who is ordered to an initial period of active duty for training of not less than three consecutive months. The Agency has the option of granting AL or LWOP, or furloughing the employee.

3I. Buy Back

An employee may use SL and/or AL during a period of absence due to an on-the-job injury or illness. If a claim for compensation is approved by the Office of Workers' Compensation Programs, the employee may buy back all or part of the leave used and have it reinstated to his/her account.

3J. Advance Leave

1. An employee appointed for 90 days or longer may be advanced AL not in excess of the amount the employee would earn during the remainder of the leave year, or the amount which would accrue up to the expiration date of the appointment, whichever occurs first.

2. Requests for advance leave are initiated by the employee who submits a written request to the supervisor providing his/her social security number, the number of advance hours requested and the beginning and ending dates of the period covered.

3. An employee may not be advanced leave when it is known or reasonably expected that he/she will not return to duty.

4. An employee may with the consent of the Agency arrange to refund advance annual leave in cash if such an arrangement is mutually agreeable and administratively feasible. (Pay rate applicable to refund is that rate which was in effect at the time

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that the advanced leave was taken.) There is no authority under present regulations to require an employee to refund the amount paid to the employee for leave advanced prior to separation when the employee is retired for disability or is unable to return to work because of illness and, if the employee is subsequently reemployed, the leave "forgiven" is not chargeable against subsequently earned leave.

3K. Canceling Leave Subject to Forfeiture

1. When the approving officer cancels scheduled leave subject to forfeiture prior to the beginning of the third pay period before the end of the leave year, he/she must reschedule it, in writing, for a mutually agreeable time before the end of the leave year.

2. When rescheduled leave is canceled, the approving officer must prepare at the time of cancellation a signed and dated statement describing in detail the reason(s) and inclusive dates.

a. If the cancellation is due to an exigency of the public business, the statement must indicate that a determination was made by the decision officer in advance of the cancellation that an exigency existed and that there was no alternative to canceling the leave.

b. If the cancellation is due to illness or injury the approving officer's statement must indicate that the employee properly notified the office of the need for SL and submitted an SF 71 or a doctor's individual certificate. If medical attention was not necessary, the documentation must include a signed statement by the employee indicating the nature of the illness or injury.

3. Cancellation of rescheduled AL must be documented in the same manner as indicated in 2a and 2b above.

3L. Restoring Leave Subject to Forfeiture

Leave may be restored if the forfeiture was due to exigency of the public business, illness or injury, or administrative error. The employee's request for restoration must include documentation as follows:

1. Due to Exigency of the Public Business

a. The approved SF 71 originally requesting leave;

b. The approving officer's signed and dated statement describing in detail the reason(s) and inclusive dates of cancellation;

c. The decision officer's written determination made in advance of the cancellation that an exigency existed and there was no alternative to canceling the leave;

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d. If the leave was rescheduled and canceled again, the documents specified above.

2. Due to Illness or Injury

The approving officer must determine that a period of absence due to illness or injury occurred so late in the leave year, or was of such duration, that scheduled leave could not be rescheduled prior to the start of the third biweekly pay period before the end of the leave year. The leave that was canceled must have been approved on an SF 71 and dated prior to the start of the third biweekly pay period before the end of the year. As soon as possible after the forfeiture of leave becomes a matter of record, the employee must forward his/her restoration request. Required documents include:

a. The documentation specified in 3K2b above;

b. The original signed, dated and approved request for SL superseding the previously approved request for AL if it is known in advance that SL will be required;

c. Amended form AID 760-10, Time and Attendance Report, as necessary;

d. If leave was rescheduled and again canceled, the documents specified above.

3. Due to Administrative Error

a. Leave forfeited due to administrative error through no fault of the employee may be restored on a continuing basis. The error must have caused the loss of leave otherwise accruable after June 30, 1960, even though the error may have occurred before that date.

b. There are two kinds of administrative error:

(1) One that occurred because a nondiscretionary regulation was not carried out, e.g., the approving officer failed to schedule the leave the employee requested on an SF 71, or, if not possible to approve for the time requested, at some other mutually acceptable time;

(2) One that may be identified by leave audit or by the employee. If identified by the employee, the employee must request, through the timekeeper, a leave audit by FA/FM/ESD, providing the period of time involved, with exact dates, and the reasons for his/her request.

(a) If official records are available to substantiate the amount of forfeited leave to be restored, FA/FM/ESD will decide the claim, and inform the employee in writing of its decision.

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(b) If official records are not available, an estimate of the employee's leave account is acceptable. The employee's request must be accompanied by an official statement, including verification of the factors forming the basis for the estimate, from the timekeeper and/or supervisor who knows about the error.

3M. Decision Notification

The EMS will provide written notice to the employee, via the approving officer, of the approval/disapproval of his/her request for restoration of AL forfeited due to exigency of the public business or administrative error. If the request is approved, the approving officer sends a copy of the employee's signed request to the Office of Financial Management (FA/FM/ESD), indicating, subject to leave audit, the number of hours to be restored.

3N. Reporting Requirements

Annual report covering the disposition of all restoration requests must indicate whether the request was based on exigency, illness or injury, or administrative error, the name and grade of the employee involved, the number of hours in dispute, and whether or not the request was approved or disapproved. In the case of administrative error, the name of the person(s) responsible for the error should be included.

3O. Time Limit for Use of Restored Leave

1. Exigency, Illness/Injury, Administrative Error

Leave restored due to exigency of the public business, illness or injury, or administrative error must be scheduled and used not later than the end of the leave year ending two years after:

a. The date of restoration of the leave forfeited because of administrative error, or

b. The date fixed by the decision officer as the termination date of the exigency of the public business which resulted in the forfeiture, or

c. The date the employee is determined to be recovered and able to return to duty if the leave was forfeited due to illness or injury, or

d. The date FA/FM/ESD verifies that leave was forfeited because of an error in leave records.

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2. Extended Exigency of the Public Business

Leave restored due to extended exigency must be scheduled and used within a time period that equals twice the number of full calendar years, or parts thereof, that the exigency existed. This time period begins at the beginning of the leave year following the leave year in which the decision officer determined the exigency is ended.

3. Former Missing Employees

The U.S. Office of Personnel Management will determine time limits on a case-by-case basis.

3P. Payment for Unused Restored Leave

1. If restored leave is not used before separation which occurs before the specified time limit for use, the employee shall receive a lump-sum payment for the unused leave at the rates in effect at the time of separation.

2. If an employee has a balance in his/her restored leave account upon transfer to another federal agency, the leave will transfer to that agency. Employees transferring to international organizations will receive a lump-sum payment for unused restored leave.

3. Restored leave that is not used (within the specific time limit), transferred, or including in a lump-sum payment is forfeited and will not be restored again.

3Q. Appeal

Appeals should be made as provided for in Handbook 29, Employee Relations and Benefits, or, for Civil Service employees who are members of the bargaining unit, in accordance with procedures in the agreement between the Agency for International Development and the American Federation of Government Employees, Local 1534.

3R. Disciplinary Actions

In cases involving administrative error, appropriate disciplinary action may be taken in accordance with Handbook 30, Separations and Disciplinary Action, against the responsible person(s).

3S. Refunding Leave Erroneously Credited or Used

FA/FM/ESD will issue a notice of repayment to an employee who has erroneously been credited leave or who has used leave in excess of the amount to which he/she is entitled. Refund may be made by:

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1. Lump-sum payment in dollars equivalent to the dollar value of the leave at the time it was used (with interest charges at current Treasury rates applicable if installments are allowed);

2. One-time payment in an equivalent amount of accrued AL;

3. Having the debit carried forward as a charge against AL earned in the following year.

3T. Separation/Reemployment Provisions

1. Upon separation, an employee is entitled to payment for all leave credited, which includes the regular carry-over balance from the previous leave year, leave accrued and unused during the current leave year, and unused restored leave subject to time limits.

2. If an administrative error which resulted in leave forfeiture is discovered after an employee separates from federal service and the separation occurred on or after December 14, 1973, the former employee is entitled to a lump-sum payment for the forfeited leave.

a. The administrative error could have occurred at any time during the employment period, but the leave accumulation for error correction purposes is limited to that which otherwise would have been earned after June 30, 1960.

b. The former employee, or someone acting on his/her behalf, must file a claim for payment with the Controller, FA/FM, within three years immediately following the date of discovery of the error. If the error is discovered by the Agency, FA/FM/ESD shall initiate appropriate action.

3. In the event of reemployment, see Handbook 26, Position Classification, Pay and Allowances.

Attachments:

1. Att. 3A - Leave Planning Schedule
2. App. 3A - 3 FAM 430

Att. 3A

LEAVE PLANNING SCHEDULE

January	--	Approving officers remind employees to review their leave records and to start thinking about leave plans for throughout the year.
	--	Employees review leave records, including accrued leave and leave to be earned during the leave year.
March 31	--	Employees must provide their supervisors tentative leave plans for all leave subject to forfeiture by the end of the year.
April 1	--	All employee requests for restoration of forfeited leave must have been received by Executive Management or Administrative Staffs.
May 1	--	EMSs must have taken action on all restoration requests.
June 15	--	EMSs provide the Administrator a written report on final disposition of restoration requests.
September	--	Approving officers should remind employees to review leave records and request leave plans for remainder of the leave year.
November	--	Employees who intend to file restoration requests, must submit their requests prior to the beginning of the third pay period before the end of the leave year.
Throughout the leave year	--	Approving officers remind employees to plan and use leave.

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ANNUAL LEAVE

431 ACCRUAL

431.1 Full-Time Employees

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

431.1-1 Accrual Rate

a. A full-time employee accrues leave during each full biweekly pay period while in pay status or in a combination of pay and nonpay status. The accrual rate of annual leave for full-time employees with a 40-hour workweek is shown below.

Service Requirement	Accrual Rate		
	Earned Each Pay Period (Hours)	Earned Annual (Hours	Days)
Less than 3 years service	4	104	13
3 but less than 15 years service	6*	160	20
15 or more years service	8	208	26

(*) 4 additional hours for the last full pay period of calendar year.

b. If an appointment is for 90 days or longer, annual leave is credited at the beginning of the first full biweekly pay period in which it is earned. Employees may use leave as it is earned.

c. If an appointment is for less than 90 days, an employee is not entitled to annual leave until after being employed for a continuous period of 90 days under successive appointments without a break in service. If employees are initially appointed for less than 90 days and the appointment subsequently is converted to more than 90 days, they are entitled to leave credit from the beginning date of the appointment. They may begin using the leave immediately upon conversion.

d. No annual leave accrues for partial pay periods at time of entering on duty or at time of separation.

431.1-2 Reduction of Annual Leave Accrual for Nonpay Status

(TL:PER-181 9-27-91)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

Each time a full-time employee's absence in a nonpay status within a leave year totals the base pay hours in one pay period (80 hours), the annual leave credit is reduced by 4, 6, or 8 hours, according to the employee's leave earning category, subject to the following:

a. No annual leave accrues to an employee who is in a nonpay status for the entire leave year.

b. Periods in a nonpay status of less than the base hours in one pay period are cumulative only during a given leave year and are not carried forward at the beginning of the next leave year.

c. Any period covered by a refund for the value of advanced leave (see section 3 FAM 432.8) is not considered a period of nonpay status under this section.

d. The following are examples of such nonleave-earning periods for which no reductions are made:

(1) Periods of suspension (other than suspension in the interest of national security pursuant to the Act of August 26, 1950 [64 Stat 476 and 5 *USC* 7532], whether such periods of suspension cover full or only partial pay periods).

(2) Periods of leave without pay while receiving compensation under 5 *USC* 8101-8151, formerly the Federal Employees Compensation Act.

431.1-3 Pro Rata Accrual for Partial Pay Periods

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

Annual leave accrues on a pro rata basis for partial pay periods of duty occurring within the continuity of employment when an employee's service is interrupted by a nonleave-earning period under such circumstances as the following:

a. Transfer during a pay period from a position subject to the leave laws to a position exempt from such laws; e.g., chief of mission, class or career ambassador,

AID mission director or other employees compensated under section 3 FAM 401 of the Foreign Service Act of 1980;

b. Partial pay periods immediately preceding and following periods of suspension (other than suspension in the interest of national security pursuant to 5 *USC* 7532);

c. Partial pay periods immediately preceding and following nonpay status during which an employee receives compensation under 5 *USC* 8101–8151;

d. Partial pay periods immediately preceding and following military furlough or separation, provided that there is a restoration to duty;

e. Partial pay period transfer from an agency in which pay periods do not coincide with those of State, AID, USIA, Commerce, and USDA;

f. Change during pay period from part-time to full-time; or

g. Restoration after a period of suspension or removal for which back pay is appropriate under 5 *USC* 5595–5596.

431.1–4 Computing Pro Rata Accrual

The following table may be used as a guide in determining the amount of pro rata leave accrual for full-time employees:

Biweekly Pay Period WorkDays	Hour Accrual Rate Categories		
	4*	6	8
1	1	1	1
2	1	1	2
3	1	2	2
4	2	2	3
5	2	3	4
6	2	4	5
7	3	4	6
8	3	5	6
9	3	5	7
10	4	6	8

(*) Also use this column for prorating sick leave accruals

431.2 Part-Time Employees

(TL:PER-208 9-10-92)
(Uniform State/AID/USIA/Commerce/Agriculture)

431.2–1 Accrual Rate

a. The annual leave accrual rate for part-time employees with regular workweek established in advance in accordance with section 3 FAM 413.3–3 is as follows (conditions in section 3 FAM 431.2–1b *and c* also apply):

Service Requirement	Hours Earned
Less than 3 years service	1 hour for each 20 hours in pay status
3 but less than 15 years service	1 hour for each 13 hours in pay status
15 or more years service	1 hour for each 10 hours in pay status

b. Leave without pay is not a factor in computing accrual of annual leave for part-time employees. Hours in pay status less than the number necessary for a minimum leave credit of 1 hour (i.e., less than 20, 13, or 10 hours) may be carried over from one pay period to the next and from one leave year to the next for accrual purposes.

c. If a part-time employee changes to full-time status and the employee has insufficient service credit to earn the minimum of 1 hour, the fractional hours of service are lost.

431.2–2 Partial Pay Periods

No leave is earned for partial pay periods worked at time of entering on duty or at time of separation. However, a part-time employee is given pro rata leave credit for partial pay periods occurring within the continuity of employment when service is interrupted by a non-leave-earning period.

431.2–3 Hours in Excess of 40

Any hours in a pay status in excess of 40 during an administrative workweek are disregarded in computing annual leave earnings of part-time employees.

431.2–4 Maximum Accumulation

The maximum leave accumulation for part-time employees is the same as for full-time employees (See section 3 FAM 431.5).

431.3 Determining Accrual Rate

(TL:PER-208 9-10-92)
(Uniform State/AID/USIA/Commerce/Agriculture)

431.3–1 Form SF-144

a. Administrative or personnel officers shall ensure that all new employees appointed at the post complete form SF-144, Statement of Prior Federal Service, upon entry on duty.

b. The employee must complete items 1 through 5 of SF-144 and certify the form at the bottom of the first page. If no such service is claimed, the employee should write "none" in the appropriate spaces, and sign the form at the bottom of the first page. Notarization or other attestation is not necessary in such instances.

c. The post administrative or personnel officer will compute the employee's total creditable service for leave purposes in parts II and III of SF-144, indicate under the remarks section the correct accrual rate, record the total creditable service and accrual rate on the leave card, and forward the forms (of American employees only) to:

STATE: Employment Division (PER/REE/EMP).

AID: *Executive Management Division (FA/HRDM/EMD), Staffing and Career Development Division (FA/HRDM/SCD), or Office of Resources Management (IG/RM), AID/W.*

USIA: Operations Branch, Foreign Service Personnel Division, M/PFO

COMMERCE: Office of Foreign Service Personnel

USDA: FAS: Personnel Division; *APHIS: Human Resources Division/or Resource Management Support, International Services.*

431.3-2 Computing Creditable Service

a. In determining total years of Federal Service for leave purposes, all service creditable under the Civil Service Retirement Act for purpose of an annuity under that Act shall be included. Credit is allowed for service in the executive, legislative, and judicial branches of the Federal Government, including honorable active military service except as provided in section 3 FAM 431.3-2f below. Agencies cannot accept transfer of leave from the D.C. Government for individuals hired by the D.C. Government after December 31, 1979, or who were D.C. Government employees on December 31, 1979 unless they were separated from the D.C. Government before September 26, 1980. Determinations will be made by:

STATE: Employment Division (PER/REE/EMP).

AID: *FA/HRDM/EMD, FA/HRDM/SCD, or IG/RM, AID/W.*

USIA: *Operations Branch, Foreign Service Personnel Division, M/PFO or Labor and Employee Relations Division, Office of Personnel(B/PL)*

COMMERCE: Office of Foreign Service Personnel

USDA: FAS: Personnel Division; *APHIS: Human Resources Division/ or Resource Management Support, International Services*

b. Service is generally creditable for leave purposes when the employee meets all of the following conditions:

(1) Was engaged in the performance of Federal functions under the authority of an act of Congress or an Executive Order (E.O.);

(2) Was appointed or employed by a Federal official;

(3) Worked under the supervision and direction of a Federal officer.

c. Credit is granted for all leave with pay and for all leave without pay which does not exceed 6 months in any calendar year, except that if LWOP was the result of illness or injury incurred in the line of duty and employees' compensation is granted, then full service credit is given. For example, if an employee is on LWOP from January 1 through September 30, the period from January 1 through June 30 is creditable as 6 months of service, and no credit is given for the period July 1 through September 30 unless the exception noted above applies.

d. Service with public international organizations is creditable as follows:

(1) A Federal employee who transferred to a public international organization under E.O. 11552 of August 2, 1970 and was reemployed by the U.S. Government as provided in that Order.

(2) Service in a public international organization with reemployment rights under 5 *USC* 3582 is creditable for the period involved, but not to exceed the first 5 consecutive years or any extension thereof made by the Secretary of State in the national interest, from the date of such transfer. Such service is creditable as follows:

(a) If coverage under the retirement system is maintained during the period of transfer, full credit is given for such service.

(b) If coverage under the retirement system is not maintained, the employee is regarded as being on LWOP from the Federal position.

e. Service with an international organization is not creditable for leave accrual when such service does not include reemployment rights. During such period of service, an employee's annual leave balance is frozen and such leave can neither accrue nor be taken.

f. When a retired member of the uniformed services is employed, military service for determining creditable service for annual leave purposes is limited to service performed during a war or in a campaign or expedition for which a campaign badge is issued. If a retired member qualifies under any of the following exceptions, all military service is creditable:

(1) Was retired for disability resulting from injury or disease received in line of duty as a direct result of armed conflict, or

(2) Was retired for disability caused by an instrumentality of war and incurred in line of duty during a period of war, or

(3) Was employed in a civilian office to which the leave laws apply on November 30, 1964, and continuously thereafter without a break in service of more than 30 days.

431.4 Change in Accrual Rate

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

A change in the accrual rate is effective as of the beginning of the pay period following the pay period in which the employee completes the prescribed period of service. If the prescribed period of service (3 years or 15 years) is completed on Sunday, the first day of a pay period, the rate of accrual will be changed at the beginning of the following pay period.

431.5 Maximum 30-Day Accumulation

(TL:PER-208 9-10-92)
(Uniform State/AID/USIA/Commerce/Agriculture)

a. Except as provided below, annual leave which is not used during the leave year in which it accrues accumulates for use in succeeding years until it totals not to exceed 30 days (240 hours in case of a 40-hour workweek) at the beginning of the first complete biweekly pay period occurring in any calendar year. This limitation does not apply for an employee with more than 30 days annual leave credit on December 21, 1952, (beginning of the 1953 leave year), nor does it apply to employees eligible under section 3 FAM 431.6 to accumulate 45 days of leave.

b. For an employee with more than 30 days leave credit on December 21, 1952, the total leave credit on that date becomes the maximum accumulation ceiling for future years unless changed after September 18, 1960, by acquiring eligibility to accumulate 45 days of leave. This ceiling cannot be raised but will be lowered during any leave year when more leave is used than earned. For example, an employee with a 40-hour workweek who has a ceiling of 125 days (1,000 hours) and who earns 20 days (160 hours) of leave and uses 30 days (240 hours) will reduce the ceiling to 115 days (920 hours).

c. Restored annual leave is maintained in a separate leave account and does not affect the maximum 30-day accumulation.

d. Annual leave accrued by a member of the Senior Foreign Service *or the Senior Executive Service* is not subject to the 30-day limitation on the accumulation of leave.

431.6 Maximum 45-Day Accumulation

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

431.6-1 Authority

a. Effective September 18, 1960, 5 *USC* 6304 provides that certain Foreign Service employees stationed outside the United States may accumulate a maximum of 45 days of annual leave. This accumulation may be carried over from one leave year to another.

b. Restored annual leave does not affect the maximum 45-day accumulation.

c. Annual leave accrued by a member of the Senior Foreign Service is not subject to any limitation on leave accumulation.

431.6-2 Eligibility

Eligibility for annual leave accumulation up to 45 days is determined as follows:

a. The following excerpt from 5 *USC* 6304(b) describes those persons who may accumulate 45 days of annual leave while stationed outside the United States:

"(1) Individuals 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.

(2) Individuals employed locally but–

(A) (i) who were originally recruited from the United States or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment;

(ii) who have 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) whose conditions of employment provide for their return transportation to the United States or its territories or possessions including the Commonwealth of Puerto Rico; or

(B) (i) who 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) who, during temporary absence, have maintained residence in the United States or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment.

(3) Individuals who are not normally residents of the area concerned and who are discharged from service in the armed forces to accept employment with an agency of the Government of the United States."

b. The following categories of Foreign Service employees are eligible to accumulate 45 days of annual leave while stationed outside the United States (including employees temporarily in the United States who remain assigned to a post outside the United States).

(1) Foreign Service personnel (FSO and FP) except those exempt from the Leave Act.

(2) Other Foreign Service personnel (FS), with the exception of certain resident personnel who may not qualify under the eligibility criteria.

(3) Participating Agency employees of AID (FC).

c. The following categories of Foreign Service employees are not eligible to accumulate 45 days of annual leave while stationed outside the United States:

(1) Chiefs of mission.

(2) Career Ambassadors.

(3) AID Mission Directors and other AID employees compensated under section 3 FAM 401 of the FSA.

(4) Certain resident employees as defined in section 3 FAM 431.6–2d.

(5) Consular agents.

d. Certain resident employees may qualify under paragraph a of this section to accumulate 45 days of annual leave. (Conversion to resident status in itself does not affect an employee's eligibility to accumulate a maximum of 45 days of annual leave if eligible at the time of original appointment to the Foreign Service.)

Because of a wide variety of factors to be considered in determining eligibility, and since some significant factors may not be reflected in the official personnel folder, this determination will be made by the post. Doubtful cases may be referred to headquarters of State, AID, USIA, Commerce, or USDA, as appropriate, for guidance or decision (see section 3 FAM 421.4).

431.6–3 Computation of Maximum Annual Leave Accumulation

(TL:PER–208 9–10–92)
(Uniform State/AID/USIA/Commerce/Agriculture)

The computation of maximum annual leave accumulation of overseas employees is determined as shown below:

a. The effective date on which an employee (otherwise eligible thereunder) will become subject to *USC* 6304(b) is the:

(1) Date of the employee's entry on duty when the employee is employed locally; or

(2) Date of the employee's arrival at a post of assignment for duty; or

(3) Date on which the employee begins to perform duty in an area outside the United States and the area of recruitment or from which transferred, when the employee is required to perform duty en route to post of assignment for duty.

b. When an employee is transferred or assigned to a position in which the employee is no longer subject to 5 *USC* 6304(b), the maximum amount of annual leave that may be carried forward into the next leave year, on the date prescribed by paragraph c of this section, is determined as follows (see section 3 FAM 431.6–1 (c) for SFS *or SES* provisions):

(1) When the amount of the employee's accumulated and accrued annual leave is 30 days or less, the employee is subject to the accumulation limitation of 30 days prescribed by 5 *USC* 6304(a); or

(2) When the amount of the employee's accumulated and accrued annual leave is more than 30 days, but not more than 45 days, that amount may be carried forward into the next leave year as a maximum; or

(3) When the amount of the employee's accumulated and accrued annual leave is more than 45 days, the employee may carry forward the amount of unused leave at the end of the current leave year that does not exceed:

(a) 45 days, if the employee is not entitled to a greater accumulation under 5 *USC* 6304(c); or

(b) The amount the employee is entitled to accumulate under 5 *USC* 6304(c), if that amount is greater than 45 days.

c. The determination of the amount of annual leave which may be carried forward under the provisions of paragraph b of this section is made as of the end of the pay period which includes:

(1) The date on which the employee departs from post of regular assignment for transfer or reassignment, except that when the employee is requested to perform duty en route in an area in which the employee would be subject to 5 *USC* 6304(b) if assigned there, it is the date on which the employee ceases to perform the duty; or

(2) The day immediately preceding the effective date of change in the employee's duty station (date as shown in Block 13 of Notification of Personnel Action) when the employee is on detail or leave in the United States, or when on detail or on leave in an area (Commonwealth of Puerto Rico, or a possession of the United States) from which the employee was recruited or transferred.

d. The following examples show how the provisions of this section will apply in three factual situations (in these examples the employee with a 30-day ceiling is assumed to have 30 days accumulated to the employee's credit):

(1) An employee with a 30-day annual leave ceiling leaves in January for overseas post of assignment and is transferred back to the United States in December of the same leave year.

The employee's new leave ceiling would be 30 days plus leave accrued to the effective date of transfer back to the United States but not to exceed a total of 45 days.

(2) An employee with a 30-day annual leave ceiling leaves in December for overseas post of assignment with 12 days current accrued leave at the time of transfer.

The employee's new leave ceiling would be 30 days plus the 12 days plus any additional leave accrued during the balance of that leave year. This assumes that the employee used no annual leave for the remainder of the leave year in which transferred. If the employee used any annual leave, the new leave ceiling would be 30 days plus whatever had not been used.

(3) An employee leaves in December of one leave year and returns to the United States in October of the next year. On the date of transfer home, accrued leave totals 22 days and accumulated ceiling is 30 days.

This employee's leave ceiling is 45 days of accumulated leave with 7 days of accrued leave to the employee's credit to be used before the end of that leave year.

431.6-4 Accumulation of More Than 45 Days

Members of the Senior Foreign Service *or Senior Executive Service* are not subject to any limitation on leave accumulation. Employees who carried over more than 45 days of annual leave into the 1960 leave year (based on leave balance as of December 21, 1952), may carryover more than 45 days leave at the beginning of subsequent leave years under the following limitations:

a. Such employees may carry forward leave up to the amount of their balance at the beginning of the 1960 leave year to succeeding years so long as they use in each year only the amount of annual leave they earn in the leave year.

b. If such employees use more leave in any year than they earn in that year, their lower balance at the end of the leave year becomes their new maximum "carry-over" limit.

c. Such employees who do not use all of the leave they earn in a year forfeit such leave at the end of the leave year unless forfeited annual leave is restored in accordance with agency-specific procedures, since they will have exceeded their maximum "carry-over" limit. Any restored annual leave granted to an employee is maintained in a special leave account in accordance with Agency procedures and does not affect the maximum allowable accumulation.

d. If leave accumulation is reduced to a figure below 45 days, such employees may accumulate leave up to 45 days when they are stationed outside the United States.

432 GRANTING ANNUAL LEAVE

432.1 Purposes

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

Annual leave is provided and used for two general purposes:

a. To allow every employee an annual vacation period of extended leave for rest and recreation; and

b. To provide periods of time-off for personal and emergency purposes. These absences may involve such

matters as a death in the family, religious observances, attendance at conferences or conventions, securing a drivers permit, or other personal business which can be disposed of only during the time when the employee would be normally working.

432.2 Granting Authority

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

The authority to grant leave is as presented in Exhibit 3 FAM 432.2.

432.3 Policy

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

432.3-1 General

a. Assuming an employee has followed prescribed procedures for requesting and receiving approval of annual leave, the taking of annual leave is an employee right, subject to the right of a supervisor to fix the time at which leave may be taken.

b. Employees do not have the right to take annual leave without regard to the needs of the office, and, accordingly, should schedule and take annual leave at times and periods mutually satisfactory to themselves and to the supervisor. At the same time, a supervisor must not deny or cancel leave for arbitrary or capricious reasons.

c. Supervisors will ensure that each employee is permitted to take a regular vacation each year. Because of the material benefit to both the employee and the employee's agency, all employees should be granted, consistent with the work requirements of the office involved sufficient continuous leave for vacation purposes to provide an adequate period of rest and recuperation.

d. Both management and employees are responsible for the planning and effective scheduling of annual leave for use throughout the leave year to avoid forfeiture.

e. While employees have an obligation to request annual leave in a timely manner, failure on their part does not relieve management of its responsibility to ensure that an employee's leave is in fact scheduled for use. An employee who refuses to schedule leave for use during the leave year is not entitled to restoration of forfeited leave.

432.3-2 For Officers in Charge

An officer in charge of an overseas establishment of State, AID, USIA, Commerce, and USDA who accrues annual leave should schedule and take such leave at times and for periods when absence from the post will not adversely affect the interests of the United States.

432.3-3 For Religious Holidays

There is no official observance of religious holidays. Approving officers are encouraged to be liberal in granting annual leave to permit employees to participate in religious observances when conditions of work permit. Such absences will be charged to annual leave or to compensatory time or, if the employee has neither, to leave without pay.

To the extent that it does not interfere with the efficient accomplishment of the mission, an employee may, with the approval of the supervisor, elect to work compensatory overtime for the purpose of taking time off without charge to leave when personal religious beliefs require that an employee abstain from work during certain periods of the workday or workweek. The employee may work such compensatory overtime before or after the granting of compensatory time off. (See section 3 FAM 232.6-4).

The premium pay provisions for overtime work in 5 CFR 550, Subpart A, and Section 7 of the Fair Labor Standards Act of 1938, as amended, do not apply to compensatory work performed by an employee for this purpose.

432.4 Scheduling, Cancelling, Requesting, and Approval of Annual Leave

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

432.4-1 Planning Use of Annual Leave

Scheduling of an employee's annual leave early in the year helps the manager plan staffing over the year to meet work demands, and provides ample time and opportunity for rescheduling of leave when personal plans change or operational demands require a change.

432.4-2 Scheduling Annual Leave

a. 5 *USC* 6304(d) authorizes restoration of forfeited annual leave (Employees should review agency-specific procedures). 5 CFR 630.308 provides that to be considered for restoration, forfeited annual leave, must have been scheduled in advance, in writing, before the start of the third biweekly pay period prior to the end of the leave year.

b. An informal leave schedule or calendar is helpful in providing an overview of the staff's leave plans. However, it is not sufficient to meet the requirement that forfeited annual leave must have been scheduled in advance, if such leave is to be considered for restoration.

c. Leave that is requested but initially disapproved is not scheduled annual leave for restoration purposes.

432.4-3 Request and Approval

a. Requests for annual leave must be submitted to the approving official in advance using the SF-71, Application for Leave, or other authorized form with identical information. In the case of an emergency, the employee must notify the approving official of the leave as soon as possible.

The SF-71 also serves as a written record in support of a claim for restoration. If a supervisor cannot approve an employee's leave for the period requested, the supervisor and employee must workout a mutually acceptable time for scheduling the leave.

b. Except for officers-in-charge of overseas establishments (section 3 FAM 432.2), and principal officers within the limitations in Exhibit 3 FAM 432.2, employees may not approve their own leave. Annual leave for absence from country of assignment remains subject to permission from the appropriate agency authority.

432.4-4 Cancelling Scheduled Annual Leave

a. Scheduled annual leave is always subject to cancellation. For instance, an unanticipated exigency of the public business or operational demand may develop and cause the supervisor to cancel the leave. Conversely, an operational demand anticipated at the time leave is requested need not preclude the initial approval of the leave request, since operational demands may not always materialize as anticipated.

b. When an approving officer or other responsible official cancels an employee's scheduled annual leave, the officer must prepare a dated and signed statement at the time of cancellation,describing in detail the reasons and the inclusive dates. (For *AID* see HB 27, Ch.3.)

(1) If cancellation is due to an operational demand, the statement must indicate that a determination was made by the Decision Officer in advance of the cancellation, in writing, that:

(a) An exigency of the public business existed, and, if anticipated, its specific beginning date and ending date;

(b) There was no alternative to cancellation of the scheduled leave;

(2) If the cancellation is due to illness, the official's statement must indicate that the employee properly notified the office of the need for sick leave.

c. Cancelling scheduled annual leave because of normal workload, vacancies, poor leave planning, or to provide other employees the opportunity to use leave, is not considered an exigency of the public business and therefore does not constitute a basis for restoration.

d. The GAO has ruled that cancelling scheduled annual leave because of normal workload, vacancies, poor leave planning, or to provide other employees the opportunity to use leave, is not considered an exigency of the public business and therefore does not constitute a basis of restoration under that criterion. However, such leave may be considered for restoration under the provisions of administrative error (e.g., if a supervisor forces an employee to cancel leave to make up for the supervisor's failure to ensure that there is adequate coverage during holidays).

e. Restoration of forfeited annual leave is effected in accordance with agency-specific procedures of the five Foreign Affairs Agencies.

432.5 Rescheduling Annual Leave

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

If scheduled annual leave is cancelled, that cancelled leave must be rescheduled in writing by the approving official for use before the end of the leave year, if it is to be considered for restoration at the end of the leave year. If the leave is not rescheduled, reasons for not rescheduling must be documented in the same manner and detail as required for initially cancelling scheduled annual leave.

432.6 Restoration of Forfeited Annual Leave (State Only)

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

432.6-1 Authority

a. Legal

5 *USC* 6304(d) provided for the restoration of annual leave forfeited because of:

(1) Exigencies of the public business when the annual leave was scheduled in advance;

(2) Sickness of the employee when the annual leave was scheduled in advance; or

(3) Administrative error when the error caused a loss of annual leave otherwise accruable after June 20, 1960.

b. Regulatory

Implementing regulations which supplement the legal authority governing restoration of annual leave, are found in 5 CFR 630.305 through 630.308.

432.6-2 Designation of Decision Officers to Restore Annual Leave Forfeited Because of an Exigency of the Public Business

(TL:PER-208 9-10-92)
(Uniform State/AID/USIA/Commerce/Agriculture)

The following officials have been delegated authority to determine, for personnel under their respective jurisdiction, whether assigned in the United States or overseas, that an exigency of the public business was of such major importance that employees could not use scheduled annual leave to avoid forfeiture, and to approve the restoration of annual leave because of such exigency:

a. To all assistant secretaries, and officials occupying positions established by law at an equivalent rank, with further delegation in writing to their respective executive directors (to the Executive Director of the Executive Secretariat for those organizations provided executive direction by S/S-EX as authorized in section 1 FAM 122.3);

b. To officials occupying positions designated by the Secretary to rank with assistant secretaries (see section 3 FAM 554.3c), with further delegation in writing to their respective executive directors or equivalent (to the Executive Director of the Executive Secretariat for those organizations provided executive direction by S/S-EX as authorized in section 1 FAM 122.3); and

c. To the Executive Secretary of the Department with further delegation in writing to the Executive Director, S/S-EX, for employees not covered by the delegations in paragraphs (1) and (2) above.

A copy of the written delegations authorized above shall be furnished to the Director, Office of Employee Relations (PER/ER), and the Director, *Domestic Financial Operations(FMP/DFO)*. The above authorities may not be delegated further.

432.6-3 Routing of Request

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

An employee should forward a request for approval of restoration of annual leave, forfeited because of an operational demand, through the employee's executive or administrative officer, to the executive office of the appropriate supervisory bureau or office in the Department to whom authority has been delegated to approve restoration of forfeited annual leave.

432.6-4 Decision Memorandum

Decision officers must sign two copies of any memorandum of approval. The original goes to the employee. The other signed copy is sent to the appropriate payrolling office together with other documentation (see section 4 FAM 537).

(End State Only)

432.7 Advance Annual Leave

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

a. An employee appointed for 90 days or longer may be advanced annual leave not in excess of the amount the employee would earn during the remainder of the leave year, or the amount which would accrue up to the expiration date of the appointment, whichever occurs first.

b. Applications for advance annual leave are considered upon the merits of the individual case. Absence for a period in excess of the amount of annual leave earned, unless approved as prescribed, may be approved as leave without pay.

432.8 Overdrawn Annual Leave

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

Whenever at the end of the leave year, reductions in annual leave accruals due to periods in a nonpay status result in a final deficit in the annual leave account, the deficit amount will be carried forward for charge against leave earned in the following year, unless the employee chooses to liquidate the indebtedness by refund. However, if a deficit results from erroneous computations or an advance in excess of that which could be earned during the leave year, the indebtedness must be liquidated by refund of the amount paid for the period of such excess. If necessary, refund should be effected by payroll deductions.

432.9 Granting Annual Leave Before Separation

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

432.9-1 Policy

a. Generally, annual leave will not be granted immediately before separation, except when in the interest of the Service.

b. The fixing of a termination date to coincide with the expiration of annual leave for which lump-sum payment may be made shall be avoided, since such practice is contrary to pertinent rulings of the Comptroller General.

432.9-2 Leave Granted in the Interests of the Service

Where a future separation date has been set (such as separation by resignation, retirement, reduction-in-force, etc.) and a situation arises which in the interest of the Service makes it desirable administratively for an employee to be in annual leave status, the approving officer may grant accumulated leave for which payment otherwise would have been made. The granting of such leave is limited to cases where the exigencies of the Service require such action and is subject to prior approval. (See Exhibit 3 FAM 432.2 for approving authority).

432.9-3 Notice of Resignation or Voluntary Retirement While On Annual Leave

If an employee resigns or applies for retirement while on leave, leave with pay status terminates not later than the end of the pay period in which the notification is received in the appropriate headquarters Personnel Office. However, at his/her request, the employee may be continued on leave without pay for such period as may be deemed to be in the interest of the Government.

432.9-4 Annual Leave In Lieu of Nonpay Status During Suspension

Annual leave in lieu of nonpay status may not be granted in cases of suspension without pay, except when an employee is suspended summarily in the interest of national security under the provisions of 5 *USC* 7532. In the latter case, the employee may request, and with the approval of the headquarter offices of the appropriate agency, may be granted annual leave not to exceed the balance to the employee's credit as of the date of suspension in lieu of nonpay status. In the event the employee is restored with back pay, the annual leave charged for the period covered by back pay is restored.

433 CHARGING ANNUAL LEAVE

433.1 Minimum Charge

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

The minimum charge for annual leave is one-quarter hour (1 hour for USIA, AID, and Commerce) and additional charges are in multiples thereof.

Under ordinary circumstances, an approving officer may excuse tardiness and unavoidable or necessary absence from duty of less than 1 hour for adequate reasons without charge to leave as provided in section 3 FAM 465.3a. An employee charged leave for tardiness, or unauthorized absence from duty cannot be required to perform work for the period of time leave is charged.

433.2 Chargeable Days

(TL:PER-181 9-27-91)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

Leave is charged for all absences during the employee's basic workweek. Absences on officially established holidays, excused absences, or other nonworkdays are not chargeable to leave, except as provided in sections 3 FAM 465.3j, 3 FAM 455.2, and 3 FAM 698.4. There is no official observance of religious holidays. (See section 3 FAM 432.3-3).

433.3 Local Holidays

(TL:PER-217 3-19-93)
(Effective date: 9-10-92)
(Uniform State/AID/USIA/Commerce/Agriculture)

Overseas posts will issue an administrative order excusing employees from duty on certain local national holidays (see section 2 FAM 111.2 a and b; also section 3 FAM 465.3j). (For *AID* also see HB 27, Ch.5 and App 6A).

a. Annual or sick leave approved and scheduled for use after the issuance of such an order, which falls on such local holidays, will not be charged to the employee. However, an employee is not entitled to any local holidays after departure from post on home leave, transfer orders, *rest and recuperation travel.* *

b. In certain circumstances overseas, local celebration of holidays not included in the post administrative order excusing employees from duty, will preclude some employees from reporting for duty. In such cases, other employees, whose regular duties, such as working with local ministries and agencies, cannot be performed due to the local holiday, but who are otherwise present and available for duty may be excused if not needed and will not be charged leave.

433.4 Annual Leave in Lieu of Sick Leave

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

a. At the written request of the employee, absence because of sickness or injury may be charged against annual leave rather than sick leave. Such request must be made by the employee within 2 workdays after return to duty from such illness and may not thereafter be changed. Otherwise, annual leave may not be substituted retroactively for periods previously recorded as sick leave.

b. The use of annual leave to liquidate an advance of sick leave is permissible at any time, provided the time remaining in the leave year would permit the use of such annual leave and the administrative approval for the use of such leave otherwise would have been granted.

433.5 Annual Leave in Lieu of Home Leave

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

At the written request of the employee, annual leave to the extent of the current year's accrual may be used for leave spent in the United States at Government expense. The request for such substitution will be made at the beginning of a period of home leave or within 5 days after return to duty at the post or to a position in the United States, and no change will be permitted thereafter. Under no circumstances may annual leave be substituted at the end of the leave year for periods previously charged to home leave in order to avoid forfeiture of annual leave.

433.6 Excess Transit Time

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

Travel time in excess of allowed transit time shall be charged to annual leave or leave without pay. (See section 3 FAM 464).

433.7 Involuntary Charges

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

a. An employee may be placed in an annual leave status without the employee's consent when the employee is not willing and available to perform assigned duties and it is considered advisable by the head of the overseas establishment of State, AID, USIA, Commerce, or USDA.

b. It is within administrative discretion to close an office when normal operations are interrupted by events beyond the control of management or employees; for managerial reasons, when the closing of an establishment or portions thereof is required for short periods of time; or when employees are released from work to participate in civil activities which the Government is interested in encouraging. When an office is closed, compensation may not be withheld from per annum employees, or regular employees compensated at a per diem, per hours, or piecework rate. Regular employees in these categories are those who have a regular tour of duty, and whose appointments are not less than 90 days, or who have been currently employed for a continuous period of 90 days under one or more appointments without a break in service. During periods when offices are closed, employees who have annual leave or compensatory time to their credit may be required by administrative action to take such leave.

434 DISPOSITION OF LEAVE BALANCES ON SEPARATION

(TL:PER-130 6-29-89)
(Effective Date 6-5-89)
(Revalidated 9-10-92; DGP/PC)
(Uniform State/AID/USIA/Commerce/Agriculture)

For the disposition of annual leave balances upon separation or transfer, and for the recredit of annual leave upon reemployment or restoration, see section 3 FAM 490.

435 through 439 (Unassigned)

GRANTING AUTHORITY

Uniform State/AID/USIA/Commerce/Agriculture

PERSONNEL CATEGORY	TYPE OF ANNUAL LEAVE	APPROVING OFFICER
Charge d'Affaires and Principal Officers at Independent posts	Leave taken within country of assignment	See section 432.3-2 For AID, see also HB32, Supp. 1C, Arrival and Departure Notices
	Leave taken outside country of assignment	Assistant Secretary or designee in the appropriate bureau
Principal Officers at subordinate posts	Leave taken abroad or in the United States, Puerto Rico, or the possessions of the United States, in excess of 5 consecutive workdays	Chiefs of mission, in their discretion, may authorize such officers to take up to 5 consecutive workdays of leave without obtaining advance approval of the mission
Heads of USIA's overseas establishments and branch PAO's	Leave taken abroad	Chief of Mission and Area Director
	Leave to visit the United States at personal or government expense	
Heads of VOA overseas establishments		Deputy for Operations (VOA/EO) or Director for News and English Broadcasts (VOA/BX)
Mission Director, AID Representative, or AID Affairs Officer	Leave taken outside the country of assignment or in the United States	Assistant Administrator for Geographic Bureau, or designee
	Other leave	At their discretion
Other employees at posts abroad except exempted employees; (see 3 FAM 480)	Leave for use in country, abroad or in the United States, Puerto Rico, or possesions of the United States	**State:** Authorizing Officer at post of assignment **USIA:** Head of overseas establishment or designee **AID:** Mission Director, or equivalent, with notification to the employing office for leave in the United States

Granting Authority continued -

PERSONNEL CATEGORY	TYPE OF ANNUAL LEAVE	APPROVING OFFICER
		Commerce: Approving Officer at post. (For senior commercial officer: Leave outside country of assignment must be reported to Office of Foreign Operations.) **Agriculture:** **FAS:** Chiefs of Mission may authorize up to 5 days annual leave in-country. Leave outside country of assignment or exceeding 5 consecutive days in - in country should be approved by the Area officers **APHIS:** Supervisor
Other Employees	Leave while on consultation or detail in the United States, Puerto Rico, or the possessions of the United States Leave in the United States and extensions of such leave while in the United States	**State:** Authorizing official at post of assignment **USIA:** Office of Personnel (M/P) with concurrence of Area Director or Head of Service. For VOA: Office of Personnel VOA/PL, with concurrence of Deputy for Operations (VOA/EO) or Director for News and English Broadcasts (VOA/BX). **AID:** The Geographic Bureau notifies post of assignment **Commerce:** Senior Commercial Officer **Agriculture:** **FAS:** Supervisor in FAS/W **APHIS:** Supervisor
Foreign Service employees assigned in the United States		Employee's supervisor
All employees	Annual leave en route to post	Appropriate headquarters personnel officer

Granting Authority continued -

PERSONNEL CATEGORY	TYPE OF ANNUAL LEAVE	APPROVING OFFICER
All employees	Leave before separation in the interest of the Service	**State:** Bureau of Personnel **USIA:** Office of Personnel (M/P or VOA/PL) **AID:** M/PM/EPM, IG/EMS, or M/PM/FSP, as appropriate **Commerce:** Office of Foreign Service Personnel **Agriculture:** **FAS:** Director, Personnel Division **APHIS:** Supervisor

CHAPTER 4

SICK LEAVE

4A. Purpose

This chapter provides the policies and procedures for the accrual, approval and charging of sick leave (SL). Uniform Regulations 3 FAM 440, Sick Leave (App. 4A), covers most SL situations for Agency employees. Where differences exist between 3 FAM 440 and Agency specific procedures and requirements, this chapter has precedence.

4B. Applicability

This chapter applies to all U.S. citizen direct-hire employees, including Participating Agency Service Agreement employees, and experts and consultants serving under appointments of 90 days or more. Excluded are:

1. Part-time employees who do not have established regular tours of duty during the administrative workweek.

2. A person appointed by the President and paid in accordance with the Executive Pay Schedule, i.e., EX I thru EX V.

3. Mission Directors, Deputy Mission Directors, AID Representatives and AID Affairs Officers if exempt from the leave laws in 5 U.S.C. Chapter 63 under the policies outlined in Chapter 9 of this Handbook.

4C. General

1. Advanced sick leave may be liquidated by a charge against annual leave (AL) so long as the action is not for the purpose of avoiding forfeiture of AL; otherwise, retroactive substitution of AL for SL is not permitted.

2. Sick leave may be used only when it involves the well-being of the employee except to care for and attend to an immediate family member ill at home with a contagious disease or when exposure to a contagious disease would jeopardize the health of others.

3. An approving officer may request an employee suspected of improperly using SL to provide a medical certificate when an employee requests or uses SL.

440
SICK LEAVE

441 DEFINITIONS

(TL:PER-132 7-3-89)
(Effective Date: 6-22-89)
(Uniform State/AID/USIA/Commerce/Agriculture)

As used in this section, the following definitions apply:

a. "Contagious disease" is a disease which is ruled as subject to quarantine, and requires isolation or restriction of movement by the patient for a specified period, as prescribed by the health authorities having jurisdiction.

b. "Medical Certificate" is a written statement signed by a licensed practicing physician or other practitioner, certifying the incapacitation, examination or treatment, and the period of disability for the patient while receiving professional treatment.

442 ACCRUAL

(Also see 3 FAM 421.6.)

442.1 Full-Time Employees

442.1-1 Accrual Rate

A full-time employee with a 40-hour workweek accrues 4 hours of sick leave for each full biweekly pay period, regardless of years of federal service.

a. Leave is credited at the beginning of the pay period in which it is earned.

b. No sick leave accrues for partial pay periods at time of entering on duty or at time of separation.

c. Full-time employees accrue sick leave during each full biweekly pay period while in a pay status or in a combination of pay and nonpay status. However, no leave is accrued if an employee is in a nonpay status for a complete biweekly pay period.

442.1-2 Reduction of Accrual for Nonpay Status

Sick leave credit is reduced by 4 hours for each aggregate of 80 hours in a nonpay status accrued within the leave year.

a. Periods in a nonpay status of less than 80 hours are cumulative only during a given leave year and are not carried forward at the beginning of the next leave year.

b. No sick leave accrues to the credit of an employee who is in a nonpay status for the entire leave year.

c. Any period covered by a refund for the value of unearned advance leave shall not be considered a period of nonpay status under this section. Nonpay status occurring during a non-leave-earning period is not included in computing nonpay status for reduction purposes.

d. No reduction is made for periods in a nonpay status during a non-leave-earning period, such as:

(1) Partial pay periods of duty at time of entering on duty or at time of separation;

(2) Periods of suspension (other than suspension in the interests of national security pursuant to 5 U.S.C. 7532), whether such periods of suspension cover full or only partial pay periods;

(3) Periods of LWOP while receiving compensation under 5 U.S.C. Chapter 81, Compensation for Work Injuries.

442.1-3 Pro Rata Accrual for Partial Pay Periods

Sick leave accrues on a pro rata basis for partial pay periods of duty occurring within the continuity of employment when an employee's service is interrupted by a non-leave-earning period. (See sections 431.1-2, 431.1-3 and 431.1-4 for examples of periods for which pro rata leave accrual is given and a table for determining the amount of leave to be credited on a pro rata basis.)

442.2 Part-Time Employees

442.2-1 Accrual Rate

A part-time employee with a regular tour of duty established in advance in accordance with section 413.3-3 on one or more days each workweek accrues 1hour of sick leave for each 20 hours in a pay status.

a. Any hours in a pay status in excess of 40 during any administrative workweek are disregarded.

b. In computing leave accrual, LWOP is disregarded.

c. Hours in a pay status of less than 20 (the number necessary for a minimum leave credit of 1 hour) may be carried over from one pay period to the next

and from one leave year to the next for accrual purposes.

442.2-2 Pro Rata Accrual for Partial Pay Periods

No sick leave is earned by part-time employees for partial pay periods of duty at the time of entering on duty or at time of separation. However, apart-time employee is given pro rata credit for leave for partial pay periods of duty occurring within the continuity of employment when service is interrupted by a non-leave-earning period.

442.3 Accumulation

Any sick leave not used by an employee during the year in which it accrues will accumulate, without limitation, and be available for use in succeeding years.

443 GRANTING SICK LEAVE

443.1 Policy on Granting

An employee may be granted current accrued and accumulated sick leave and, when necessary, current accrued and accumulated annual leave:

a. When incapacitated for the performance of duty by sickness, injury, or pregnancy and confinement;

b. For medical, dental or optical examination or treatment, including medical examination of reservists for recall to active duty, military training duty or determination of eligibility for retention in the reserve component, except that when a reservist is ordered to active duty for the examination, the absence will be charged to military leave, if available, or to annual leave.

c. When absent to care for and attend to an immediate family member ill at home with a contagious disease (see section 443.4d).

d. When, through exposure to contagious disease, the presence of the employee would jeopardize the health of others (see section 443.4d).

443.2 Granting Authority

(See Exhibit 443.2).

443.3 Reporting Absence on Account of Illness

Absence because of sickness or injury must be reported immediately to the officer authorized to grant sick leave. Failure to give such notice may result in a charge to annual leave, leave without pay, or absence without official leave, as appropriate.

443.4 Application for Leave on Account of Illness

The employee's own certification as to reasons for absence on account of illness normally will be acceptable for absence of 3 workdays or less. Submission of a medical certificate or other administratively acceptable evidence for absence of 3 workdays or less may be required, if the head of the office to which the employee is assigned has reason to believe that the employee is improperly using sick leave.

a. Except in cases of medical evacuation, the employee must submit a written application for grant of sick leave in excess of 3 workdays leave not later than 2 workdays after returning to duty. In general, such application must be supported by a medical certificate; however, if the services of a physician are not utilized, the employee may submit a signed statement indicating the nature of the illness and the reason for not furnishing a medical certificate subject to approval by the approving officer.

b. When circumstances permit, requests for sick leave must be submitted to the officer authorized to grant leave in advance of absence.

c. Permission from the supervisor must be obtained before an employee takes sick leave for medical, dental or optical examination or treatment.

d. All requests for sick leave granted in accordance with sections 443.1c and 443.1d must be supported by a certificate from a health authority which reflects the actual period of quarantine, isolation or restriction of movement.

443.5 Advance Sick Leave

443.5-1 Granting Authority

(See Exhibit 443.2).

443.5-2 Criteria for Granting Advance Sick Leave

Advance sick leave is granted in cases of serious disabilities or ailments and when required by the exigencies of the situation. For the purpose of this section, a serious disability or ailment may be of medical or surgical origin; and normally is one, as a result of which, the employee is completely incapacitated from official duties for 5 consecutive workdays or more. However, during periods of recuperation from serious illness in which employees cannot work full-time, but are able to work less than

full-time, sick leave may be advanced for absences of less than 5 full consecutive workdays.

a. Requests for advance sick leave must be submitted in writing and must be supported by a medical certificate or other satisfactory evidence in support of the request.

b. Sick leave may be advanced only after all current accrued and accumulated sick leave is exhausted; however, in instances of prolonged illness or injuries, sick leave may be advanced even though the employee has annual leave to the employees credit.

c. Except as provided in section 443.5-3, sick leave is advanced with the understanding that future absence due to illness must be charged to annual leave or LWOP until the total sick leave advance has been liquidated.

d. Sick leave may not be advanced to an employee when it is known that the employee does not intend to return to duty.

443.5-3 Restriction on Advance of Sick Leave to Certain Employees

Sick leave may be advanced as follows:

a. Sick leave not to exceed 30 workdays may be advanced to employees who accrue leave, including employees serving a probationary period, of State, USDA, Commerce, and USIA, and to AID employees holding appointments with no expiration date. In the event of another serious illness before liquidation of the original advance, an additional advance may be authorized not to exceed a total deficit of 30 workdays, subject to the same restrictions that applied to the original advance. The approving officer will consider the circumstances of each individual case, including the employee's past record of use of sick leave, the recommendation of the employee's attending physician, and other pertinent factors.

b. Sick leave may be advanced, in accordance with the provisions of section 443.5-2, to an employee holding a temporary or limited-indefinite appointment or to an AID employee serving in a time-limited appointment, except that such advance is not to be in excess of the total sick leave which would accrue during the remaining period of such appointment. For purposes of this section, appointments made subject to security clearance are considered as 90-day appointments until such clearance is made.

444 SICK LEAVE BEFORE SEPARATION

An employee who is ill or disabled may be granted all current accrued and accumulated sick leave due, leave accruing on leave in accordance with the provisions of these regulations, and at the discretion of the appropriate leave-granting official, LWOP. If an ill or disabled employee resigns while on leave, the employee's leave-with-pay status shall terminate not later than the end of the payroll period current when the notification is received in the appropriate headquarters personnel office, except as follows:

If the employee has been granted sick leave which would extend beyond the end of the payroll period, the employee may be continued on sick leave until the expiration of the approved leave, provided that no advance sick leave may be utilized (see section 443.4).

445 CHARGING SICK LEAVE

445.1 Minimum Charge

Sick leave is charged in the same manner as annual leave (see 3 FAM 433).

445.2 Sickness During Annual Leave, Home Leave, or Transit Time

When sickness or injury occurs within a period of annual leave or home leave, or when it necessitates an extension of transit time, the period of illness may be charged as sick leave, provided that the period of disability covers at least 1 workday. This substitution is not intended to cover routine visits to dentists or physicians. Applications for such substitution must be supported either by a medical certificate or, if the illness did not necessitate medical attention, by a signed statement from the employee indicating the nature of illness.

445.3 Annual Leave in Lieu of Sick Leave

(See 3 FAM 433.4).

446 ABUSE OF SICK LEAVE

446.1 General

The approving officer will review the circumstances surrounding seemingly excessive or indiscriminate use of sick leave to determine whether there is improper use of sick leave. The requirements for the proper use of sick leave should be reemphasized, and the employee may be required to furnish medical evidence of future illness even though the period of absence is 3 days or less. In the event the frequent use of sick leave is believed to be proper, the employee should be requested to seek medical advice. In cases of continued excessive or indiscriminate use of sick leave, disciplinary action may be taken.

446.2 Sick Leave and Outside Employment

Employees engaging in outside employment (whether for the employee or others) within a period of requested sick leave must notify their leave-approving officer. All or part of the requested sick leave, as appropriate, must be denied if, in the opinion of the leave-approving officer, the performance of such outside employment indicates the employee could reasonably have worked in the employee's regular Government position. Such absence will be charged to annual leave, LWOP, or absence without official leave.

447 TRANSFER AND RECREDIT OF SICK LEAVE BALANCE

For the disposition of sick leave balances upon separation or transfer, and for the recredit of leave balance upon reemployment or restoration, see section 490.

448 and 449 (Unassigned)

GRANTING AUTHORITY

(Uniform State/AID/USIA/Commerce/Agriculture)

PERSONNEL CATEGORY	SICK LEAVE CATEGORY	APPROVING OFFICIAL
Principal Officers (State), Mission Director or AID Representative.	Current and accumulated leave.	At their discretion.
Principal Officers (Commerce)	Current and accumulated leave.	As necessary. Report leave in excess of one workweek to hqrs., Office of FS Personnel.
Heads of USIA overseas establishments.	Current and accumulated sick leave not in excess of 30 days.	May be taken when necessary, subject to approval on audit by USIA at the end of the year.
	More than 30 days.	The FS Personnel Division (M/PF or VOA/PF).
Heads of USDA overseas establishments.	Up to three days.	Use own discretion.
	More than three days.	Headquarters.
Other employees at posts abroad.	Current and accumulated sick leave.	**State:** Approving officer. Leave in excess of 3 days to be supported by a medical certificate. **USIA:** Head of overseas establishment or designee. Report to FS Personnel Div. (M/PF or VOA/PF), sick leave taken in excess of 30 days. **AID:** Immediate supervisor. **USDA:** Head of overseas organization. **Commerce:** Principal Commerce officer.
All employees in the U. S.	Current and accumulated sick leave.	Designated approving official.
All employees	Advanced sick leave. (See section 443.5-2.)	**State:** Approving officer at mission grants principal officer at subordinate posts. Approving official for other employees. **USIA:** The FS Personnel Division (M/PF or VOA/PF). Requests must be accompanied by medical certificate. **AID:** Official authorized to grant current & accumulated sick leave. **USDA:** **FAS:** See FARS 6325. **APHIS:** See Directive 402.6. **Commerce:** Office of FS Personnel. Include medical certificate.

CHAPTER 5

HOME LEAVE

5A. Purpose

This chapter provides the policies and procedures that govern the accrual, granting and charging of home leave (HL). While HL, for AID Foreign Service (FS) employees is governed largely by Uniform Regulations 3 FAM 450, Home Leave (App. 5A), procedures and requirements not included in the appendix are covered in the following paragraphs. Where differences exist between 3 FAM 450 and Agency specific procedures and requirements, this chapter has precedence.

5B. References

HB 25, Ch. 34, Resident-Hire Appointments and Employment

5C. Effect of Resident-Hire or Part-time Employment

1. A full-time employee who is eligible to earn HL and who accepts part-time overseas employment accrues and uses HL on a pro rated basis.

2. A resident-hire employee is not eligible to accrue or use HL, unless he/she established eligibility to earn HL under a regular FS appointment. If eligibility has been established, the employee continues to accrue HL and may be authorized HL on a one-time basis upon completion of the initially prescribed tour of duty as a regular employee if the post has approved return to post in a full-time resident-hire position.

5D. Travel of Dependents

1. Dependents derive HL benefits from the employee. The minimum time requirements apply (see 5E2 below).

2. Except as provided in HB 22, App. 9A, sec. 126.1, Advance Return of Family Financed by Government, dependents may not travel at government expense prior to the employee's eligibility for HL travel and issuance of HL orders. Normally, the family members travel with the employee, but dependents may travel before or after the employee provided the employee meets the minimum period of service to qualify for HL. Travel will be authorized from the post or any place abroad where presence is due to government orders to the HL residence specified on the employee's Residence and Dependency Statement (form OF 126, 11-88) and return to the employee's official duty station.

5E. Home Leave Followed by an Assignment Abroad

1. Approved leave must be documented by the required departure notice cable.

2. A minimum of not less than 20 workdays of HL will be taken by both the employee and family members. Exceptions for less than the minimum based on needs of the Service or compelling personal needs, e.g., beginning of school year, may be made for the employee and/or family members. The request for an exception must be approved by the Director, Office of Human Resources Development and Management (FA/HRDM/OD) or the Inspector General (IG) prior to the employee's departure from post.

3. Extensions beyond the 45-workday maximum for the employee must be approved in advance by the Director, FA/HRDM/OD, or the IG, as appropriate.

4. If less than the 45-workday maximum is requested, any extension beyond that stated in the departure notice cable must be approved in advance by the overseas post, the Executive Personnel Management Staff (FA/HRDM/EM), the Staffing and Career Development Division (FA/HRDM/SCD) or the Office of the Inspector General (IG/RM), as appropriate. The extension must be documented by one of the following: (a) cable authorization; (b) form AID 760-23, amended Travel Schedule and Projected Leave Charges; (c) SF 71, Application for Leave, or (d) a letter or memorandum from the authorizing officer.

5. If prior approval is not obtained and the reasons for extension are unacceptable to the overseas post, FA/HRDM/EM, FA/HRDM/SCD or IG/RM, as appropriate, leave taken in excess of that authorized in the departure notice cable will be charged to annual leave or leave without pay, as appropriate.

5F. Refund of Home Leave

1. An employee will be required to repay the cost(s) of home leave for him/herself and dependents if he/she

a. Fails to return to service abroad after a period of HL and to serve six months of the overseas tour, or

b. Fails to complete after a period of HL at least six months of an assignment in the U.S. or a U.S. Commonwealth or possession if that is the employee's HL address.

2. Repayment may be waived by FA/HRDM/OD or the IG for compelling personal reasons or circumstances over which the employee had no control (see 3 FAM 456).

5G. Local Holidays

See HB 27, App. 3A - sec. 433.3 and Ch. 6, sec. 6J.

Attachment:
App. 5A - 3 FAM 450

450
HOME LEAVE

451 GENERAL

(TL:PER-131 6-30-89)
(Effective Date 6-5-89)
(Uniform State/AID/USIA/Commerce/Agriculture)

451.1 Purpose

The purpose of home leave is to ensure that employees sent overseas for extended periods to represent the United states undergo reorientation and re-exposure in the United States on a regular basis.

451.2 Authority

a. 5 USC 6305 provides that officers and employees may be granted a leave of absence, without regard for any other leave provided by the leave law, at a rate not to exceed 1 week (5 work days) for each 4 months of continuous service outside the United States. Such a leave of absence is for use in the United States, or if the employee's place of residence is outside the United States, in a U.S. Commonwealth, territory or possession.

b. Section 903 of the Foreign Service Act of 1980 (the Act) provides that the head of a foreign affairs agency may order a member of the Service who is a citizen of the United States to take leave of absence upon completion of 18 months of continuous service abroad; and shall so order as soon as possible after completion of 3 years of continuous service abroad.

c. Section 2312(c) of the Act amends 5 USC 6305 to authorize the granting of a leave of absence for a shorter period of continuous service abroad if the employee's assignment is terminated for the convenience of the Government.

451.3 Applicability

An employee who meets the requirements of 3 FAM 431.6-2 for the accumulation of a maximum of 45 days of annual leave, earns and may be granted home leave. Participating agency employees of AID compensated under the FC schedule earn home leave on the same basis as other AID employees.

451.4 Definitions

a. Creditable Service Abroad for the purpose of home leave means service as an employee of any agency of the Federal Government at a post of duty outside the United States and outside the employee's place of residence if the residence is in a U.S. Commonwealth or possession.

b. Home Leave means leave authorized by 5 USC 6305 and earned by service abroad for use in the United States or a U.S. Commonwealth or possession.

c. Month means a period which runs from a given day in 1 month through the day preceding the numerically corresponding day in the next month.

d. Possession means the possessions of the United States, including principally the Virgin Islands, Guam and American Samoa.

e. United States means the 50 states and the District of Columbia.

f. U. S. Commonwealths means the Commonwealths of Puerto Rico and the Northern Mariana Islands.

g. Foreign Affairs Agencies means State, AID, USIA, the Department of Commerce and the U. S. Department of Agriculture.

452 CONTINUOUS SERVICE ABROAD

452.1 General

Continuous service abroad for the purpose of establishing eligibility for travel at Government expense is continuous service as a Federal civilian employee with any agency of the Federal Government, including service in the U. S. Armed Forces at a post of duty outside the United States, or outside the employee's place of residence, if the employee's residence is a U.S. Commonwealth or possession.

452.2 Computation of Continuous Service Abroad

452.2-1 Computation of Beginning Date

Continuous service abroad begins on the:

a. Date of arrival at post of duty abroad on first assignment, or

b. Date of arrival at post of duty abroad after an assignment in the United States, or

c. Date of arrival at post of duty abroad after an assignment in a U.S. Commonwealth or possession, if that is the employee's home leave residence, or

d. Date of arrival at post of duty abroad upon return from annual leave in the U.S or home leave with transit time allowed, or

e. Date of arrival at authorized post for consultation, detail or temporary duty abroad en route to post of assignment, or

f. Date of entrance on duty, for an employee recruited abroad, except that if such employee transferred from another Government agency or was appointed following military service, paragraphs a through e shall be used to determine the beginning date. In such cases, the appropriate officer shall ascertain from the releasing agency the following information:

(1) The actual date of arrival abroad on assignment;

(2) The date of return to post from last period of annual or home leave with transit time allowed; and

(3) The inclusive dates of any leave in the United States (or in a U.S. Commonwealth or a possession, if that is the employee's home leave residence) subsequent to the last period of annual or home leave with transit time.

The date continuous service abroad begins shall then be posted on the reverse side of OF-202, Leave Record, for State, Commerce, USDA and USIA. For AID, the data is recorded in the automated personnel system (RAMPS).

452.2-2 Continuous Service Is Delayed

Fulfillment of the 18 month continuous service requirement is delayed by:

a. Any time spent in the U.S. or a U.S. Commonwealth or possession in annual leave status, e.g., Rest and Recuperation, Family or Emergency Visitation Travel, compensatory time and annual leave taken in conjunction with official duty time authorized by U. S. Government Temporary Duty orders, or in conjunction with sick leave while on official medical travel orders.

The foregoing time affecting the delay is computed from the first workday in a leave status through the last workday in a leave status, and includes all nonworkdays occurring within this period. The actual period of travel to and from the U.S. or a U.S. Commonwealth or possession is not included in the computation.

b. Time spent in leave without pay status while assigned to a post abroad.

c. Any time spent in the U.S., U.S. Commonwealths, or a U.S. possession while on personal travel in an annual leave, sick leave, or leave without pay status.

452.2-3 Continuous Service Is Not Delayed

Fulfillment of the 18 month continuous service requirement is not delayed by time spent in the U.S. or a U.S. Commonwealth or possession by such matters as being:

a. On official TDY, consultation, or detail at any time while the employee remains assigned to an overseas post;

b. On official emergency evacuation orders for up to 180 days;

c. On sick leave on official medical travel orders.

452.2-4 Continuous Service Is Broken

a. By an assignment in the United States or a U.S. Commonwealth or possession, if that is the employee's designated home leave residence.

b. By home leave, whether taken as an employee or as a dependent.

c. By a break in service of one or more workdays.

452.2-5 Continuous Service Is Not Broken

a. By annual, sick or military leave, or LWOP or other status or condition provided in section 452.2-2 as only delaying such service (a suspension is not a break in service).

b. By transfer without a break in service to an international organization if the employee remains abroad.

452.2-6 Example of Computation

a. Facts

(1) Employee arrived at post of duty abroad on first assignment on March 19, 1986. If service is not broken or delayed, home leave eligibility would be March 19, 1986, plus 18 months or September 19, 1987.

(2) Employee departed from post of duty abroad on Thursday morning, December 18, 1986, for visitation leave in the United States.

(3) Employee arrived at United States port or border on Saturday, December 20, 1986.

(4) Employee departed from United States port or border en route to post of duty abroad on Sunday January 11, 1987.

(5) Employee arrived at post on January 13, 1987, and reported for duty on January 14, 1987.

b. Calculation

(1) Period of leave in the United States begins on Monday, December 22, 1986 (first workday after arrival in the United States), and ends on Friday, January 9, 1987 (last workday of period in the United States before departure for post). Total of 19 calendar days.

(2) Periods in travel status outside the United States (December 18-19 and January 12-13), nonworkdays immediately preceding a charge to leave (December 20-21) , and nonworkdays immediately following the last workday in leave status in the United States (January 10-11) are not included in "leave taken in the United States."

(3) The 19 calendar days in the United States are added to the initial home leave eligibility date, September 19, 1987, and employee completes 18 months of continuous service abroad midnight October 8, 1987 (provided no additional leave is taken that would break or delay home leave eligibility).

(4) For State, Commerce, USDA, and USIA, "Date of arrival abroad for home leave purposes" on the reverse of OF-202 is changed from March 19, 1986 to April 7, 1986. For AID, the new eligibility date is recorded in RAMPS (see HB 32, Supp. 1).

452.3 Post's Recording and Reporting Responsibilities

Section 903 of the Act requires a minimum of 18 months of continuous service abroad before home leave eligibility is established. (Note: an employee's transfer eligibility date is not extended because of leave taken in the U.S., but the employee's home leave eligibility date--i.e., eligibility after 18 months continuous service abroad--is delayed by the amount of leave taken in the U.S. or a U.S. Commonwealth or possession (see sections 452.2-2 and 452.2-6) .

a. Posts shall record all leave taken in the United States or a U.S. Commonwealth or possession, computed in accordance with section 452.2.

b. Such leave will be reported telegraphically to the Department or the agency by TMTHREE only in those instances when receipt of travel orders, in which home leave is authorized will cause the employee to be in violation of the statutory requirement of 18 months continuous service abroad. For AID, report leave taken in the United States to AID headquarters in accordance with Handbook 32, Supp. 1C.

c. Posts are not required to report to the Department or agency any leave taken in the United States or a U.S. Commonwealth or possession after an employee has accumulated 18 months of continuous service abroad (as computed in section 452.2). The leave must, of course, be recorded on time and attendance and leave records.

453 ACCRUAL OF HOME LEAVE

453.1 Computation of Creditable Service Abroad

Creditable service abroad for the purpose of home leave accrual shall be computed in accordance with Exhibit 453.1.

453.2 Earning Rates for Home Leave

For each 12 months of creditable service abroad, home leave shall accrue (maximum, 15 days) as follows provided the conditions of eligibility are met:

a. An employee who accepts as a condition of employment the obligation to accept assignment anywhere in the world as the needs of the agency dictate will earn 15 days.

b. An employee serving with a U.S. mission to a public international organization will earn 15 days.

c. An employee serving at a post for which a post differential of 20 percent or more is authorized will earn 15 days.

d. An employee not included under paragraphs a, b, or c who is serving at a post for which a post differential of at least 10 percent but less than 20 percent is authorized will earn 10 days.

e. An employee not included under paragraphs a, b, c, or d will earn 5 days.

453.3 Crediting Home Leave

Home leave is credited to an employee's leave account, as earned, in multiples of 1 day, and may be accumulated for future use without limitation.

453.4 Home Leave Earning Table

Employees earn home leave for each month of creditable service abroad under the rates fixed by section 453.2 as follows:

Months of Service	Accrual Rate (days for each month of a 12-month period)		
	15	10	5
	Days Earned		
1	1	0	0
2	1	1	0
3	1	1	1
4	2	1	0
5	1	1	1
6	1	1	0
7	1	0	0
8	2	1	1
9	1	1	0
10	1	1	1
11	1	1	0
12	2	1	1

453.4-1 Change in Home Leave Earning Rate

When an employee moves between different leave-earning rates before completion of a month of creditable service abroad, or when a change in the post differential rate during the month results in a different leave earning rate, the employee will be credited leave at the rate to which entitled prior to the change in the accrual rate.

454 GRANTING HOME LEAVE

454.1 Eligibility

454.1-1 Basic Criteria

Within the limitation of funds available, the foreign affairs agencies may grant home leave, or combined home leave and annual leave, with travel at government expense to any employee who:

a. Is a citizen of the United States, and

b. Has completed at least 18 months of continuous service abroad, and

c. Is expected to return to service abroad immediately or upon completion of an assignment in the United States (see section 454.5-4).

454.1-2 Other Considerations

a. Less Than 18 Months Continuous Service Abroad

Home leave may be granted to employees with less than 18 months of continuous service abroad only:

(1) When their normal assignment is terminated because the post or country of assignment is designated as an imminent danger area and the employees are evacuated from post; or

(2) As authorized by the Personnel Director, where the assignment is terminated at the convenience of the government and needs of the service so warrant.

b. Dual Entitlements

Employees may not receive dual entitlements. Therefore:

(1) Each member of a tandem couple may accrue and use home leave in his/her own right when both are assigned overseas. However, if one member goes on LWOP to accompany his/her spouse overseas, that member will be considered a dependent for travel and home leave entitlement purposes. Home leave travel as a dependent is considered a break in continuous service abroad (see section 452.2-4). Home leave accrued prior to going on LWOP will remain to the employee's credit and may be used when the employee returns to duty status and establishes eligibility.

(2) The spouse of an employee of the foreign affairs agencies who is serving at post as a member of the uniformed services or as an employee of another USG agency is eligible for home leave as the employee's family member provided: (a) the other agency or uniformed service does not accord comparable benefits; and (b) the spouse is included on the employee's Residence and Dependency Report (OF-126).

454.2 Home Leave When Followed By Assignment Abroad

454.2-1 Standard

As a standard practice, 30 workdays of home leave, exclusive of transit time, will be granted unless the employee requests or has accrued fewer days, or an exception is made based on the needs of the Service.

454.2-2 Minimum

Not less than 20 workdays of home leave (see section 454.5-1) will be taken. This provision applies to the employee and family members. Exceptions based on needs of the Service may be made for employee only by the Bureau of Personnel for State; by the Office of Personnel Management or IG for AID; by the Office of Personnel (M/P or VOA/P) for USIA; by the Office of Foreign Service Personnel for

Commerce; by the Personnel Director for FAS; and the Director, Human Resources Division, APHIS.

454.2-3 Maximum

The maximum number of workdays, including, if necessary, annual leave, which generally will be approved is 45, exclusive of travel time. The Personnel Director for State, the Director of Personnel (M/P or VOA/P) for USIA, the Director for Personnel and Management or IG/ADM for AID (see HB 27, Ch 5), the Director of the Office of Foreign Service Personnel for Commerce, the Personnel Director for FAS, and the Director, Human Resources Division, APHIS or their designees, may, subject to the needs of the Service, authorize a longer period of home leave when justified by the circumstances, which may include:

a. Need for added recuperation due to service under particularly difficult circumstances;

b. Exceptional delay of home leave due to program needs;

c. Serious personal or family problems;

d. Abbreviated home leave when last authorized; or

e. Other unusual circumstances warranting home leave in excess of the normal maximum.

454.2-4 Interruption of Home Leave

Home leave should be taken in one continuous period. However, this period may be interrupted for temporary duty, such as training, community relations programs, consultation, or other circumstances, subject to agency approval (see section 455.3).

454.3 Home Leave In Connection With An Assignment In The United States

454.3-1 Home Leave Before Next Assignment

a. If an employee's next assignment is in the United States (or a U.S. Commonwealth or possession, if that is the employee's home leave residence), and the employee is eligible for and requests home leave, the leave is to be taken before reporting for duty.

b. An employee will be granted home leave not to exceed 15 workdays following official consultation, if any. The officials designated in section 454.2-3, or their designees may, subject to the need of the Service, authorize a longer period of home leave when justified by the circumstances, which may include:

(1) Need for added rest and recuperation due to service under particularly difficult circumstances;

(2) Exceptional delay of home leave due to program needs abroad; or

(3) Serious personal or family problems.

c. Annual or sick leave to the employee's credit or LWOP, as appropriate, may be granted in addition to home leave. (See also sections 433.5 on charging leave in the United States to annual leave and 454.5-2 on combining the charges for home leave and annual leave).

454.3-2 Deferred Home Leave

When home leave is authorized and an employee is required to report for duty immediately, the appropriate office (see secion 454.2-3) may authorize a deferral of the employee's home leave. In such instances, the home leave must be taken in one continuous period except as indicated in section 454.2-4 and must be completed within 6 months following the effective date of the employee's assignment to the U.S.

454.4 Annual Leave In Lieu of Home Leave At Government Expense

Agencies may grant current accrued annual leave, in lieu of home leave, for use in the United States (or a U.S. Commonwealth or possession, if that is the employee's home leave residence) with travel at Government expense to any employee recruited abroad, who has completed the required period of continuous service abroad but has not accrued any home leave.

454.5 Restrictions On Home Leave

454.5-1 Home Leave Not Authorized Abroad

a. Home leave, may be used **only** in the U.S., or, if the employee's designated home leave residence is outside the area of employment, in a U.S.Commonwealth or possession. However, incidental travel outside the U.S. not involving overnight stay is acceptable under these regulations.

b. Any leave used en route will be charged to annual leave, sick leave, earned compensatory time or LWOP, as appropriate.

c. Family members authorized home leave travel must spend a minimum of 20 workdays in the U.S., or if the employee's designated home leave residence is outside the area of employment, in a U.S. Commonwealth or possession.

454.5-2 Combining Home and Annual Leave

An employee will not be granted home leave in excess of the amount to the employee's credit on the date of the employee's departure from the post on home leave. However, accrued annual leave may be granted in combination with home leave to provide an adequate period of leave. (See 3 FAM 433.5 for substitution of annual leave for home leave).

454.5-3 Unused Home Leave

a. Home leave may not be used except during the period for which home leave has been authorized and for which home leave travel authorizations have been issued.

b. Unused home leave may be added to future accruals and used when the employee again becomes eligible and is authorized home leave travel.

454.5-4 Return to Duty Abroad

Home leave will be granted only when it is planned that the employee will complete another tour of duty abroad, either immediately or upon completion of an assignment in the United States, or in a U.S. Commonwealth or possession.

454.5-5 Not Authorized At Separation

Unused home leave may not be made the basis of any terminal leave or any lump-sum payment.

454.5-6 Scheduling Travel

In scheduling trips, the authorizing officer should seek to make them at the least possible cost to the Government at the time of actual travel. For example, timing of trips should be arranged to take advantage of:

a. Other Government charter or contract flights;

b. Special excursion rates or seasonal reductions in fares;

c. Surface transportation where rates are lower than the cost of less than first-class air accommodations; or

d. Other official travel by the employee or members of family.

455 CHARGING HOME LEAVE

455.1 Minimum Charge

The minimum charge for home leave is 1 day and additional charges are in multiples thereof.

455.2 Days Included

Home leave will be charged for all days on which an employee would otherwise work in the basic 40-hour workweek in accordance with 3 FAM 433.2 and 3 FAM 433.5, including any local holidays which occur at the post of assignment while the employee is in the U.S. or a U.S Commonwealth or possession.

455.3 Days Not Charged

If authorized, time spent in community relations and public affairs activities at the request of the foreign affairs agencies, such as speeches, and participation in university seminars and media events is considered performance of duty. Therefore, home leave will not be charged for the day on which an employee participates in such activity. Certification of such engagements must be reported to M/COMP/FO in the Department, the Office of External Affairs (must approve in advance) in AID, M/P or VOA/P in USIA, OFSP in the Department of Commerce, and FSB/MSD/FAS, or HRD/APHIS of the Department of Agriculture.

456 REFUND OF HOME LEAVE

456.1 Failure To Return To Service Abroad

a. An employee shall be indebted for the home leave used if the employee:

(1) Fails to return to service abroad after the period of home leave, or

(2) Fails to complete after the period of home leave at least six months of an assignment in the U.S., or a U.S. Commonwealth or possession if that is the employee's home leave residence. [AID employees who return overseas upon completion of home leave must serve six months of the tour.]

b. When a determination is made that a refund of all home leave is required, the employee shall repay the transportation costs connected with the home leave, and shall have the home leave charge changed to annual leave. If a partial refund of home leave is required (e.g., leave taken outside of the

United States), that portion of the home leave is charged to annual leave, and there is no requirement to repay the transportation costs, provided that the minimum time requirements for home leave are met (see section 454.2-2).

456.2 Exceptions

No refund of home leave indebtedness is required:

a. When the employing agency determines that the employee's failure to return to duty was due to compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health or circumstances over which the employee had no control, or

b. When the employing agency determines that it is in the public interest not to return the employee to an overseas assignment.

456.3 Involuntary Separation While On Home Leave

If an employee is on home leave and a determination is made that such employee is not to be retained in the Foreign Service, the appropriate Personnel Office shall immediately notify the employee of such determination. The notification will be sent by certified or registered mail and a return receipt will be requested. The employee will be carried on home leave through the close of business on the day on which the employee receives the notice. In such instances, the employee will not be required to refund salary and no charge will be made to the employee's annual leave for the period of home leave already taken. The remarks section of the "Notification of Personnel Action" will reflect that the employee is not required to refund salary for period of home leave.

457 HOME LEAVE ADDRESS OF RECORD

457.1 General

The home leave address of record represents a permanent location in the U.S. or a U.S. Commonwealth or possession if an employee's place of residence is outside the area of employment, to which the employee and family members are authorized to proceed when granted home leave. Employees should give careful consideration to the initial selection. Requests for changes in home leave addresses may be approved only if the employee can establish that changed circumstances so require. Requests for changes in home leave address will be reviewed on a case by case basis. The selection of a new location intended to accommodate the employee's personal convenience is not an acceptable basis for approval.

457.2 Residence and Dependency Report

The home leave address of record is indicated on the form OF-126 (AID 490-2 for AID) which serves as the basis for determining the destination of employees and family members in connection with home leave travel at Government expense. It is important that a current report be on file in the employing agency at all times. (For State and Commerce, see 3 FAM 124.3; for USIA, see MOA V-B 342; for AID, see Handbook 32, Supp. 1B; and for USDA, see 6-FASR-250.

458 TRANSFER AND RECREDITING HONE LEAVE

The policies and procedures governing the transfer and recrediting of home leave are covered in 3 FAM 492.3.

459 (Unassigned)

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Computation of Creditable Service Abroad for Home Leave Accrual

a. Service Begins

(1) On the date of arrival at post abroad on initial assignment; or

(2) On date of entrance on duty, in the case of an employee recruited abroad; or

(3) On date of arrival at post abroad following a U.S. assignment (or in a U.S. Commonwealth or a U.S. possession, if that is the employee's designated home leave residence); or

(4) On the date of arrival at authorized post of detail abroad enroute to post of assignment; or

(5) On the effective date of the personnel action transferring or reassigning an employee who is currently in a position at a post abroad exempt from the provisions of 5 USC, Chapter 63, to a position at a post abroad subject to the provisions of 5 USC, Chapter 63.

(6) Full credit shall be given for the day of arrival at a post of duty abroad or at the authorized post of detail abroad en route to post of assignment.

b. Service Abroad Includes

(1) Absence in a nonpay status up to a maximum of 2 workweeks within each 12 months of service abroad;

(2) Authorized leave with pay;

(3) Time spent in the United States, U.S. Commonwealth, or a U.S.possession, as long as the employee is not officially assigned to a position (1) in the United States, or, (2) in a U.S. Commonwealth or a U.S. possession, if that is the employee's designated home leave residence;

(4) Time spent in the Armed Forces of the United States which interrupts service abroad.

c. Service Abroad Ends

(1) On the date the employee departs from post under transfer orders to a position in the United States (or a position in a U.S. Commonwealth or a U.S. possession, if that is the employee's designated home leave residence); or

(2) On the date of departure from the post of detail if the employee is detailed to a post abroad for duty en route to the United States (or U.S. Commonwealth or a u.S. possession, if that is the employee's designated home leave residence) on transfer orders; or

(3) On the day immediately preceding the effective date of change in the employee's duty station in instances where an employee is in the United States (or in a U. S. Commonwealth or a U.S. possession, if that is the designated home leave residence) on leave or consultation and is transferred to a position in the United States (or in a U.S. Commonwealth or a U.S. possession, if that is the employee's designated home leave residence); or

(4) On the date of departure from post of assignment or post of authorized detail for separation; or

(5) on the date of the employee's separation when separated abroad.

NOTE: Full credit shall be given for the day of departure from post of assignment or a post of authorized detail.

CHAPTER 6

OTHER ABSENCES IN PAY STATUS

6A. Purpose

This chapter provides the policies and procedures for granting and charging of absences without loss of pay, other than annual, sick and home leave which are dealt with in other chapters of this Handbook. While Uniform Regulations 3 FAM 460, Other Absences in Pay Status (App. 6A), cover most absences in pay status, this chapter covers other limited circumstances in which excused absence may be granted and contains relevant Agency specific procedures and requirements. Where a conflict exists between 3 FAM 460 and this chapter, this chapter has precedence.

6B. Authorities and References

1. 3 FAM 460
2. FPM 610, Subchapter 3, Group Dismissal or Closure of Activities, and App. A
3. FPM 630, Absence and Leave
4. 5 U.S.C. Chapter 63, Leave
5. 5 CFR 610.301-306, 630-206
6. FPM Letters 792-15, 792-20, 992-1
7. Handbook 20, Chapter 3, Safety, Health and Civil Defense Programs

6C. Applicability

This chapter applies to all U.S. citizen direct-hire employees, including experts and consultants serving under appointments of 90 days or more, except:

1. Part-time employees who do not have an established regular tour of duty during the administrative workweek.

2. Persons appointed by the President and paid in accordance with the Executive Pay Schedule, i.e. EX I thru EX V.

3. Mission Directors, Deputy Mission Directors, AID Representatives and AID Affairs Officers <u>if exempt from the leave laws</u> in 5 U.S.C. Chapter 63 under the policies established in Ch. 9 of this Handbook..

6D. Military Leave

1. Military leave does not have a cash-surrender value. However, when transferring to another federal agency, unused military leave credit to an employee's account will be forwarded to the gaining agency.

6D

2. Employees who are members of a Reserve component of the Armed Forces or the National Guard should forward a copy of their appointment orders for inclusion in their personnel folders (FA/HRDM/SCD for Foreign Service and Civil Service employees).

3. When an employee is no longer an active member of the Reserves or National Guard, he/she must notify FA/HRDM/SCD.

4. SF 71, Application for Leave, accompanied by a copy of the employee's active duty orders, must be used to request military leave.

6E. Early Dismissal or Closure Procedures

1. From time to time, events or circumstances, including hazardous weather, will occur in the Washington, D.C. area that may result in the early dismissal of employees or the closure of federal activities and the granting of liberal leave. The President usually determines dismissals or closures based on special events or holidays; the U.S. Office of Personnel Management (U.S. OPM) usually determines dismissals or closures and liberal leave policies based on weather conditions.

2. Dismissals during emergency or life-threatening situations which cause an interruption of essential building services, e.g., bombings and bomb threats, civil disturbances, fires, explosions, electrical failures, loss of water pressure, chemical and gas leaks, floods, earthquakes, etc., are covered in HB 20, Ch. 3. See sec. 6F below.

3. Definitions

Definitions are for purposes of this chapter only.

a. Discretionary decision. An early release decision, including such conditions as the number of hours, time of release and how the time is to be recorded for timekeeping purposes, made by the Administrator.

b. Dismissal. A decision made by the President or the U.S. OPM that employees are to be allowed to leave their duty stations early.

c. Closure. A decision made by the U.S. OPM that federal agencies are closed and that employees are excused from duty without loss of pay or charge to leave.

d. Critical positions. Those jobs that may be vital to public health, safety, welfare, national defense, or the operation of essential facilities or functions.

6E3

e. Essential employees. Employees who occupy critical positions and are expected to report to work during emergency situations. Agency essential employees include the Duty Officer and respective Bureau/Office duty officers.

f. Excused absence. Absence from duty that is administratively authorized or approved, and does not result in a charge to leave of any kind or in loss of basic salary. (Also, referred to as administrative leave).

g. Hazardous weather dismissal. The U.S. OPM makes dismissal plans because of extreme climatic conditions.

h. Liberal leave. Annual leave, leave without pay or accrued compensatory time that may be taken by employees on short notice without prior supervisory approval when due to an emergency situation as determined by the U.S. OPM or the Administrator. Liberal leave should not to be confused with administrative leave.

i. Non-discretionary decision. An early release decision made by the U.S. OPM and, to the extent possible, must be complied with by all federal agencies in the metropolitan area.

4. Policies

a. Closure, dismissal and liberal leave decisions may be made only by the President, the U.S. OPM, the Administrator or the Director, Office of Human Resources Development and Management (FA/HRDM/OD), as appropriate.

b. Closure, delayed arrival and liberal leave decisions made prior to the beginning of the workday will be announced via local media. Dismissal and liberal leave decisions made during the work day will be conveyed, with specific conditions, to Executive Management and Administrative Staffs (EMSs) by the Personnel Policy Branch (FA/HRDM/PPM/PP).

c. The Agency will follow guidance provided by the U.S. OPM when govenment-wide closure, dismissal or liberal leave decisions are announced.

d. The difficulty Bureau/Office duty officers may encounter in traveling during hazardous weather conditions will be taken into consideration by the Associate Administrators, Assistant Administrators or heads of offices in determining whether they must report for duty.

Changes in assigned Bureau/Office duty officers must be reported to the AID Duty Officer who reports the change to the State Department Operations Center.

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e. Approving officers may approve a reasonable amount of excused absence, not to exceed two hours, to employees who experience commuting delays caused by severe weather conditions.

5. Responsibilities

a. Administrator (A/AID)

Makes decision whether to release employees or provide liberal leave when the President or U.S. OPM issues a discretionary announcement.

b. Executive Secretariat (ES)

If dismissal or liberal leave is discretionary, coordinates with the Administrator, and provides decision to the Director, FA/HRDM/OD.

c. Director, Office of Human Resources Development and Management(FA/HRDM/OD)

When dismissal is non-discretionary, sets specific conditions under announced guidance.

d. Personnel Policy Branch (FA/HRDM/PPM/PP)

(1) Serves as the Agency's central point to coordinate dismissal or liberal leave decisions and announcements.

(2) Provides ES and the Director, FA/HRDM, guidance and recommendations regarding dismissal or liberal leave decisions.

(3) Coordinates with the Office of Employee Relations, Department of State (PER/EM), regarding dismissal and liberal leave decisions.

(4) Notifies EMSs of dismissal or liberal leave decisions, and specifies conditions and how leave should be recorded for timekeeping purposes.

(5) Issues annual notice explaining procedures for closure, dismissal and office coverage, including provision for essential employees, during emergency situations.

6E

6. Timekeeping Procedures

a. An employee who is scheduled to return from previously scheduled and approved leave during a dismissal will continue to be charged with leave as approved until the time set for the dismissal, after which excused absence will be granted for any continuing absence due to the emergency.

b. Normally, an employee who is scheduled to report to work before a dismissal is announced and who fails to report will be charged annual or sick leave or leave without pay, as appropriate, for the entire day. Exceptions to this policy will be made only in unusual circumstances.

c. Employees already on annual or sick leave and not scheduled to return during the dismissal will be charged annual or sick leave.

d. When all or part of the Agency is closed, all employees on duty in the affected areas will be authorized excused absence whether or not leave was previously approved.

6F. Interruption of Essential Building Services

1. On rare occasions there may be an interruption of essential building services during emergency or life-threatening situations that may affect the safety and health of Agency employees. Comprehensive policies and regulations which govern the Agency's Safety, Health and Civil Defense Programs are covered in HB 20, Ch. 3, and are applicable whenever there is an interruption of essential building services. Chapter 3 provides for the Designated Official (see 3b below) in an AID occupied building to be responsible for the overall management and administration of the Occupant Emergency Programs (OEP) (see 3a below) and determining if conditions can be corrected. If a condition is so severe as to require closure of a building due to an emergency or life-threatening situation and results in the need to dismiss employees, the Designated Official for the building may do so.

2. For Agency employees in the main State Department building in Washington, see HB 20, Ch. 3, sec. 3D1e.

3. Definitions

a. Occupant Emergency Plan (OEP) - Procedures governed by the Federal Property Management Regulations (FPMR 101.20) and developed to protect the safety and health of employees in federally-occupied space.

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b. Designated Official - The highest ranking official of the primary occupant agency of a Federal facility; or, alternatively, a designee selected by mutual agreement of occupant agency officials.

4. Leave Policies

a. In emergency or life-threatening situations, the Designated Official for each AID occupied building has the authority to authorize dismissal of AID employees without consultation. However, the Designated Official will notify the Director, FA/HRDM/OD, of the decision and provide information upon which it was based at the earliest time possible. Where there is advance notice of an emergency, the Designated Official will initiate appropriate action and contact officials according to the OEP.

b. Excused absence will be limited to extreme conditions; it will be granted only after it has been clearly established under the guidelines outlined in HB 20, Ch. 3, that the conditions are such as to actually prevent working. Emphasis will be upon correcting the emergency situation.

c. Employees are expected to work if conditions are judged by the supervisor of the affected work unit and the Designated Official to be reasonably adequate and non-life threatening, although the conditions may not be normal and may involve minor discomforts. Employees affected by the emergency situation to the extent that they are incapacitated for duty, or to the extent that continuance on duty would adversely affect their health, may be granted annual or sick leave, or accrued compensatory time.

d. If any group of employees are excused, equity will not require the excusing of others not affected by the emergency situation.

5. Procedures

a. If not a life-threatening situation, the supervisor of the affected work unit advises the EMS of the problem and allows at least two hours for response and diagnosis of the problem.

b. The EMS notifies the Designated Official of the problem and follows his/her guidance.

c. Employees may request sick or annual leave due to an extreme condition in the work environment. If an employee is denied leave and feels that he/she may be subject to an extreme health hazard as a result of being required to work, he/she may request a medical evaluation from the nearest medical unit.

d. If the problem cannot be corrected, the supervisor of the affected work unit may, with the clearance of the appropriate EMS and the Designated Official, excuse affected employees without charge of leave.

The supervisor must prepare and forward a report as soon as possible to the Associate Administrator, Assistant Administrator or Office Head through the Designated Official detailing the circumstances, time, date and duration of dismissal, and number of employees involved.

6. Timekeeping Procedures

See sec. 6E4 above.

6G. Packing and Unpacking Effects

See attached App. 6A - sec. 465.3p.

6H. Employee Participation in Labor-Management Relations

See HB 24, Ch. 4, sec. 4I9.

6I. Absence Resulting from Hostile Action Abroad

1. No leave shall be charged to the account of any officer or employeefor absence, not to exceed one year, due to an injury incurred while serving abroad that resulted from war, insurgency, mob violence or similar hostile action. The officer or employee will be retained in full pay status and hospitalization and/or related care will be provided for the one-year period following the injury.

2. Request for such absence without charge to leave must be approved by the Director, FA/HRDM/OD.

6J. Local Holiday

For guidance on granting excused absence for local holidays which fall within a period of annual or sick leave, see attached App. 6A, sec. 465.3j and HB 27, Ch. 3, App. 27-3, sec. 433.3. An employee is not entitled to any local holidays which occur after departure from post on home leave, R&R travel orders or transfer orders.

6K. Conferences or Conventions

Supervisors may grant employees excused absence to attend conferences or conventions when attendance will serve the best interests of the Federal service. Excused absence may be

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restricted to those situations in which the employee is a contributor on the agenda. (See HB 22, Ch. 3, paragraphs 3C1d and 3C1e for Agency policies on travel to attend a conference, meeting or seminar.)

6L. Physical Fitness

Supervisors may grant employees excused absences for short periods for participating in officially sponsored and administered physical fitness programs.

6M. Volunteer Activities

Employees may be granted excused absence for short periods of time by the supervisor to participate in volunteer activities that are (a) mission-related, (b) officially sponsored or sanctioned by the Agency, or (c) enhance the professional development and/or skills of employees in their current positions.

6N. Special Events

Individual employees may be granted excused absence, generally less than half of a workday, to participate in civil activities which the Government is interested in recognizing or encouraging, e.g., Boy Scout ceremonies, dedication of memorials. The supervisor should make these decisions on a case-by-case basis.

Attachment:
App. 6A - 3 FAM 460

460
OTHER ABSENCES IN PAY STATUS

461 MILITARY LEAVE

(TL:PER-51 5-15-86)
(Effective date: 10-1-80)
(Uniform State/AID/USIA/Commerce/Agriculture)

461.1 Legal Basis

Each employee whose appointment is not limited to 1 year or less and who is a reservist of the Armed Forces or a member of the National Guard is entitled to leave without loss of pay, time, or efficiency rating for active duty or engaging in field or coast defense training under sections 502 through 505 of title 32 of the United States Code (5 U.S.C. 6323), *as amended October 1, 1980.*

461.2 Reserve Components

The Reserve components of the Armed Forces (10 U.S.C. 261) are:

a. The Army National Guard of the United States;
b. The Army Reserve;
c. The Naval Reserve;
d. The Marine Corps Reserve;
e. The Air National Guard of the United States;
f. The Air Force Reserve; and
g. The Coast Guard Reserve.

461.3 Accrual Rate for Full-Time Employees

Such leave accrues for a full-time employee at the rate of 15 calendar days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year. *For State, the affected employee's approving official must submit a certified statement of unused military leave to the Office of Financial Operations (M/COMP/FO/OFO/CAPD).*

461.4 Accrual Rate for Part-Time Employees

In the case of part-time career employees, the rate at which such leave accrues is a percentage of the rate in section 461.3, which is determined by dividing 40 into the number of hours in the regularly scheduled workweek of the employee during the fiscal year.

461.5 Special Authority for National Guard of District of Columbia

Military leave with pay is authorized for employees who are members of the National Guard of the District of Columbia for all days (no limit) of parade or encampment ordered or authorized under title 39, District of Columbia Code.

461.6 Distinction Between Military Leave and Military Furlough

Military leave is to be distinguished from "military furlough," which occurs when an employee is ordered to extended active duty for general service with the Armed Forces.

461.7 Eligibility

All career employees and limited appointees whose appointments are for 1 year or more are entitled to military leave, if otherwise eligible, when official orders are presented to the approving officer. Temporary employees and employees not on a fixed tour of duty are not eligible for military leave. Employees who are members of the National Guard or Reserve components of the Armed Forces must be granted military leave not to exceed 15 calendar days, plus up to 15 days of additional military leave may be carried over from the preceding fiscal year. But, this leave is not to exceed a total of 30 calendar days in one fiscal year.

461.8 Types of Military Duty Not Covered

Employees are not eligible for military leave for the following types of service:

a. Summer training as members of Reserve Officers Training Corps, when employees must be carried in leave-without-pay status (35 Comp. Gen. 531);

b. Temporary Coast Guard Reserve (23 Comp. Gen. 916);

c. Participation in parades by members of the State National Guard. (By specific statute, members of the District of Columbia National Guard are entitled to military leave for participating in parades (section 49, act of March 1, 1889, 25 Stat. 779));

d. Training with a State defense organization or a State military organization which is not a part of the National Guard, or any other organization created by the State in the absence of the State National Guard during an emergency (23 Comp. Gen. 92);

e. Weekly drills and meetings as members of D.C. National Guard (32 Comp. Gen. 363);

f. Civil Air Patrol–established as a civilian auxiliary of the United States Air Force (act of May 26, 1948, 62 Stat. 274);

g. Time taken on a **workday** to travel to the place where the training is to begin must be charged to annual leave or leave without pay unless military training orders encompass the period of travel time required (unpublished decision, Comp. Gen. B- 138890, April 22, 1959); or

h. Active duty as a commissioned officer in the Reserve Corps of the U.S. Public Health Service (Comp. Gen. decision, B-147276, January 29, 1962).

461.9 Computation of Military Leave

461.9-1 Limitations

a. Military leave may be taken intermittently, a day at a time, or as otherwise directed under orders issued by competent military authority (27 Comp. Gen. 353). Nonworkdays falling **within** a period of absence on military training duty are charged against the military leave allowed during the fiscal year; however, nonworkdays occurring at the beginning or end of the training period are not charged (27 Comp. Gen. 245; 353 at page 357; and unpublished decision B-133674, December 30, 1957).

b. Generally, if a training period extends beyond 90 calendar days, the employee will be placed on military furlough or separated for military service.

461.9-2 Absences in Excess of Allowable Days

Absence which is **not** chargeable to military leave may be charged to annual leave (27 Comp. Gen. 245, 251). Therefore, employee members of the Reserve components of the Armed Forces who are called for a period of training or for a period of active duty beyond the allowable period chargeable to military leave may use annual leave and may receive compensation concurrently with pay and allowances for training or active duty beyond such allowable period (30 Comp. Gen. 241).

461.9-3 Prohibition Against Active Civilian Employment

National Guard members who are ordered into the active military service of the United States with the pay and allowances of their grades, may not be employed during the period of such service in an active civilian capacity under the Government and receive pay therefor in the absence of specific statutory authority (37 Comp. Gen. 255). However, these Guard members may be carried in a military leave status, provided such leave has not been used previously during the current fiscal year. Also, they may be carried in an annual leave status to the extent of their accrued annual leave during the period of their active military service (37 Comp. Gen. 255).

461.9-4 Overtime and Night-Differential Pay

An employee on military leave, who is absent on an overtime day on which the employee is regularly scheduled to work, is entitled to overtime compensation for that day, provided the employee otherwise would be eligible for such premium pay because the overtime period would be either in excess of the 40-hour workweek or in excess of 8 hours in a day. (5 U.S.C. 5542.) When an employee's tour of duty permits payment of night differential pay, the employee is entitled to night differential pay during military leave (unpublished decision, Comp. Gen. B-113457, February 5, 1953).

461.10 Pay Status Requirement

461.10-1 Pay Status Required

Generally, a pay status either immediately before the beginning of military duty (11 Comp. Gen. 469) or a return to a pay status immediately afterwards (29 Comp. Gen. 269; 32 id 204) is a requisite to entitlement to military leave with pay since, otherwise, no civilian pay would have been lost. The test of whether an employee may be granted military leave should not be merely leave or pay status immediately before or after military duty without regard to other facts. *The test should be whether the employee would have been in a civilian pay status (17 Comp. Gen. 174).* One important consideration in making such a determination is whether the employee, at the time leave without pay is requested, has received definite military orders to report on a certain or approximate date in the future (37 Comp. Gen. 608).

461.10-2 Relationship to Annual Leave

When an employee while in an annual leave status preceding a furlough-without-pay before separation by reduction-in-force is called to military training duty, military leave is regarded as interrupting the employee's annual leave status so as to permit the employee to revert to an annual leave status at the termination of military leave before the previously fixed termination date (27 Comp. Gen. 245; 28 id 480).

461.11 Granting Authority

461.11-1 Military Leave

Officers authorized to grant annual leave (see Exhibit 432.3) may grant military leave to Foreign Service employees stationed at posts abroad under their respective jurisdictions.

461.11-2 Additional Leave

Leave of absence in addition to military leave shall be requested and granted as prescribed in the regulations governing annual leave or leave without pay, as appropriate. (See sections 432 and 471.2.)

461.11-3 Employees in the United States

Requests for military leave by employees in the United States are submitted to the appropriate headquarters personnel office for approval.

461.12 Requesting Military Leave

Requests for military leave are submitted in writing, accompanied by a copy of the orders, to the approving officer, who will attach the order to the current year's leave record.

461.13 Compensation and Travel Expenses

While on military leave and annual leave granted for military training purposes, Foreign Service employees may be paid salary, differential, and allowances in accordance with pertinent regulations, even though they may also be compensated from appropriations of the Armed Forces during the period of training. No travel expenses or transit time are allowable in connection with leave for training in the Armed Forces.

462 COURT LEAVE

(TL:PER-51 5-15-86)
(Effective date: October 1, 1976)
(Uniform State/AID/USIA/Commerce/Agriculture)

462.1 Definition

Court leave is the authorized absence, without charge to annual leave or loss of compensation, of an employee from official duty for jury duty, or for attending court in a nonofficial capacity as a witness on behalf of the United States, District of Columbia, State and local governments. *Also entitled to court leave are employees who appear as witnesses in a nonofficial capacity on behalf of a private party in any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party.*

462.2 Jury Service

462.2-1 Statutory Authority–Court Leave for Jury Duty

5 U.S.C. 6322 authorizes the continuance of civilian pay of an employee of the Federal Government or of the Government of the District of Columbia during absence for jury duty.

462.2-2 Policy

In view of the importance of trial by jury as an American system of justice, State, AID, USIA,*Commerce, and Agriculture* will follow the policy of not asking that their employees be excused from jury duty, except in cases of real necessity. Any employee may, of course, request exemption for compelling personal reasons on the employee's own initiative.

462.2-3 Eligibility

Employees are eligible for court leave for jury duty as follows:

a. Court leave for jury duty may be granted to any full-time or part-time employee (this does not include intermittent employees).

b. A part-time Federal employee called into jury service during tour of duty may receive the compensation of the employee's position without charge to annual leave. When there is partial conflict between hours of employment and jury service, a jury fee cannot be prorated, but for those hours of jury service which do not entitle one to court leave, the employee can receive the jury fee. (See sections 462.2-8c and d.)

c. A night shift employee who performs court service during the day is granted court leave for regularly scheduled night tour of duty and is entitled to the night differential. Since the statute makes it mandatory that the compensation of any employee shall not be diminished by reason of jury service, the employee is entitled to night differential for the periods otherwise properly excused from the performance of duty while serving as a juror.

462.2-4 Use of Annual Leave

Court leave may be substituted for annual leave as follows:

a. If an employee is on annual leave when called for jury service, court leave should be substituted. *An employee cannot substitute annual leave for court leave to avoid forfeiture of annual leave.*

b. An employee on annual leave under advance notice of separation from service due to a reduction-in-force, and who is summoned as a juror, is entitled to have otherwise proper court leave substituted for annual leave but not to extend beyond the date administratively fixed for separation.

462.2-5 Pay Status Requirement

An employee on leave without pay, although otherwise eligible, may not be granted court leave when called to jury duty. Court leave is available only to an employee who, except for jury duty, would be on duty or on leave with pay. However, the employee could receive the per diem allowance for each day's attendance in court and for the time necessarily occupied in traveling to and from court.

462.2-6 Duration of Jury Service

An employee who is under proper summons from a State or Federal court to serve on a jury should be granted court leave of absence with pay for the entire period, from the date stated in the summons on which the employee is required to report to the court to the time the employee is discharged by the court, regardless of the number of hours per day or days per week the employee actually serves on the jury during the period. However, the "term" of jury service does not include time during which the employee is excused or discharged by the court for an indefinite period subject to call by the court or for a definite period in excess of 1 day.

462.2-7 Interim Excuse from Jury Duty

Where no hardship would result, an employee entitled to court leave on account of jury service who is excused from jury duty for 1 day or a substantial part of a day should return to duty during such period or suffer a charge against annual leave.

462.2-8 Jury Fees

The following is applicable to all employees who are granted court leave for jury duty:

a. Collection from State or Municipal Court

If an employee is absent from regularly scheduled duties to serve as a juror in a State or municipal court, the employee should collect all fees payable on account of the jury service and forward them to the appropriate fiscal office; otherwise payroll deductions will be made from due compensation. The appropriate fiscal office will apply the jury fees received by the employee against, but not to exceed, the amount that would be otherwise due the employee for the period of absence on jury duty. The employee is permitted to keep any excess of the jury fee over the amount of compensation due the employee.

b. Regularly Scheduled Workweek

An employee eligible for court leave may not accept jury fees for service as a juror in a Federal or District of Columbia court where the jury service is performed during the regularly scheduled administrative workweek.

c. Nonworkdays

Full-time as well as part-time per annum employees who perform jury service on nonworkdays are entitled to retain the fees received for such service. The employee may accept and keep any allowances for mileage and subsistence authorized by law to cover actual expenses incident to the jury service. A per diem employee who performs jury duty in a State court is entitled to retain jury fees, provided court service is performed on a nonworkday outside employee's regular tour of duty, for which nonworkday a Federal salary is not paid.

d. Part-Time Employees

A part-time employee with a regularly scheduled tour of duty who performs jury service that does not conflict with hours of employment may retain the usual fees for jury service. If, however, the part-time employee performs jury service in a court of the United States during any of the hours in which the part- time employee is in a pay status in a Federal position, the part- time employee may not be paid any jury fees for that day.

e. Holiday

Fees for jury service on a holiday falling within the employee's basic tour of duty may be retained by the employee, provided that, had the employee not been on jury duty, the employee would have been excused from regular duties on the holiday.

f. Leave Without Pay

An employee who is in a leave-without-pay status when called for jury service, either in a Federal or State court, may retain jury fees and per diem allowed for each day's attendance in court and for the time necessarily occupied in going to and from the court.

462.3 Witnesses

462.3-1 Statutory Authority

The act of June 25, 1948 (28 U.S.C. 1823(b) 62 Stat. 950), authorizes continuance of civilian pay of a Federal or District of Columbia employee during absence for certain services as a witness.

462.3-2 Eligibility

Regular and temporary full-time, or part-time employees, as distinguished from substitute and intermittent employees, are granted court leave and paid their regular salaries during periods of necessary absence while serving as witnesses for the United States.

462.3-3 Witness in Official Capacity

When an employee is called as a court witness in an official capacity, whether on behalf of the Government or a private party, the employee is in an official duty status and entitled to regular compensation without regard to any entitlement to court leave.

462.3-4 Witness Compensation Claims

5 U.S.C. 8131 provides that any employee who is required to appear as a party or witness in the prosecution of third-party compensation claims under that law is, while so engaged, in an active duty status.

462.3-5 Witness in Nonofficial Capacity

When an employee appears as a witness in a nonofficial capacity on behalf of any party in connection with any judicial proceeding to which the U.S., the District of Columbia, or a State or local government is a party, the employee is to be carried on court leave. The employee's regular salary is paid during the time the employee is absent as a witness.

462.3-6 Non-Government Witness

When an employee's appearance in court as a witness is not on behalf of any party in connection with a judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party, and not in an official capacity, any absence from duty must be charged to either annual leave or leave without pay.

462.3-7 Overtime

Employees are entitled to payment of overtime as follows:

a. An employee who serves as a witness for the United States or the government of the District of Columbia on days for which the employee would have been entitled to receive overtime compensation had the employee rendered service in civilian position is entitled to the overtime compensation the employee would have received on these days (39 Comp. Gen. 1).

b. An employee who performs travel between the hours of 7 a.m. and 9 a.m. to pick up evidence from headquarters to be produced in a court where the employee appears as a witness for the United States on a nonworkday outside the basic 40-hour workweek is entitled to callback overtime of 2 hours under 5 U.S.C. 5542.

462.3-8 Fees

The following rules shall govern acceptance of witness fees:

a. Employees shall not be paid witness fees when testifying on behalf of the United States, the Government of the District of Columbia *or State or local governments. Neither shall employees be paid witness fees when testifying in a judicial proceeding to which any one of the above governments is a party.* However, employees shall be paid their regular salary and the time served as a witness cannot be deducted from their annual leave. Since an employee is considered as being in an official duty status, travel expenses and per diem in lieu of subsistence expenses will be paid by the employing agency.

b. Employees who are called as a witness on behalf of the United States, the District of Columbia *or State or local governments, or in a judicial proceeding to which one of the above-mentioned governments is a party,* cannot be paid witness fees whether the employee testifies in a court outside or in the District of Columbia.

c. Employees who are called as a witness for the United States, the District of Columbia *or State or local governments* while absent from their duties on leave without pay for the entire period they serve as a witness may accept and retain witness fees (27 Comp. Gen. 88; 20 id 276).

d. Employees who testify in their official capacity *on behalf of a party other than the United States or District of Columbia government* are required to collect the authorized witness fees and allowances for expenses of travel and subsistence; all amounts so collected above the employee's actual expense are accounted for through the employing agency and deposited as miscellaneous receipts (15 Comp. Gen. 196; 23 id 628).

463 ABSENCE FOR MATERNITY REASONS

463.1 Definition

Absence for maternity reasons is a period of approved absence for reasons related to pregnancy and confinement. Such absence is to be treated like any other medically certified temporary incapacitation. It is chargeable to sick leave or any combination of sick leave, annual leave, and leave without pay.

463.2 Employee Responsibility

An employee should make known her intent to request leave for maternity reasons including the type of leave, approximate dates, and anticipated duration to allow any staffing adjustments which may be necessary.

463.3 Responsibility of Approving Officer

463.3-1 Medical Clearance

When there is any question of the physical ability of a pregnant woman to perform her job without hazard to her health the approving officer should request her to furnish a medical certificate if one has not already been presented. The approving officer may, after consultation with the employee, find it desirable to discuss the employee's general state of health with her physician or practitioner.

463.3-2 Determination of Working Conditions

The supervisor should always be aware of any particular working condition or strenuous requirements which may be a part of the work environment and which could have an adverse effect upon employees with various physical conditions.

As required, the Department's Office of Medical Services will be responsible on a case by case basis for determining whether any of these elements could have a harmful effect upon the pregnant employee or the unborn child. The employee should consult with her own physician on this matter, and if, after discussions with the physician and, if overseas, with the post medical adviser, it is found that the duties of the employee require activity or exposure which may be injurious to her health, every reasonable effort should be made by the supervisor to detail or temporarily reassign her to other available work for which she is qualified.

The objective should be to provide her with gainful employment and to make use of her skills for as long as she is not incapacitated for duty. If another assignment is not available, and a medical certificate of the employee's incapacitation for the duties of her regular position is received, she should be granted sick or annual leave or leave without pay.

463.4 Usual Period of Absence for Maternity Reasons

The length of absence is to be determined by the employee, her physician, and her supervisor. Employees serving under temporary (limited to 1 year or less) appointments may not be granted leave which would extend beyond the expiration date of the appointment.

463.5 Granting Leave for Maternity Reasons

463.5-1 Sick Leave

Accumulated sick leave should be used to cover the time required for physical examinations and to cover the period of incapacitation supported by medical certification. See section 443.5 on granting advance sick leave.

463.5-2 Other Leave

Any absence not medically certified as due to incapacitation for the performance of duty, whether it occurs before or after delivery, will be charged to annual leave, if available, or to leave without pay. For example, if an employee desires a period of adjustment or needs time to make arrangements for the care of the child, such leave requirements may be taken care of by the use of available annual leave or leave without pay. See section 432.7 on granting advance annual leave. Suggested standards for approving leave without pay are provided in section 471.4.

463.6 Continued Employment

463.6-1 Employees Planning to Return to Duty

An employee is entitled to continued employment in her original position or a position of like seniority, status, and pay if she wishes to return to work, following delivery and confinement, unless termination is otherwise required by expiration of appointment, by reduction-in-force, for cause, or for similar reasons unrelated to the maternity absence.

463.6-2 Employees Not Planning to Return to Duty

An employee not planning to return to work at the end of the incapacitation period should submit her resignation at the expiration of her period of incapacitation, or the employee may be separated at such earlier date as may be required for other reasons; for example, expiration of appointments, reduction-in- force, for cause, or for similar reasons unrelated to the maternity absence.

463.7 Absence for Paternity Reasons

A male employee may request only annual leave or leave without pay for purposes of assisting or caring for his minor children or the mother of his newborn child while she is incapacitated for maternity reasons. See sections 432 and 471 on requesting and granting annual leave and leave without pay.

464 TRANSIT TIME

464.1 Definition

Transit time is the time necessarily spent in travel by a usually traveled route without deviation, interruption, or delay because of personal convenience or preference. Time necessarily spent in awaiting transportation en route or for authorized rest stops is included in transit time.

When travel is indirect at the convenience or preference of the traveler, transit time shall not exceed the amount of allowable travel as prescribed in pertinent travel regulations. Transit time is not chargeable to leave, but any workdays occupied in travel in excess of transit time allowed shall be charged to annual leave, if available, or to leave without pay (see 6 FAM 130 and M. O. 560.2).

464.2 Granting Transit Time

Transit time may be granted between the points of departure and destination named in the travel authorization.

The appropriate headquarters office will grant transit time to Foreign Service employees traveling under official orders who terminate their travel in the United States.

The post of destination is authorized to grant transit time for travel performed under official orders by Foreign Service employees completing travel at their posts.

464.3 Restriction on Transit Time in Connection With Leave

Employees will be granted transit time in connection with leave in the United States or, if their respective places of residence are outside the area of employment, in the Commonwealth of Puerto Rico or the possessions of the United States, only after they have completed at least 18 months of continuous service abroad as defined in section 452.

464.4 (Unassigned)

464.5 Time Limitation

464.5-1 Circumstances Beyond Control of Traveler

When a greater amount of time than that normally required to complete travel is spent either in travel or in awaiting transportation because of circumstances over which the traveler had no control and could not reasonably have avoided, the actual amount of time spent shall be considered transit time. (Regarding sickness en route, see section 445.2.)

464.5-2 Use of Privately-Owned Conveyance

If travel is performed by privately-owned conveyance, a reasonable amount of time, in view of the distance and route traveled and the circumstances of the journey, will be considered transit time whenever such mode of travel is more advantageous to the Government (see 6 FAM 145).

464.5-3 Delays in Awaiting Transportation Due to Personal Reasons

Any period spent in awaiting transportation which results from an employee's relinquishing duties prematurely for own convenience and proceeding to the point of departure is not considered transit time. In such cases, allowable transit time will be computed from the date the employee would have necessarily begun official travel.

(For example, if an employee on duty in Washington was to sail from New York on Wednesday after relinquishing duties at the close of business the preceding Thursday, Friday and Monday would be charged to leave, the intervening Saturday and Sunday being nonworkdays. Tuesday would be the first day of transit time. However, if during the period of leave the headquarters office was notified of a 2-day postponement of sailing and was unable to contact the employee, the employee would be charged an additional 2 days of leave, unless the employee returned to Washington for duty at own expense.)

Similarly, any delay due to missed connection which results from an employee's delaying departure from post or interrupting travel for personal convenience shall not be considered transit time.

464.5-4 Nonworkdays Within Period of Travel

When the first day of transit time has been established, each consecutive day thereafter actually and necessarily

spent in travel, including authorized rest stops and time necessarily spent in awaiting transportation en route, will be considered transit time, whether or not holidays or other nonworkdays fall within such period of travel.

(For example, if an employee who was to sail from New York on Tuesday remained on duty at headquarters through the close of business on Friday, the employee could proceed to New York on Friday night without being charged leave. Monday would be the first day of transit time. If the ship arrived at Le Havre on Saturday, the employee would be expected to proceed directly to post without regard to the fact that Saturday and Sunday might be nonworkdays.)

464.6 Charging Excess Transit Time

Time occupied by the employee in travel and in awaiting transportation which is in excess of allowable transit time will be charged against annual leave, if available, earned compensatory time, or to leave without pay on the basis of 8 hours for each workday subsequent to the date the employee could have arrived at the destination had the employee proceeded by a usually traveled route and by the mode of transportation prescribed in pertinent travel regulations. Computation of allowable transit time for leave purposes shall be independent of computation of per diem for the purpose of determining allowable travel expenses.

464.7 Transit Time in Connection With Separation

Transit time is allowable when travel commences on the first workday following relinquishment of duty or, when leave is granted, not later than the expiration date of approved leave (see sections 432.9 regarding annual leave and 471.2-1d regarding LWOP; for USIA, see 6 FAM 131.1-2c for type and mode of travel allowable).

465 EXCUSED ABSENCE

465.1 Definition

Excused absence is an absence from duty administratively authorized or approved and does not result in a charge in leave of any kind or in loss of basic salary.

465.2 Granting

Excused absence abroad for the purposes shown in section 465.3 may be authorized by the approving officer at the post.

465.3 Purposes for Which Granted

Excused absence may be granted for the following purposes:

a. Absences of Less Than 1 Hour

Under ordinary circumstances, unavoidable or unexpected necessary absences from duty for emergencies and tardiness not in excess of 1 hour may be excused for adequate reasons. Such excused absences should be used sparingly and are not in any event to be used to shorten the regular workday of an employee. In the event this privilege is abused, such absence and tardiness shall be handled by a charge against annual leave or absence without leave, or by disciplinary action.

Timekeepers will report incidents of tardiness and temporary absences to the employee's supervisor. The supervisor will determine, based on the circumstances involved, whether or not the employee is to be charged leave and advise the timekeeper accordingly.

b. Physical Examination

Employees may be excused for the purpose of undergoing a physical examination: (1) when required pursuant to regulation or (2) when required by induction or enlistment in the Armed Forces of the United States, provided the request for absence is supported by official notification from appropriate military authority. However, because of conditions discovered or medical suspicions aroused as a result of such examination, it may become necessary to hospitalize the employee or require additional and more extensive tests and examinations. The time consumed in undergoing such additional tests and examinations may not be regarded as excused absence without charge to leave or loss of pay. This would be true even though periods of duty may intervene between the initial examination and the additional tests, examinations, or hospitalization that may be required. In the event that the absence in (2) above extends beyond 1 workday, the employee will be required to submit a statement from the induction station showing that the additional absence was required by the initial examination. If through choice the employee is ordered to report to other than the nearest induction station and as a result is away from duty more than 1 day, the absence in excess of 1 day will be charged to annual leave or leave without pay. (See section 443.1 regarding charging absences of reservists to undergo medical examination.)

c. Rest or Treatment in Health Rooms

Employees may be excused for time spent in health rooms if such cumulative time is 1 hour or less in 1 day. Such time in excess of 1 hour will be charged to sick leave or to annual leave.

d. Injury in Line of Duty

An employee injured in the performance of duty may be excused for examination or outpatient treatment by a Government physician or by a facility officially authorized to handle cases of employees injured in the performance of duty. However, this does not apply to additional absence on account of the injury where treatment is not involved.

e. Blood Donor Centers

Employees will be excused for 4 hours to visit blood donor centers for the purpose of donating blood without a charge to leave. This leave, to be taken only on the day blood is

donated, is in addition to the time required to travel to and from the blood donor center and to actually give blood. If the employee is not accepted for blood donation, only the time necessary for the round trip is to be excused without charge to leave.

f. Civil Service and Foreign Service Examinations

Employees may be excused in order to participate in the Foreign Service or Civil Service examinations when it is deemed to be primarily in the interest of the Service.

g. Official Hearings

Employees may be excused for the purpose of participating in and spending reasonable amounts of time to prepare for official hearings.

h. Ceremonies and Official Functions

Employees may be excused to attend ceremonies and official functions which are of sufficient importance to warrant the attendance of the employees involved.

i. Ceremonies for Burial of Members of Armed Forces

Employees who are veterans of any war, campaign, or expedition (for which a campaign badge has been authorized), or are members of honor of ceremonial groups or organizations, may be excused for such time as may be necessary but not in excess of 4 hours in any 1 day, to enable them to participate as active pallbearers or as members of firing squads or guards of honor in funeral ceremonies for U.S. Armed Forces members whose remains are returned from abroad for final interment in the United States.

j. Local Holidays (1) Absence on Local Holidays

There is no administrative discretion to excuse U.S. citizen employees from duty without charging annual leave solely on the ground that the days of absence are holidays local to the place of employment.

However, such employees may be excused from duty when a post is closed to the public on local holidays by administrative order, when Federal work may not be properly performed. Such nonworkdays established by administrative order for that reason are not chargeable as annual leave to employees involved (also see 2 FAM 111.2). (2) Duty on Local Holidays

The approving officer for each agency has authority to order such employees as are needed to work on local holidays observed by the post which come within their basic workweeks. Work on local holidays by U.S. citizen employees does not entitle them to holiday pay and does not constitute overtime unless it is in addition to the basic workweek.

k. Voting and Registering

Insofar as practicable, without interfering with operations, employees assigned to posts in the United States or at nearby Foreign Service posts who desire to travel at their own expense to their legal voting residence in the United States to vote or register in any election or referendum on a civic matter in their community shall be excused for that purpose, as follows:

(1) As a general rule, where the polls are not open at least 3 hours either before or after an employee's regular hours of work, the employee may be granted an amount of excused absence which will permit reporting to work 3 hours after the poll opens or leave work 3 hours before it closes, whichever requires a lesser amount of time off.

(2) Under exceptional circumstances where the general rule does not permit sufficient time, an employee may be excused for such additional time as may be needed to enable the employee to vote, depending upon the particular circumstances in the individual case, but not to exceed a full day.

(3) If an employee's voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, the employee may be granted sufficient time off in order to be able to make the trip to the voting place and to cast a ballot. When more than 1 day is required to make the trip to the voting place, a liberal policy shall be observed in granting the necessary leave for this purpose. Time off in excess of 1 day shall be charged to annual leave or, if annual leave is exhausted, then to leave without pay.

(4) For employees who vote in jurisdictions which require registration in person, time off to register may be granted on substantially the same basis as for voting, except that no such time shall be granted if registration can be accomplished on a nonworkday and the place of registration is within reasonable 1- day round-trip travel distance of the employee's place of residence.

(5) Written requests shall be submitted for excused absence in excess of 3 hours.

l. Attending Awards and Retirement Ceremonies

Leave will not be charged for time spent in attending incentive awards ceremonies or in paying respects to a retiring employee at a ceremony or reception.

m. Group Dismissals

An officer in charge of an overseas establishment of State, AID, or USIA may authorize group dismissals of employees for a reasonable period due to extreme climatic conditions, civil disturbance, transportation failure, breakdown of heating or cooling system, etc.

Individual requests for excused absence abroad which do not appear to be authorized in the foregoing paragraph and which in the opinion of the approving officer seem to have merit, should be referred to headquarters for determination.

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

An employee may be excused for a period not to exceed 8 hours to make arrangements for, or to attend, the funeral or memorial service for an immediate relative killed in line of duty in the Armed Forces in an area other than a combat zone (see section 466). An "immediate relative" means the following relatives of the deceased member of the Armed Forces: (1) spouse, and parents thereof; (2) children, including adopted children, and spouses thereof; (3) parents; (4) brothers and sisters, and spouses thereof; and (5) any individual related by blood or affinity whose close association with the deceased was such as to have been the equivalent of a family relationship.

o. Time Zone Dislocation

An employee who is granted a time zone dislocation adjustment period upon arrival at a temporary or permanent duty station (see 6 FAM 132.5 and 1833.3) will not be charged leave for any portion of the adjustment period that falls during the employee's normal duty hours.

p. Packing and Unpacking Effects

A supervisor may excuse a member of the Service to be present at the member's residence for a period of not to exceed 16 work-hours for packing, and 8 work-hours for unpacking, when required in connection with the member's permanent transfer abroad, from one post to another, from abroad to an assignment in the United States, or between domestic assignments located more than 100 miles apart. Absence for this purpose in excess of the specified periods must be charged to annual leave or leave without pay.

466 FUNERAL LEAVE

An employee shall be granted funeral leave as is needed and requested, but not to exceed 3 workdays, to make arrangements for, or to attend, the funeral or memorial service for an immediate relative who died as the result of a wound, disease, or an injury incurred while serving as a member of the Armed Forces in an area designated by Executive order as a combat zone. The 3 days need not be consecutive, but, if not, the employee shall furnish the approving officer satisfactory reasons justifying a grant of funeral leave for nonconsecutive days.

Funeral leave shall be granted without loss of or reduction in pay, leave to which otherwise entitled, or credit for time or service, and without adversely affecting performance ratings.

An "immediate relative" means the following relatives of the deceased member of the Armed Forces: (1) spouse, and parents thereof; (2) children, including adopted children, and spouses thereof; (3) parents; (4) brothers and sisters, and spouses thereof; and (5) any individual related by blood or affinity whose close association with the deceased was such as to have been the equivalent of a family relationship.

467 ABSENCE RESULTING FROM HOSTILE ACTION ABROAD

From January 3, 1965, no leave shall be charged to the account of any officer or employee for absence, not to exceed 1 year, due to any injury incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action, provided that the injury shall not have been due to vicious habits, intemperance, or willful misconduct on the part of the officer or employee. (See section 421.7 for possible restoration of forfeited annual leave for employees in a missing status.)

Approvals of requests for such absences without charge to leave will be made, for State, by the Director General of the Foreign Service, or the Deputy Assistant Secretary for Personnel; for AID, by the Director of Personnel and Manpower; and for USIA, by the *Director, Office of Personnel;* or their designees.

468 and 469 (Unassigned)

CHAPTER 7

ABSENCE IN NONPAY STATUS

7A. Purpose

This chapter provides authorities and procedures governing absences in nonpay status, specifically leave without pay (LWOP) and absent without leave (AWOL). While absence in nonpay status for Agency employees is governed largely by Uniform Regulations 3 FAM 470, Absence in Nonpay Status (App. 7A), Agency specific policies and procedures are included in this chapter. Where difference exist between 3 FAM 470 and this chapter, this chapter has precedence.

7B. Authorities and References

1. 3 FAM 470, Absence in Nonpay Status
2. FPM 630, Subchapter 12, Leave Without Pay

7C. Applicability

This chapter applies to all U.S. citizen direct-hire employees, including experts and consultants serving under appointments of 90 days or more, except:

1. Part-time employees who do not have established regular tours of duty during the administrative workweek.

2. Persons appointed by the President and paid in accordance with the Executive Pay Schedule, i.e., EX I thru EX V.

3. Mission Directors, Deputy Mission Directors, AID Representatives and AID Affairs Officers if exempt from the leave laws in 5 U.S.C. Chapter 63 under the policies outlined in Chapter 9 of this Handbook.

7D. Definitions

See attached App. 7A.

7E. Service Credit

While in a nonpay status, employees receive up to six months of service credit for retirement purposes each calendar year without any employee contributions required; up to six months service credit each calendar year for purposes of determining severance pay, within-grade increases, and annual leave benefits.

7F. Health and Life Insurance Coverage

1. Employees who wish to continue their health benefits while in a nonpay status are permitted to do so for 365 days and are responsible for paying the employee share for their continuing enrollment. The employee may pay premiums directly to the Agency or have past-due premiums withheld from pay status for every pay period in which there is no salary withholding for health benefits.

2. Employees who do not wish to continue health benefits must cancel their enrollment. There is no 31-day extension of coverage or conversion right following cancellation, and a cancelled enrollment will not automatically be reinstated when an employee returns to work after a period of nonpay status. Cancellation may also result in loss of coverage during retirement or receipt of worker's compensation.

3. Basic and option group life insurance coverage continues at no cost to the employee for up to 12 months after pay ceases if he/she had these coverages before entering nonpay status.

7G. Policies

1. In addition to the criteria contained in 3 FAM 471.5, the decision on granting a request for LWOP will include consideration of the employee's prior leave usage, including whether leave was abused in the past.

2. LWOP should not be authorized initially for more than 52 calendar weeks, except where it is known in advance that the period will exceed one year and the purpose for which leave is given is in furtherance of Agency interest e.g., peace corps volunteers, relevant education. Extensions may be given beyond one year, but should be scrutinized for adherence to the criteria for granting LWOP.

3. Career Candidates (FS)

a. FS career candidate's use of LWOP will be restricted since LWOP of 80 hours or more cannot be counted as part of the four-year trial period in the five-year limited appointment, and use of LWOP would adversely affect an employee's four-year qualification requirement for tenuring.

b. LWOP of 80 hours or more in a leave year will be granted only for compassionate reasons, e.g., illness, personal emergencies, and will not count toward the four-year trial period for FS career candidates.

c. Time in LWOP status of less than 80 hours in a year will not affect the four-year trial period for FS career candidates.

7G3

d. LWOP will not be approved if it would place a FS career candidate in jeopardy of separation due to expiration of the five-year appointment before tenuring requirements can be met.

7H. Procedures

All requests for LWOP must be in writing and include proposed beginning and ending dates of the requested period, and reason(s) for the request.

1. AID/Washington: An employee stationed in AID/W must submit his/her request for LWOP to his/her supervisor for approval or, where required, for referral to FA/HRDM or IG/RM as appropriate. When the supervisor approves LWOP of 30 calendar days or more, FA/HRDM/SCD or EM (IG/RM for IG) must be notified (through the appropriate management office) in advance, providing beginning and ending dates of LWOP and reason in order to issue a SF 50.

Employee requests for LWOP, together with the supervisor's recommendation, are to be referred (through the appropriate management office) to FA/HRDM/SCD or EM (IG/RM for BS 08) for approval, for periods in excess of 90 calendar days or for LWOP immediately before separation.

2. Overseas: Refer to 3 FAM 471.2a and 471.3a attached.

3. FS Career Candidates: For up to 80 hours, a written request is submitted through the supervisor to the manager (second-level supervisor, division chief or above) for approval. A request for 80 hours or more, not to exceed 90 days, must be submitted to the Assistant Administrator/Head of Office through the employee's principal officer and must be cleared by FA/HRDM/SCD.

7I. Absence Without Official Leave

AWOL is an absence from duty which is not authorized or for which a request for leave has been denied. The employee receives no pay for the period of absence. Disciplinary action may be taken when considered appropriate. If the absence is later excused because the circumstances surrounding the absence are such that the absence would have been approved, the AWOL may be charged to the appropriate approved leave account (see attached App. 7A).

Attachment:
App. 7A - 3 FAM 470

470
ABSENCE IN NONPAY STATUS

471 LEAVE WITHOUT PAY (LWOP)

(TL:PER-133 7-5-89)
(Effective Date: 6-22-89)
(Uniform State/AID/USIA/Commerce/Agriculture)

471.1 Definition

Leave without pay (LWOP) is a temporary, nonpay status and absence from duty, granted with administrative discretion, upon an employee's written request. The permissive nature of LWOP distinguishes it from absence without official leave (AWOL), which is an absence from duty that is not authorized or approved (including leave not approved until required documentation is submitted), or for which a leave request has been denied.

471.2 Granting Authority

a. For Foreign Service employees serving overseas, (for USDA, all requests for LWOP will be handled in accordance with agency directives), the following requests for LWOP must be referred to headquarters (PER/FCA in State; PFM/PM/OD and IG/ADM for BS-08 employees in AID; OFSP in Commerce) for approval in the following cases:

(1) All requests for LWOP in excess of 90 calendar days;

(2) Requests for LWOP while in the United States on leave, detail, or consultation. Headquarters will obtain the concurrence of the post before approving LWOP in excess of 5 workdays. Headquarters will notify the post of approval of requests for LWOP for periods of 5 workdays or less;

(3) Requests for LWOP for higher education, military training or service, and temporary employment with a non-Federal public or private enterprise;

(4) Requests for LWOP immediately before separation. (For AID, see HB 30, CH. 2 and form AID 4-243).

An officer in charge of a State, AID, USDA, Commerce, or USIA post may grant principal officers at subordinate posts under that officer's supervision,LWOP other than as provided above. The approving officers at post may grant LWOP to all other employees other than as provided above.

b. For Foreign Service employees serving in the United States (State and Commerce only):

(1) 80 hours or less. Heads of offices and divisions and other comparable officials and supervisors designated by them.

(2) More than 80 hours but not to exceed 90 calendar days. Executive director or administrative officer of employing bureau.

(3) More than 90 calendar days. (PER/FCA for State; OFSP for Commerce.)

c. For Civil Service employees (State only):

(1) 80 hours or less. Heads of offices and divisions and other comparable officials, and supervisors designated by them.

(2) More than 80 hours but not to exceed 1 year. Executive director or administrative officer.

(3) More than 1 year. Office of Civil Service Personnel Management (PER/CSP).

d. For Senior Executive Service (SES) employees (State only):

(1) 80 hours or less. Officials who normally approve an executive's leave.

(2) More than 80 hours. Executive Resources Board.

471.3 Application Procedures

All requests for LWOP must be submitted in writing in accordance with the following procedures. (For USDA, all requests for LWOP will be handled in accordance with agency directives.)

a. For Foreign Service employees serving overseas:

(1) Post Approval.

The post may approve LWOP not in excess of 90 calendar days as follows:

(a) 80 hours or less. When the post approves LWOP of 80 hours or less, it must notify headquarters immediately. (For State, notification is made to IO or the regional executive office; for Commerce notify OFSP.) This procedure does not apply to AID.

(b) More than 80 hours but not to exceed 90 calendar days. When the post approves leave without pay of more than 80 hours but not to exceed 90 calendar days, it must prepare a Request for Personnel Action (SF-52) and submit it to headquarters for issuance of a Notification of

Personnel Action (SF-50). For AID, post must notify PFM/PM/FSP in advance and for Commerce, post must notify OFSP in advance, and provide beginning/ending dates of LWOP and reason in order to issue an SF-50.

(2) Headquarters Approval/Disapproval

Headquarters (PER/FCA in State; OFSP in Commerce) approves requests for LWOP in excess of 90 calendar days. The post forwards an employee's written request, together with a recommendation and any appropriate explanation or comment to headquarters. Headquarters will notify post of approval or disapproval of the request. For State, PER/FCA prepares an SF-52 if the request is approved, for forwarding to PER/EX/IM where the SF-50 is issued. For AID, post must notify PFM/PM/FSP in advance and provide beginning and ending dates of LWOP and reason in order to issue an SF-50. For Commerce, OFSP will prepare SF-52 and SF-50.

b. For Foreign Service employees serving in the U. S. (State and Commerce only):

(1) 80 hours or less. A written request is made to officials designated to approve leave (see section 471.2c).

(2) More than 80 hours but not to exceed 90 calendar days. A written request is made through the supervisor with appropriate recommendation to the executive director or administrative officer.

(3) More than 90 calendar days. A request for LWOP in excess of 90 calendar days must be submitted by memorandum through the supervisor to the executive director or administrative officer. That official forwards the request to (PER/FCA in State; OFSP in Commerce) for action, together with a recommendation, and any appropriate explanation or comments. The approving officer forwards any approved SF-52 (to PER/EX/IM in State) for issuance of the SF-50.

c. For Civil Service employees (State only):

(1) 80 hours or less. A request for 80 hours or less of LWOP is made in writing to the official designated in section 471.2b(1).

(2) More than 80 hours but not to exceed 1 year. A request for LWOP for more than 80 hours but not in excess of 1 year, or for an extension of LWOP that will result in a total period of LWOP for more than 80 hours, must be submitted on an SF-71, Application for Leave, with written justification, through the supervisor to the executive director or administrative officer. That official, if the request is approved, submits an SF-52 to PER/CSP for final approval; and PER/CSP forwards it to PER/EX/IM for issuance of an SF-50.

(3) More than 1 year. A request for LWOP in excess of 1 year must be submitted by memorandum through the supervisor to the executive director or administrative officer. That official forwards the request to PER/CSP for decision, together with a recommendation, any appropriate explanation or comment,and an SF-52. PER/CSP notifies the executive director or administrative officer of the decision, and forwards any approved SF-52 to PER/EX/IM for issuance of the SF-50.

d. For Senior Executive Service employees (State only):

(1) 80 hours or less. A request for 80 hours or less of LWOP is made in writing to the supervisory official who normally approves an executive's leave.

(2) More than 80 hours. A request for LWOP for more than 80 hours, or for an extension of LWOP that will result in a total period of LWOP of more than80 hours must be submitted on an SF-71, with written justification through the supervisor to the executive director or administrative officer. That official forwards the request to the Executive Resources Board (ERB) with a recommendation, appropriate explanation or comment, and an SF-52. The ERB Chair will act on requests for LWOP for periods of less than6 months. The ERB will act on requests for LWOP of 6 or more months. The executive director or administrative officer will be notified of ERB decisions. Upon ERB approval PER/CSP forwards the SF-52 to PER/EX/IM for issuance of the SF-50.

471.4 Limitations on Use

The following are limitations on the use of LWOP:

a. LWOP may not be imposed as a penalty.

b. The authorization of LWOP is a matter of administrative discretion. An employee cannot demand leave without pay as a matter of right except as noted in sections 471.6e and 471.6f.

c. Eligibility for LWOP is not dependent on a specific length of service and may be authorized whether or not the employee has an annual leave credit.

d. An employee on LWOP is in an active appointment status may not be offered or accept a contract with the U. S. Government either directly or indirectly for Government services, coinciding in time with an appointment. The only condition under which a contract and an appointment may be held simultaneously is if there is a most compelling rea-

son to do so, such as when the Government's needs cannot be otherwise met (48 CFR 3.6). For State, such determination is made in writing by the Procurement Executive (A/OPE); for AID, the Agency Procurement Executive (M/AAA/SER); and for USIA, the Agency Director or Agency Procurement Executive in accordance with the provisions of MOA IX-A 132.4. For Commerce, exceptions must be approved by the Director General or equivalent official. This documentation must be retained as part of the procurement file.

471.5 Consideration of Request for LWOP

a. General

Each request for LWOP should be examined to assure that the value to the Government or the needs of the employee are sufficient to offset the costs and administrative inconveniences which result from the retention of an employee in a LWOP status. Among these costs and inconveniences are:

(1) Encumbrance of a position;

(2) Loss of services which may be needed;

(3) Compilation of retention preference registers in the event of reduction in force;

(4) Obligations to provide active employment at the end of the approved leave period;

(5) Creditable service for such benefits as retirement (e.g., six months per calendar year for LWOP), leave accrual, within-grade increases and severance pay;

(6) Eligibility for continued coverage (without cost to the employee for up to 1 year of nonpay status) for life insurance and continued coverage (with payment of employee's portion of the premium by the employee for up to 1 year) for health insurance benefits.

b. Approval of Extended LWOP

As a basic condition to approval of extended LWOP, there should be reasonable expectation that the employee will return at the end of the LWOP. In addition, it should be apparent that at least one of the following benefits would result:

(1) Increased job ability;

(2) Protection or improvement of employee's health;

(3) Retention of a desirable employee;

(4) Fulfillment of parental or family responsibilities (see 3 FAM 463); or

(5) Furtherance of a program of interest to the Government.

471.6 Purpose for Which Granted

LWOP may be granted for periods of 30 calendar days or less for any reasonable purpose. Extended LWOP in excess of 30 calendar days may be granted for specific reasons and for definite periods of time. Following are examples of purposes for which approval of extended LWOP would be proper, all other factors being favorable:

a. For the purpose of full-time advanced education when the course of study or research is in line with the type of work performed by the agency and when its completion would contribute to the best interests of the agency. Requests for extended LWOP for advanced education must be submitted to the agency at least 90 days in advance.

b. For service with non-Federal public or private enterprise when the job is of temporary character and there is reasonable expectation that the employee will return, and when one or both of the following result:

(1) The service to be performed will contribute to the public welfare, and/or;

(2) The experience to be gained by the employee will serve the interests of the employing agency. In some cases, the acceptance of non-Federal public employment may require the separation of an employee because of certain provisions of law.

c. For the purpose of recovering from illness or disability not of a permanent or disqualifying nature when continued employment or immediate return to employment would threaten impairment of the employee's health or the health of other employees. LWOP for reasons of health must be supported by a medical certificate.

d. For the purpose of protecting employee status during any period:

(1) Pending final action on a claim for disability retirement, after all sick and annual leave has been exhausted, or

(2) Pending final action by the Office of Workers' Compensation Programs (OWCP) of the Department of Labor resulting from employment-connected injury or disease.

e. For disabled veterans who require treatment under Executive Order 5396 because of service-connected disabilities. Approval in this case is mandatory.

f. Reservists and National Guard members who are entitled to LWOP if necessary to perform military training duties under the provisions of 38 U.S.C. 2024. Approval in this case is mandatory.

g. An employee injured in the line of duty may be granted LWOP while receiving compensation from the Office of Workers' Compensation Programs.

h. To attend to parental or family responsibilities.

i. For the purpose of accompanying a Foreign Service employee spouse to an overseas post where no suitable tandem assignment is available.

j. For personal emergency when denial of leave without pay would result in severe hardship to the employee.

471.7 Return to Duty

a. The post shall submit promptly to headquarters an SF-52 (AID posts request PFM/PM/FSP to issue an SF-52) covering each return to duty following a period of LWOP authorized under section 471.3a(1)(b). For LWOP authorized under section 471.3a(1)(a), the employee's return to duty will be reported to headquarters only if there has been a change in the previously reported return-to-duty date. For Commerce, post should notify OFSP promptly of the employee's return to duty following a period of LWOP under section 471.3a(1)(b). The SF-52 and SF-50 will be prepared in headquarters.

b. Since LWOP is a voluntary absence from duty and pay status for a specific period, an employee may not demand to be restored to duty before the authorized absence expires. However, an employee who wishes to return to duty before the expiration of authorized LWOP should so inform the appropriate official at the post or at headquarters and such employee will be restored to duty as soon as administratively possible.

472 ABSENCE WITHOUT OFFICIAL LEAVE (AWOL)

472.1 Definition

Absence without official leave (AWOL) is a nonpay status and means any absence from duty which has not been approved in accordance with the provisions of applicable regulations and policy.

472.2 Policy

a. When an employee is absent from duty other than on sick leave or emergency annual leave without advance authorization (see 3 FAM 432.4), or other excused absence, the absence will be charged as AWOL and pay will be forfeited for the entire period of such absence.

b. If the employee can offer a satisfactory explanation, the approving officer may alter the charge to annual leave, sick leave, or LWOP, as appropriate. However, if the employee is unable to justify the absence, the charge to AWOL will remain. If circumstances warrant, disciplinary action may be taken. If a post recommends disciplinary action, a complete statement of the facts and recommended action will be forwarded to headquarters.

473 CHARGING FOR HOLIDAYS WITHIN PERIOD OF NONPAY STATUS

Holidays occurring within a period of nonpay status for which pay would otherwise be received is recorded as LWOP. If the employee is in a pay status at the close of business on the last workday preceding the holiday or at the beginning of business on the first workday following the holiday, the employee receives pay for the holiday.

474 through 479 (Unassigned)

CHAPTER 8

TIMEKEEPING

This chapter consists entirely of AID's American Electronic Time & Attendance System (AETA), Timekeeper's User Guide (App. 8A).

American Electronic Time & Attendance System (AETA)

AETA Timekeeper's User Guide

Release 03.03.00
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AGENCY FOR INTERNATIONAL DEVELOPMENT
INFORMATION RESOURCES MANAGEMENT
SYSTEMS MANAGEMENT
(IRM/SM)

Created & Revised by:
Pinkerton Computer Consultants, Inc.

Publication Note

This document is intended as a guideline for using AETA. See Handbook 27 for policies regarding the recording of Time and Attendance for U.S. direct hire employees.

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Timekeeper's Responsibilities

Activities

Timekeepers have many important responsibilities that must be accomplished with precision in order to insure the proper functioning of the AETA system. A list of the Timekeeper's primary duties include:

- Entering time and attendance (T&A) information for the current pay period (PP).
- Entering corrections for previous pay periods (PP).
- Printing draft reports.
- Verifying data entered.
- Printing final reports which include all relevant time and attendance information on or before the deadline.
- Documenting leave by either: obtaining the initials of employees charged for leave or attaching applications and approvals (SF-71) or USAID alternative to the final report.
- Obtaining your supervisor's signature on final reports.
- After obtaining your supervisor's signature, filing the final reports and keeping them on file for *three* calendar years.
- At the end of each leave year, producing a history record for that leave year and filing it with the final reports for that same year.

Methods

There are two acceptable ways of entering T&A information into AETA which will insure the proper functioning of the AETA system. Timekeepers may use whichever method is easiest.

1. Print a blank draft of the Time and Attendance Report (AID 760-10) and then manually complete this T&A report on a daily basis. The data must then be entered into AETA before the deadline.

2. Enter data directly into AETA on a regular daily basis.

Access

Timekeepers may access the system as often as necessary during the two week pay period, until the final report is created. When it is time to print your final report, timekeepers will be locked out of that pay period. If corrections are required, contact the coordinator who can regain access to the file. At any time during the pay period, (before the final T&A report is run), timekeepers may enter corrections to previous pay periods. See page 30 for instructions on entering corrections.

Essential procedures for the AETA system are reviewed in the following pages.

Overview

System Design

The American Electronic Time and Attendance (AETA) system is designed on an ***Exception Basis***. Each employee will have his/her own record, which will include a Standard Schedule. Only *changes* to that Standard Schedule, such as leave, need to be entered for each pay period in which they occur.

Three versions of AETA are available to operate on three different hardware platforms: the WANG VS (minicomputer), the PC (personal computer), or the IBM Mainframe. Talk to your coordinator if you are unsure which version you are using. All versions are covered in this Guide.

Records

The timekeeper will be responsible for keeping a Time and Attendance file, which will include one or more employees at your country/post. Each of these employees will have a separate time and attendance record. These records, displayed through the ENTER T&A SCREEN, will contain vital information, including the standard schedule. The ENTER T&A SCREEN will be the screen on which current pay period information will be entered and verified. Throughout this guide, sample screens are used to show how the AETA system works.

Definitions

Throughout the text, the key terms used are defined as follows:

FILE:	A file is a collection of one or more data records.
MASTER FILE:	Contains all employees' Records for your country/post.
TIMEKEEPER FILE:	Contains relevant information on timekeepers and coordinators.
RECORD:	Contains the relevant data for each employee, such as employee name, social security number, normal working hours (Standard Schedule), etc.
STANDARD SCHEDULE:	Refers to the normal hours an employee works. The standard schedule automatically appears when you access an employee's record.
PF KEY:	Also called a function key. These are located across the top of the Wang keyboard. There are 16 PF KEYS. Major differences exist in these keys between the VS and the PC versions.
Enter:	The Enter key is the same as the **Return** key on your keyboard. The phrase *"press Enter"* means press the designated key.
VS VERSION:	The PF Keys in the VS version are the 16 function keys across the top of the Wang keyboard. These are numbered from left to right, PF 1 through 16.
PC VERSION:	Only PF Keys 11 through 16 in the PC version are different from the VS version (i.e., PF 1 through PF 10 are the same as the VS version). In order to use PF KEYs 11 through 16, you must press and hold the **Shift** key and then press the PF Key that corresponds to the one you wish to choose. (For PF 11, hold down **Shift/PF1**, etc.) Throughout the Guide, the keys necessary to use PF 11 through PF 16 on the PC will be in brackets (ex. PF 11 [PC ☞ **Shift/PF1**], etc.)

Coordinator: The AETA Coordinator is responsible for maintaining a **Master File**, **Timekeeper File** and a file for each pay period (**Biweekly File**). The Coordinator's responsibilities include: adding and deleting employees from the Master File, changing the standard schedule for an employee, and ensuring that time and attendance data reach the A.I.D. payroll office on time. Any problems encountered with AETA should be discussed with your AETA System Coordinator.

AETA Timekeeper's Main Menu

Logon Procedures

Logon procedures differ at many posts. Please use the correct procedure for your post.

Accessing the Main Menu

After keying on to the AETA system, the following screen will appear:

```
                    MAIN MENU
AGENCY FOR INTERNATIONAL DEVELOPMENT
                  AETA SYSTEM
              RELEASE  03.03.00
              TIMEKEEPERS MENU
PF
KEY     DESCRIPTION
2       PRINTER LOCATION TABLE
7       ENTER T&A
8       PRINT T&A
10      PRINT HISTORICAL REPORT

16      EXIT
```

Press the corresponding PF KEY for the function desired. The PF KEYS are located across the top of the keyboard.

(Remember, to select PF 11 through PF 16 in the PC version, you must press the Shift key and the PF KEY (1 - 6) which corresponds to the desired PF KEY (i.e. PF 16 [PC ☞ Shift/PF 6].)

Available Selections

PF 2 PRINTER LOCATION TABLE:	This function will target a printer as the location for reports, cables (overseas), etc.
PF 7 ENTER T&A:	This is the first step to entering/verifying current pay period information in the timekeeper unit. Through this function, timekeepers may enter changes to the standard schedule and generate additional correction and/or missing regular reports for previous pay periods.
PF 8 PRINT T&A:	This will allow you to print a T&A report (also called AID 760-10). Pressing PF 8 from the MAIN MENU will list several print alternatives (see page 37).
PF 10 PRINT HISTORICAL REPORT:	This option gives two alternatives for printing historical data (see page 39).
PF 16 EXIT: [PC ☞ Shift/PF 6]	This key will take you out of the AETA system.

Main Menu - Printer Location Table: (PF 2)

Pressing PF 2 from the MAIN MENU will display this screen:

```
Time:  7:48 am          Printer Location Table Inquiry      Pgm: T45P8
Date: 04/10/91                                              Rel: 03:03.00

AETA   <- PRINTER ->                                        LASER   FORMS
CLASS  NUMBER  CLASS  DESCRIPTION                           (Y,N)   NO.
 A       000     A    DEFAULT PRINTER - SOURCE, AETA         N



(01) Top                (06) Search
(02) Next               (16) Exit
End of file reached
```

This screen allows you to view your printer locations and options. If you need a new printer added to this list, contact your AETA System Administrator.

Fields

AETA CLASS:	Logical AETA printer class.
NUMBER:	WANG printer definition number.
CLASS:	WANG printer class.
DESCRIPTION:	Pertinent printer information.
LASER:	Should be **Y** only if the designated printer is a laser printer.
FORM NO.:	WANG printer form number.

Main Menu - T&A File: (PF 7)

Pressing PF 7 from the MAIN MENU generates this screen.

```
Time: 1:36 am                UPDATE T&A FILE                Pgm:T45E
Date: 5/25/9             Time and Attendance (TA)           Rel. 03.03.00

Pay Period  9    From 4 23 89 To 5 6 89

     COUNTRY  521 POST  TIMEKEEPER 01

         SSN  ______________________

EMPLOYEE NAME  ______________________


TYPE IN THE REQUESTED INFORMATION AND PRESS 'ENTER' OR PRESS PF-KEY 16 TO EXIT
```

This screen allows you to access a specific employee by name or social security number OR the first employee in YOUR file.

The first three fields (Country, Post, and Timekeeper) will already be filled in, the next two fields (SSN and EMPLOYEE NAME) will be blank.

Access

There are two ways to access a T&A file of employees:

1. Access the *first* employee in your file by pressing Enter or,

2. Access a specific employee by using the Space Bar to remove the Country, Post, and Timekeeper code, and then entering *either* the SSN or the EMPLOYEE NAME (Last Name) and pressing Enter.
   Do not enter both SSN and EMPLOYEE NAME.

Pressing PF 16 [PC ☞ Shift/PF 6] will return you to the previous MAIN MENU screen.

Time and Attendance Record

When you access your T&A file, this screen is displayed.

```
Time: 1:37 am                    ENTER T & A                    Pgm: T45E1
Date: 5/25/91              Time and Attendance (TA)             Rel: 03.03.00

Pay Period No. 9  From 04 23 89 To 05 06 89            SSN   123456789
COUNTRY  263 POST 01  TIMEKEEPER 01
NAME  Doe Joe L    SCHED 80   MD N  SD N  DP N  OT Y  STATUS  F
MLA _ _____  PD _  __ LD _  __ _____ WAE DAYS _______
                                     NO EXTRA REPORT FOR THIS EMPLOYEE

 CODE= ___ HRS-TENTHS=_____ DAY=___  WEEK=_

 PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
 10 RD  1       8.0  8.0  8.0  8.0  8.0        40.0  80.0   RD
 10 RD  2       8.0  8.0  8.0  8.0  8.0        40.0         RD

ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

The screen above has been divided into four parts (1, 2, 3, and 4), as shown below, for instructional purposes only. Part 1 will be discussed first, followed by part 4. *Part 4 will come before Parts 2 and 3 in order to make Parts 2 and 3 easier to understand.*

Part 1: Master Information

```
Time: 1:37 am                    ENTER T & A                          Pgm: T45E1
Date: 5/25/91                Time and Attendance (TA)                 Rel: 03.03.00

Pay Period No. 9  From 04 23 89 To 05 06 89                 SSN   123456789
COUNTRY  263 POST 01  TIMEKEEPER 01
NAME  Doe Joe L    SCHED 80   HD N   SD N   DP N   OT Y   STATUS  F
HLA _ _____   PD _  __ LD _  __ _____ WAE DAYS _______
                                      NO EXTRA REPORT FOR THIS EMPLOYEE

 CODE= ___ HRS-TENTHS=_____ DAY=___  WEEK=_

 PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
 10 RD  1       8.0  8.0  8.0  8.0  8.0        40.0  80.0   RD
 10 RD  2       8.0  8.0  8.0  8.0  8.0        40.0         RD

ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

When the ENTER T & A screen appears, Part 1 (highlighted in the example above) will already be completed. The information is obtained from the Master File each time you enter the system. If it is incorrect, any changes to this information *must* be made by your AETA Coordinator. Timekeepers cannot change this information.

Fields

The information included in Part 1 of the screen is defined as follows:

Time:	Gives the current time at your country/post.
Enter T&A:	This is the title of the screen.
Pgm:	Identifies the program module of the system.
Date:	The current date.
TA:	Identifies the screen as Time and Attendance, or more specifically, as part of AETA.
Rel:	Identifies which release of AETA is installed at your country/post.
Pay Period:	Identifies the PP by number and start/ending dates.

SSN:	The employee's social security number (9 digits; no dashes).
COUNTRY:	Three digit country code (e.g. Egypt "263").
POST:	Two digit post code (e.g. Cairo "01").
TIMEKEEPER:	Two digit code to identify the timekeeper responsible for reporting T&A for that employee (e.g. Controller's Office "01").
NAME:	Last name, space, First name, space, Initial (e.g. Doe Joe L).
SCHED:	Number of regular hours the employee is scheduled to work or their tour of duty (e.g. 80 hrs., 64 hrs., etc.)
ND:	Night differential - "Y" indicates the employee is entitled to night differential; "N" means the employee is not entitled.
SD:	Sunday differential - "Y" indicates the employee is entitled to Sunday differential; "N" means the employee is not entitled.
DP:	Danger pay - "Y" indicates the employee is entitled to danger pay; "N" means the employee is not entitled. If DP = "Y", danger pay will AUTOMATICALLY be recorded for all hours in pay status.
OT:	Overtime - "Y" indicates the employee is entitled to overtime; "N" means the employee is not entitled. If "N" is recorded, no overtime can be reported for that employee.
STATUS:	If "F", the employee is full-time; "P", the employee is part-time; "W", the employee is WAE (When Actually Employed - an expert consultant). If SCHED (schedule) is 80 hours, "F" MUST be present.

Part 4: Function Key Menu

This portion of the screen identifies the **Enter** and PF Key functions you may use while working on this screen. (**Highlighted** in the example below.)

```
Time: 1:37 am                    ENTER T & A                        Pgm: T45E1
Date: 5/25/91              Time and Attendance (TA)                 Rel: 03.03.00

 Pay Period No. 9  From 04 23 89 To 05 06 89              SSN   123456789
 COUNTRY  263 POST 01  TIMEKEEPER 01
 NAME  Doe Joe L    SCHED 80   MD N  SD N  DP N  OT Y  STATUS  F
 NLA _ ______  PD _  __ LD _  __ ______ WAE DAYS _______
                                        NO EXTRA REPORT FOR THIS EMPLOYEE

  CODE= ___ HRS-TENTHS=_____ DAY=___  WEEK=_

  PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
  10 RD  1       8.0  8.0  8.0  8.0  8.0        40.0  80.0   RD
  10 RD  2       8.0  8.0  8.0  8.0  8.0        40.0         RD

 ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

Key Options

Enter=UPDT:	Pressing the **Enter** key updates the record with the changes you entered.
PF2=NEXT:	Displays the NEXT employee record in your file.
PF3=RESET:	Resets the record to its Standard Schedule, erasing any changes you may have entered.
PF4=PREV:	Displays the PREVIOUS employee record. This function does not work if you go directly to an individual's record by entering SSN or EMPLOYEE NAME. It will only work if you go to the first record in the file, by just pressing **Enter**, and then continue to other employee records.

Note: PF 4 will not allow you to scroll backwards through several employees' records. It will allow you to go back one employee only. If you wish to review previous records, press PF 16 [PC ☞ Shift/PF6] and begin again by pressing Enter.

PF5=DEL: Deletes the record that is displayed. This function is only allowed for WAE employees. It should be used to delete the employee's T&A report for any pay period in which they do not work.

Note: PF 5 is used to temporarily delete a WAE employee from the report for that pay period. You must make this your LAST step before running the report because if you reenter and access that employee's screen again, the record will be put back on the report.

PF9=CORR: Displays CORRECTED T&A REPORTS screen and allows you to do a corrected (amended) T&A for a PREVIOUS pay period (see page 30).

PF10=HISTO: Displays the T&A history for previous pay periods (see page 35).

PF11=CODES: Displays all T&A codes.

PF16=EXIT: Allows you to return to the previous screen.

Part 2: Entering Home Leave, Post and Language Differentials and WAE Days

The section concerning Part 2 in the screen has been highlighted.

```
Time: 1:37 am                    ENTER T & A                        Pgm: T45E1
Date: 5/25/91              Time and Attendance (TA)                 Rel: 03.03.00

 Pay Period No. 9  From 04 23 89 To 05 06 89              SSN   123456789
 COUNTRY  263 POST 01  TIMEKEEPER 01
 NAME  Doe Joe L    SCHED 80    MD N  SD N  DP N  OT Y  STATUS  F
 HLA _ _____  PD _  __ LD _  __ _____ WAE DAYS _______
                                     NO EXTRA REPORT FOR THIS EMPLOYEE

  CODE= ___ HRS-TENTHS=_____ DAY=___  WEEK=_

  PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
  10 RD  1       8.0  8.0  8.0  8.0  8.0        40.0  80.0   RD
  10 RD  2       8.0  8.0  8.0  8.0  8.0        40.0         RD

 ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

Most of the following information is entered by Overseas timekeepers only. However, *WAE days* may be relevant for all A.I.D. timekeepers.

HLA - Home Leave Accruals

Rules

- Accruals are started for an employee arriving on their INITIAL assignment from AID Washington. The START code and arrival date are coded on the FIRST T & A report only.
- To START Home Leave Accruals, enter a "1" and the arrival date. The arrival date is a 6 digit field and is entered MMDDYY (e.g. 123189 for Dec. 31, 1989).
- Accruals are STOPPED when an employee departs post for an assignment TO WASHINGTON. Accruals are NOT stopped when departing for home leave and/or transfer to another post.
- To STOP HLA, enter a "2" and the departure date (MMDDYY).
- 15 days are accrued during a 12 month period.

- Home Leave is earned in DAYS and must be used in days.

- Home Leave *must* be used in the U.S. with a minimum of 20 days. Any usage less than 20 days is NOT considered Home Leave.
  Exception: Rotation to AID/W where 15 days is the limitation.

Home Leave Accrual automatically begins when the code "1" and arrival date are entered.

PD - Post Differential

Rules

- If your post is entitled to PD, PD for an employee is STARTED upon their ARRIVAL at your post and is STOPPED upon DEPARTURE from your post, or upon arrival in the U.S.

- To START PD, enter a "1" and the number of days the employee is entitled to PD during the pay period as a two digit code - not to exceed 10 (e.g. 04 for 4 days in the PP).

- To STOP PD, enter a "2" and the number of days the employee is entitled to for the current pay period.

- For mid-tour and/or direct transfer to another overseas post entitled to PD, the LOSING post will enter a "2" to STOP and the GAINING post will enter a "1" to START.

The PD biweekly payment will automatically begin when the code "1" and number of days entitled during the pay period are entered.

LD - Language Differential

Rules

- The AID/W Personnel Office will determine eligibility, the effective date, and percent rate. You should receive a Notification of Personnel Action (SF-50) with this information.
- To START LD, enter a "1", the number of days, and the effective date the employee is entitled to LD during the pay period as a two digit code - not to exceed 10.
- To STOP LD, enter a "2", the number of days, and the effective date the employee is entitled to for the current pay period.
- The START date is the same as the effective date on the SF-50 and the STOP date is the DEPARTURE date from your post. The date is a six digit field and is entered MMDDYY.

WAE (When Actually Employed) - For all A.I.D. Timekeepers

Rules

- WAE is used exclusively for expert consultants.
- A "W" must be present in the STATUS field in order to process WAE transactions.
- If STATUS is "W", a schedule will appear in the record, with at least one hour scheduled per pay period. If the employee works, simply add in the correct hours of RD for the days worked. The WEEKLY total of days must not be greater than seven.

Extra Reports

- Extra Reports are generated from the CORRECTED T & A REPORTS screen.
- If you have created an Additional, Correction, or Missing report for an employee, this message will appear: *"THERE IS AN EXTRA REPORT FOR THIS EMPLOYEE, PRESS PF-9"*. By pressing PF 9, you may review the extra report.

Part 3: Recording Leave, Premium Hours and Changes to Standard Schedule

The section concerning Part 3 in the screen has been highlighted.

```
Time: 1:37 am                    ENTER T & A                        Pgm: T45E1
Date: 5/25/91              Time and Attendance (TA)                 Rel: 03.03.00

 Pay Period No. 9  From 04 23 89 To 05 06 89              SSN   123456789
 COUNTRY  263 POST 01  TIMEKEEPER 01
 NAME  Doe Joe L    SCHED 80   MD N  SD N  DP N  OT Y  STATUS  F
 NLA _ _____  PD _  __ LD _  __ _____ WAE DAYS _______
                                     NO EXTRA REPORT FOR THIS EMPLOYEE

  CODE= ___  HRS-TENTHS=_____  DAY=___  WEEK=_

  PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP  CD
  10 RD  1       8.0  8.0  8.0  8.0  8.0        40.0   80.0   RD
  10 RD  2       8.0  8.0  8.0  8.0  8.0        40.0          RD

 ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

These fields are used to make changes in the standard schedule and to record leave and premium hours. Recording time (entering hours) is done by entering codes, hours (minutes), day and week numbers. Once completed, the hours you have entered will be displayed in the area below these fields.

Fields

The information included in Part 3 of the screen is defined as follows:

CODE: Determine the type of hours you want to record and enter the corresponding two character code (e.g. annual leave is "AL"). See page 21 for a list of codes.

Note: Using the PF 11 CODES key will clear the input line of any information you have entered; therefore, it is suggested you make a copy of the code list and keep it handy.

HRS-TENTHS: Determine if applicable, the number of hours you want to enter for the code. Enter overtime and night differential using a decimal (e.g. 8 hours "8"; 8 hrs. and 15 minutes overtime "8.3"). ALL other hours entered MUST be whole numbers. In accordance with the Fair Labor Standards Act (FLSA), the following table shows the minutes and tenths of hour conversion necessary to record overtime.

Minutes Worked	Tenths of Hours
1 - 6	.1
7 - 12	.2
13 - 18	.3
19 - 24	.4
25 - 30	.5
31 - 36	.6
37 - 42	.7
43 - 48	.8
49 - 54	.9
55 - 60	1.0

DAY: Enter the three character (letter) day of the week corresponding with the codes and hours (i.e. Wednesday "WED").

WEEK: Enter '1' for the first week or '2' for the second week of the pay period.

Error Message Screen

If an error occurs when entering hours, press PF 1 to see the error message. If you understand the error message, press PF 16 [PC ☞ Shift/PF 6] to return to the screen and correct the error. If after reviewing the message you are uncertain as to how to correct it, press PF 16 [PC ☞ Shift/PF 6] to return to the screen, then press PF 3, which will delete your entry and reset the record to its standard schedule format (as contained in the master file). Then see your coordinator for information about how you should enter the time into the AETA system.

```
Time: 1:38 am          T & A ERROR MESSAGES                    Pgm: T45E6
Date: 5/25/9         Time and Attendance (TA)                Rel. 03.03.00

          Error message

                    (PF16) = RETURN TO PREVIOUS SCREEN
```

T & A Codes: (PF 11 [PC ☛ Shift/PF 1])

Pressing PF 11 [PC ☛ Shift/PF 1] from the ENTER T&A SCREEN generates this screen, which provides a list of all available regular duty, leave, and premium codes for U.S. direct hire employees.

```
Time: 8:33 am              T & A CODES USED                    Pgm: T45E4
Date: 4/23/89          Time and Attendance (TA)                Rel: 03.03.00

REGULAR AND LEAVE                          Code    Description
Code    Description                        . CU  = Comptime Used
. RD  = Regular Duty                       . LW  = Leave Without Pay (LWOP)
. AL  = Annual Leave                       . LU  = Absence Without Pay(AWOL)
. SL  = Sick Leave                         . DW  = Difference with Schedule
. XA  = Holiday                              LF  = Furlough
. XB  = Home Leave
. XE  = Excused Absence - Admin
. XF  = Funeral Leave
. XK  = Injury
. XL  = Local Holiday                      PREMIUM CODES
. XM  = Military Leave                     . OT  = Overtime
. XR  = Restored Annual Leave              . ND  = Night Differential
. XT  = Training                           . SD  = Sunday Differential
. XU  = Negotiations                       . DP  = Danger Pay
. XW  = On-going Labor Management          . CW  = Comptime Worked
. XX  = Grievances                         . CV  = Comptime Converted To Overtime
. XY  = Absence Due To Hostile Action      . HP  = Holiday Pay
. XZ  = Court/Jury Duty

                    PF-16 = RETURN TO PREVIOUS SCREEN
```

Pressing PF 16 [PC ☛ Shift/PF6] will return you to the previous screen.

Note: You are allowed to use only the codes highlighted on your T&A CODES screen.

Examples of Recording Time

Since the AETA system is designed on an "Exception Basis", timekeepers change only the data that needs to be changed each pay period. You do not have to reenter 8 hours regular duty for a day if 8 hours regular duty on that day is already shown. You only need to enter the leave taken or premium earned. If you enter leave, regular duty will automatically be adjusted for the same days/hours.

The following pages contain 6 exhibits which will show you examples of entering hours for an employee.

Exhibit 1: Standard Schedule

```
Time: 1:37 am                    ENTER T & A                    Pgm: T65E1
Date: 5/25/91              Time and Attendance (TA)             Rel: 03.03.00

 Pay Period No. 9  From 04 23 89 To 05 06 89            SSN   123456789
 COUNTRY  263 POST 01  TIMEKEEPER 01
 NAME  Doe Joe L    SCHED 80   WD N  SD N  DP N  OT Y  STATUS  F
 HLA _ _____  PD _  __ LD _  __ _____ WAE DAYS _______
                                     NO EXTRA REPORT FOR THIS EMPLOYEE

  CODE= ___ HRS-TENTHS=_____ DAY=___  WEEK=_

  PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
  10 RD  1       8.0  8.0  8.0  8.0  8.0        40.0  80.0   RD
  10 RD  2       8.0  8.0  8.0  8.0  8.0        40.0         RD

  ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

The screen above is Joe L. Doe's standard schedule. It appears exactly as it does in the master schedule. No changes need to be made. It shows 40 hours regular duty for week 1 and week 2. The standard schedule for this employee is 80 hours regular duty per pay period. This will automatically be shown at the beginning of each new pay period. In the example above, during PP 9, 80 hours were worked. You do not need to reenter Regular Duty hours. Once you reviewed Joe Doe's record in the system, and if no changes from his standard schedule are required, you may press PF 2 to view the next record in the file.

Comparing Exhibit 1 (no changes) to the other exhibits (2 through 6) will demonstrate each of the changes made.

Exhibit 2: Recording 8 Hours Sick Leave in Week 1

For the CURRENT pay period *(PP 09)*, the employee used 8 hours sick leave on Wednesday of the FIRST week. On all other days, the employee worked as scheduled.

```
Time: 1:37 am                    ENTER T & A                          Pgm: T45E1
Date: 5/25/91              Time and Attendance (TA)                   Rel: 03.03.00

 Pay Period No. 9  From 04 23 89 To 05 06 89              SSN   123456789
 COUNTRY  263 POST 01  TIMEKEEPER 01
 NAME  Doe Joe L    SCHED 80   MD N  SD N  DP N  OT Y  STATUS  F
 HLA _ _____  PD _ __ LD _ __ _____ WAE DAYS _____
                                        NO EXTRA REPORT FOR THIS EMPLOYEE

  CODE= SL  HRS-TENTHS= 8     DAY= WED  WEEK= 1

  PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
  10 RD  1       8.0  8.0       8.0  8.0        32.0  72.0   RD
  10 RD  2       8.0  8.0  8.0  8.0  8.0        40.0   8.0   SL
  10 SL  1                 8.0                   8.0

 ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

To record these hours you should enter the CODE "SL", HRS-TENTHS "8", DAY "WED", and WEEK "1", and then press Enter. This will automatically remove the 8 hours REGULAR DUTY and replace it with 8 hours SICK LEAVE for the same day.

*Compare this to Exhibit 1 and note the differences.

Exhibit 3: Recording 40 Hours Sick Leave For Week 2

For FULL-TIME EMPLOYEES, the AETA system allows the same type of leave used consecutively within the same week to be recorded once (see Exhibit 3 below).

```
Time: 1:37 am                    ENTER T & A                          Pgm: T45E1
Date: 5/25/91              Time and Attendance (TA)                   Rel: 03.03.00

 Pay Period No. 9  From 04 23 89 To 05 06 89              SSN   123456789
 COUNTRY  263 POST 01  TIMEKEEPER 01
 NAME  Doe Joe L    SCHED 80   MD N  SD N  DP N  OT Y  STATUS  F
 NLA _ ______  PD _  __ LD _  __ ______ WAE DAYS _______
                                        NO EXTRA REPORT FOR THIS EMPLOYEE

  CODE= SL  HRS-TENTHS= 40   DAY= MON WEEK= 2

  PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
  10 RD  1       8.0  8.0       8.0  8.0        32.0  32.0   RD
  10 RD  2                                               48.0   SL
  10 SL  1                 8.0                   8.0
  10 SL  2       8.0  8.0  8.0  8.0  8.0        40.0

 ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

To record 40 hours sick leave in the same week, enter the code "SL", HRS-TENTHS "40", DAY "MON", and WEEK "2", and then press Enter. This will automatically remove all RD for week 2 and replace it with SL. This ability to enter leave codes for more than one day at a time will work for full time employees *only*.

*Compare this to Exhibit 1 and note the differences.

Exhibit 4: Recording 8 Hours 15 Minutes Overtime For Week 2

For the current pay period (*PP 09*), the employee worked his scheduled regular duty hours and 8 hrs. 15 minutes overtime for Saturday of week 2.

```
Time: 1:37 am                    ENTER T & A                        Pgm: T45E1
Date: 5/25/91              Time and Attendance (TA)                 Rel: 03.03.00

 Pay Period No. 9  From 04 23 89 To 05 06 89            SSN   123456789
 COUNTRY  263 POST 01  TIMEKEEPER 01
 NAME  Doe Joe L    SCHED 80   ND N  SD N  DP N  OT Y  STATUS  F
 HLA _ _____  PD _ __ LD _ __ _____ WAE DAYS _______
                                        NO EXTRA REPORT FOR THIS EMPLOYEE

  CODE= OT  HRS-TENTHS= 8.3  DAY= SAT WEEK= 2

  PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
  10 RD  1       8.0  8.0  8.0  8.0  8.0        40.0  80.0   RD
  10 RD  2       8.0  8.0  8.0  8.0  8.0        40.0   8.3   OT
  10 OT  2                                 8.3   8.3

 ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

Entering the code "OT", HRS-TENTHS "8.3", DAY "SAT", and WEEK "2", and then pressing **Enter** records OT on SAT, but does not change RD. Remember, the employee's Master record must indicate that he/she is entitled to work overtime before you can record any OT hours. Contact your coordinator for more details on the master record.

*Compare this to Exhibit 1 and note the differences.

Exhibit 5: Employee Enters/Leaves the Agency

5.A Recording Hours for Employee who Entered Duty During the Pay Period:

Employee began duty on Monday of week 2. The screen will automatically show 8 hours of regular duty for each day (week 1 and 2). The code "DW" indicates the employee was not on the Agency's rolls. This code is used to remove all regular duty hours that are shown on the screen for days that the employee was not employed by the Agency (week 1). If an employee begins work at the start of a pay period, *do not* use "DW".

```
Time: 1:37 am                    ENTER T & A                        Pgm: T45E1
Date: 5/25/91              Time and Attendance (TA)                 Rel: 03.03.00

 Pay Period No. 9  From 04 23 89 To 05 06 89              SSN   123456789
 COUNTRY  263 POST 01  TIMEKEEPER 01
 NAME  Doe Joe L    SCHED 80   WD N  SD N  DP N  OT Y  STATUS  F
 HLA _ ______  PD _ __ LD _ __ ______ WAE DAYS _______
                                      NO EXTRA REPORT FOR THIS EMPLOYEE

  CODE= DW  HRS-TENTHS= 40   DAY= MON WEEK= 1

  PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
  10 RD  1                                          40.0   RD
  10 RD  2       8.0  8.0  8.0  8.0  8.0       40.0  40.0   DW
  10 DW  1       8.0  8.0  8.0  8.0  8.0       40.0

 ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

5.B Recording a Separated Employee (Separated from the Agency):

The employee separates from the Agency at the close of business on Wednesday of week 2. The DW code is used to remove RD hours for Thursday and Friday of week 2. If an employee is separated at the end of the pay period, *do not* use code DW.

```
  CODE= DW  HRS-TENTHS= 16   DAY= THU WEEK= 2

  PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
  10 RD  1       8.0  8.0  8.0  8.0  8.0       40.0  64.0   RD
  10 RD  2       8.0  8.0  8.0  8.0  8.0       24.0  16.0   DW
  10 DW  2                    8.0  8.0       16.0

 ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

See example above.

Exhibit 6: Reducing Danger Pay Hours

All employees at a post entitled to danger pay will automatically be given danger pay equal to the schedule (SCHED) for that pay period. It is a timekeeper's responsibility to *remove* danger pay when necessary.

```
Time: 1:37 am                    ENTER T & A                    Pgm: T45E1
Date: 5/25/91              Time and Attendance (TA)             Rel: 03.03.00

 Pay Period No. 9  From 04 23 89 To 05 06 89            SSN   123456789
 COUNTRY  263 POST 01  TIMEKEEPER 01
 NAME  Doe Joe L    SCHED 80   MD N  SD N  DP N  OT Y  STATUS  F
 HLA _ _____  PD _  __ LD _  __ _____ WAE DAYS _______
                                     NO EXTRA REPORT FOR THIS EMPLOYEE

  CODE= XB  HRS-TENTHS= 40   DAY= MON WEEK= 2

  PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
  10 RD  1       8.0  8.0  8.0  8.0  8.0        40.0  40.0   RD
  10 RD  2                                              80.0   DP
  10 DP  1       8.0  8.0  8.0  8.0  8.0        40.0   8.0   MD
  10 DP  2       8.0  8.0  8.0  8.0  8.0        40.0  40.0   XB
  10 MD  1       8.0                             8.0
  10 XB  2       8.0  8.0  8.0  8.0  8.0        40.0

 ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

In the example above, the employee has been on Home Leave all of week 2, but when the RD was converted to XB, the danger pay for week 2 remained. The timekeeper will then enter CODE "DP", HRS- TENTHS "-40", DAY "MON", and WEEK "2" as shown below.

Note: This same process may be used to remove single days/hours of danger pay.

```
  CODE= DP  HRS-TENTHS= -40 DAY= MON WEEK= 2

  PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
  10 RD  1       8.0  8.0  8.0  8.0  8.0        40.0  40.0   RD
  10 RD  2                                              40.0   DP
  10 DP  1       8.0  8.0  8.0  8.0  8.0        40.0   8.0   MD
  10 MD  1       8.0                             8.0   40.0   XB
  10 XB  2       8.0  8.0  8.0  8.0  8.0        40.0

 ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

*Compare this to Exhibit 1 and note the differences.

Exhibit 7: U.S. Holiday

U.S. holidays will automatically appear in the appropriate pay period. The hours will be shown under the code "XA".

```
Time: 1:37 am                    ENTER T & A                    Pgm: T45E1
Date: 5/25/91              Time and Attendance (TA)             Rel: 03.03.00

Pay Period No. 9  From 04 23 89 To 05 06 89            SSN   123456789
COUNTRY  263 POST 01  TIMEKEEPER 01
NAME  Doe Joe L    SCHED 80   MD N  SD N  DP N  OT Y  STATUS  F
MLA _ _____  PD _  __ LD _  __ _____ WAE DAYS _____
                                     NO EXTRA REPORT FOR THIS EMPLOYEE

 CODE= ___ HRS-TENTHS=_____ DAY=___  WEEK=_

 PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
 10 RD  1            8.0  8.0  8.0  8.0        32.0  72.0   RD
 10 RD  2       8.0  8.0  8.0  8.0  8.0        40.0   8.0   XA
 10 XA  1       8.0                             8.0

ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

If an employee works on a U.S. holiday, the number of hours worked (not to exceed 8) should be *subtracted* from the "XA" hours. In the example below, the employee worked 5 hours on a holiday.

```
 CODE= XA  HRS-TENTHS= -5   DAY= MON WEEK= 1

 PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
 10 RD  1       5.0  8.0  8.0  8.0  8.0        37.0  77.0   RD
 10 RD  2       8.0  8.0  8.0  8.0  8.0        40.0   3.0   XA
 10 XA  1       3.0                             3.0

ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

You will notice that once you press Enter, the 5 hours are shown as "RD". You must then code the 5 hours using "HP". The "HP" hours entered for hours worked on a holiday must be equal to the "RD" hours shown for that day. "HP" is NOT used if the employee did not work on the holiday.

```
CODE= NP  HRS-TENTHS= 5   DAY= MON WEEK= 2

PP CD  W  SUN  MON  TUE  WED  THU  FRI  SAT  TOT-W  TOT-PP CD
10 RD  1       8.0  8.0  8.0  8.0  8.0       40.0   77.0   RD
10 RD  2       5.0  8.0  8.0  8.0  8.0       37.0    3.0   XA
10 XA  2       3.0                             3.0    5.0   NP
10 NP  2       5.0                             5.0

ENTER=UPDT,2=NEXT,3=RESET,4=PREV,5=DEL,9=CORR,10=HISTO,11=CODES,16=EXIT
```

Entering Corrected T&A Reports For Past PP's

Categories

Pressing PF 9 from the ENTER T&A screen displays the CORRECTED T&A REPORT screen, which is broken into three separate categories: (A) additional reports, (B) correction (amended) reports, and (C) missing regular (missing T&A). Any T&A data entered on this screen will be transmitted to payroll through the AETA system at the end of the current pay period. The payroll office will then make the necessary corrections.

```
Time: 1:38 am          CORRECTED T & A REPORTS          Pgm: T45E3
Date: 5/25/91           Time and Attendance (TA)        Rel: 03.03.00

PAY PERIOD No. 05  From 04 23 89 To 05 06 89  SSN  123456789
COUNTRY  263 POST 01  TIMEKEEPER 01
NAME  Doe  Joe L   SCHED 80  MD N  SD N  DP N  OT Y STATUS F

ADDITIONAL REPORT  CORRECTION REPORT  PP __   MISSING REGULAR PP
                    REPORTED AS       SHOULD BE
PP  CODE   HOURS   PP  CODE   HOURS     HOURS    PP  CODE  HOURS
__  __   _____   __  __   _____   _____   __  __   _____
__  __   _____   __  __   _____   _____   __  __   _____
__  __   _____   __  __   _____   _____   __  __   _____
__  __   _____   __  __   _____   _____   __  __   _____
__  __   _____   __  __   _____   _____   __  __   _____
__  __   _____   __  __   _____   _____   __  __   _____
__  __   _____   __  __   _____   _____   __  __   _____

ENTER=UPDATE, 1=ERRORS, 8=REGULAR, 11=CODES,  16=EXIT
```

Additional Reports: Premium Pay Only

The additional reports screen is used to report *premium* hours ***not*** previously reported to the payroll office, or changes to previously reported premium hours. Premium hours are ones which do not affect regular duty (e.g. overtime, night differential). *Leave cannot be included in this category.*

Enter the affected pay period in the PP column, the appropriate premium code in the CODE column, and the number of additional hours above those already reported in the HOUR column. **Press Enter.**

Note: Additional Report hours may contain a negative value in order to correct previously reported hours which were too high.

The additional premium hours will automatically be included with the Current pay period's regular T&A report and will be updated in the history file when the next pay period is started.

Additional reports may be prepared for several pay periods on this screen.

```
Time: 1:38 am          CORRECTED T & A REPORTS          Pgm: T45E3
Date: 5/25/9           Time and Attendance (TA)         Rel. 03.03.00

PAY PERIOD No. 05  From 04 23 89 To 05 06 89  SSN 123456789
COUNTRY  263 POST 1  TIMEKEEPER 1
NAME  Doe  Joe L   SCHED 80  ND N  SD Y  DP N  OT Y STATUS F

ADDITIONAL REPORT

PP  CODE   HOURS
 5  OT      8.00
 6  SD      4.00
 7  ND    -16.00
 __ __    ______
 __ __    ______

ENTER=UPDATE, 1=ERRORS, 8=REGULAR, 11=CODES,  16=EXIT
```

The example above shows the following corrections to previous pay periods:

- 8 additional hours of overtime were recorded for PP 5
- 4 additional hours of Sunday differential were recorded for PP 6
- -16 indicates that night differential was reduced by 16 hours for PP7

Once finished, press **PF 16** to go back to the pay period screen.

Correction Reports: Regular Duty or Leave

This section of the screen is used to report corrections to Regular Duty or Leave hours reported in a Previous pay period. It is not used for Premium pay. Enter the applicable pay period number and press **Enter**. The system will display the hours previously reported under the "reported as" column.

Change the hours under the "SHOULD BE" column to reflect the correct hours. If additional T&A codes are required, enter the pay period number in the PP column, the appropriate code in the CODE column, zero hours in the REPORTED AS HOURS column, and the number of hours in the SHOULD BE HOURS column. If a code is shown and is not being corrected, simply delete the entire line by spacing over that line of information. Once all data is recorded, press **Enter**.

```
Time: 1:38 am          CORRECTED T & A REPORTS          Pgm: T45E3
Date: 5/25/9           Time and Attendance (TA)         Rel: 03.03.00

PAY PERIOD No. 05  From 4 23 89 To 5 6 89  SSN    123456789
COUNTRY  263 POST 01 TIMEKEEPER 01
NAME  Doe  Joe L  SCHED 80  MD N  SD Y  DP N  OT Y STATUS F

                  CORRECTION REPORT  PP  5
                 REPORTED AS        SHOULD BE
                PP  CODE   HOURS     HOURS
                 5   RD    80.00     40.00
                 5   SL              20.00
                 5   AL              20.00

ENTER=UPDATE, 1=ERRORS, 8=REGULAR, 11=CODES,  16=EXIT
```

This exhibit shows that in PP 05, 80 hours of RD were reported incorrectly. The correct hours should have been 40 hours RD, 20 hours of SL, and 20 hours of AL. The above correction report will accomplish the change - *it must include the hours for the entire pay period* for any codes which are changed.

The corrected hours will automatically be included with the current pay period's regular T&A report and will update the history when the next pay period is started.

The Final Report will look different from the screen above. It will show the difference from what was originally reported for the PAY PERIOD. The adjustment column would contain: -40.00 RD C, 20.00 SL C, and 20.00 AL C.

Missing Regular Pay Period: Regular Duty Hours Not Previously Reported

This section is used to resubmit and/or submit an individual T&A report which the payroll office did not receive, either because of transmission errors, or because no hours were reported for an employee in a given pay period. Enter the applicable pay period number and press Enter. The system displays the hours recorded for the period in question. If no recorded hours are found (fields remain blank), type the appropriate information and press Enter.

The hours will automatically be included with the current pay period's regular T&A report.

```
Time: 1:38 am          CORRECTED T & A REPORTS          Pgm: T45E3
Date: 5/25/91          Time and Attendance (TA)         Rel: 03.03.00

PAY PERIOD No. 05  From 04 23 89 To 05 06 89 SSN  123456789
COUNTRY  263 POST 01  TIMEKEEPER 01
NAME  Doe  Joe L   SCHED 80  MD N  SD Y  DP N  OT Y  STATUS F

                         MISSING REGULAR PP
                              4
                          PP  CODE   HOURS
                           4   RD    80.00
                          __  ___   ______
                          __  ___   ______

ENTER=UPDATE, 1=ERRORS,          8=REGULAR, 11=CODES,  16=EXIT
```

The report will record 80 hours regular duty to be paid with the Current pay period.

The bottom portion of the screen indicates options available to you while you are working on this employee's record. These options are:

ENTER-UPDATE:	Records the changes.
1=ERRORS:	Generates the error screen which will explain why data is not being accepted.
8=REGULAR:	Displays the ENTER T&A screen (for the current PP).
11=CODES:	Displays the CODES screen.
16=EXIT:	Returns you to the previous screen.

History (PF 10)

Pressing PF 10 from the ENTER T&A screen generates this screen.

```
Time: 1:39 pm          PREVIOUS PAY PERIOD DATA          Pgm: T45E2
Date: 5/25/91          Time and Attendance (TA)          Rel: 03.03.00

      Pay Period No.  9   From 04 23 89 To 05 06 89   SSN  123456789
      COUNTRY  11 POST 01  TIMEKEEPER 01
      NAME  Doe  Joe L  SCHED 80  MD N  SD N  DP N  OT Y  STATUS F

  PP CD  W  SUN   MON   TUE   WED   THU   FRI   SAT   TOT-W  TOT-PP CD
   8 RD  1        8.00  8.00  8.00  8.00  8.00        40.00   80.00 RD
   8 RD  2        8.00  8.00  8.00  8.00  8.00        40.00

  PRESS 'ENTER' OR PF-KEY 16 TO GET PREVIOUS SCREEN
```

This screen displays the Previous pay period information for an employee and can be used to review what was sent to the payroll office.

You may also review any corrections that have been made by pressing Enter. Pressing Enter from this screen will display the correction screen for the previous pay period.

Corrections Made in a Previous Pay Period

```
Time: 1:39 pm          PREVIOUS PAY PERIOD DATA          Pgm: T45E2
Date: 5/25/9           Time and Attendance (TA)          Rel. 03.03.00

PAY PERIOD No. 05   From 04 23 89 To 05 06 89   SSN  123456789
COUNTRY  263 POST 01  TIMEKEEPER 01
NAME  Doe  Joe L      SCHED 80  ND N        DP N  OT Y  STATUS F

ADDITIONAL REPORT    CORRECTION REPORT  PP       MISSING REGULAR PP
                 REPORTED AS     SHOULD BE
PP  CODE   HOURS  PP  CODE   HOURS      HOURS     PP  CODE   HOURS


PRESS 'ENTER' OR PF-KEY 16 TO GET REGULAR SCREEN
```

This screen will show any corrections reported during the previous pay periods. The fields below PP, CODE, and HOURS will be blank if there have not been any corrections to previous pay periods.

By pressing Enter again, you may review the history for prior pay periods for this employee.

T&A History Files

```
Time: 1:39 pm          T & A DATA HISTORY                Pgm: T45E2
Date: 5/25/91        Time and Attendance (TA)            Rel: 03.03.00

  Pay Period No  05 From 04 23 89 To 05 06 89  SSN 123456789
  COUNTRY  263 POST 01  TIMEKEEPER 01
  NAME  Doe  Joe L      SCHED 80  MD N  SD N  DP Y  OT Y  STATUS F
  HLA          PD          LD
  AUDIT INDICATOR
  PP NO. 08          YEAR TO DATE        BALANCES
  RD     72.00       RD    52.00         CT 6.00
  DP      8.00       DP    56.00
  SL      8.00       SL     4.00
                     CW    18.00
                     CU    12.00

  ALL CODES ARE IN HOURS EXCEPT WA, WB, LD, PD WHICH ARE IN DAYS.
  ENTER=SELECTED PP, 2=NEXT PP  OR  PF-KEY 16 TO GET REGULAR SCREEN
```

The data displayed on the left side of this screen shows the information that was reported to the payroll office for the pay period indicated by the PP No. This information also includes any corrections reported. If corrections were reported, the Audit Indicator will be greater than 0. The cumulative data, up to *but not including* the current pay period, is shown under YEAR TO DATE.

To review a specific pay period, enter the corresponding pay period number and press enter. To review the next pay period, press the **PF 2** key.

Note: The History in AETA is for timekeeper's use and is not an official balance. It is to be used by timekeepers to verify what was sent to the payroll office. In the case of discrepancies, the payroll office is responsible for all official balances.

Audit Indicator

This field is used to represent the number of times corrections have been made to the pay period indicated in the PP NO. field. This number will be "0" if no corrections have been made since the pay period was originally submitted. It will increase in increments of one for each correction made.

CT (Comptime Balances) A history record of comptime worked. It is calculated with the following formula: CT = CW - CU - CV - expired CW.

Main Menu - Printing the T&A Report

Pressing **PF 8** from the Main Menu will give you this screen.

```
Time: 8:34 am          PRINT T&A AID 76-1          Pgm: T45F1
Date: 5/25/91        Time and Attendance (TA)      Rel: 03.03.00

PRINT REQUESTED FOR PAY PERIOD NO. 05 OF 89 FROM 02 26 89 TO 03 11 89
 FROM COUNTRY 515 POST 01 TIMEKEEPER 01
   TO COUNTRY 515 POST 01 TIMEKEEPER 01

        PF-KEY  FUNCTION

        (1)     PRINT A BLANK REPORT

        (2)     PRINT A DRAFT REPORT

        (3)     PRINT A FINAL REPORT FOR THE CURRENT PAY PERIOD
                 USERID ___

        (4)     PRINT A FINAL REPORT FOR THE PREVIOUS PAY PERIOD

        (16)    EXIT

        SELECT THE DESIRED FUNCTION BY PRESSING THE ASSOCIATED PF-KEY
```

Types

There are four types of T&A reports available from AETA: (1) blank, (2) draft, (3) final, and (4) print final report for previous pay period.

PF 1: A *Blank* report can be printed and used to manually record data during the week, which must be entered into AETA before the deadline.

PF 2: A *Draft* report is used to check the entries already made. It should be reviewed by your supervisor prior to printing the FINAL report.

PF 3: The *Final* report is a printout of the file that will be transmitted to the payroll system in AID/W. As a timekeeper you are not allowed to change the USERID, see coordinator manual for explanation. Once this option is selected, you will NOT be able to change any T&A data for your employees. ***The Final Report must be signed by you and your supervisor.***

PF4: The *Final Report For the Previous Pay Period* is a copy of the final report for the previous pay period and should be exactly the same as the one sent for that previous pay period.

Pressing any of the PF Key options on the previous screen will generate this screen.

```
Time: 8:34 am          PRINT T&A AID 76-1          Pgm: T45F3
Date: 5/25/91      Time and Attendance (TA)        Rel: 03.03.00

              SELECT PAY PERIOD NO. 10 OF (YY) 91
                     PRINTER CLASS   A

              PLEASE ENSURE THAT THE PAPER IS ALIGNED CORRECTLY
              AND THE PRINTER IS ON.

        PRESS 'ENTER' TO CONFIRM, OR PF-KEY 16 TO EXIT
```

This is your print screen. Press **Enter** to print the report you have selected or PF 16 to exit the screen.

Fields

PRINT CLASS: Choose the printer on which you wish to print the report. The print class will automatically appear but you may change it.

Note: In the CICS & PC versions, the print class will be two digits.

Main Menu - Printing the Historical Report

Pressing **PF 10** from the Main Menu generates this screen.

```
Time: 1:37 am          REPORT OF HISTORICAL T&A DATA          Pgm: TAUPDTTA
Date: 5/25/91            Time and Attendance (TA)             Rel: 03.03.00
  PAY PERIOD  10   FROM 4 23 89 TO 5 6 89   COUNTRY:  FROM 729 TO 729

    PF 3  :  PRINT A REPORT FOR ONE EMPLOYEE

             ENTER SSN =  ___ - __ - ____

    PF 5  :  PRINT A REPORT FOR A RANGE OF EMPLOYEES

             FROM COUNTRY 729    POST 01     TIMEKEEPER 01
             TO COUNTRY   729    POST 01     TIMEKEEPER 01

    PF 16 :  EXIT

       ENTER THE APPROPRIATE INFORMATION AND PRESS THE ASSOCIATED PF-KEY
```

To print an Historical Report for an employee, enter the Social Security number and press **PF 3**. For an Historical Report on a range of employees at your country/post, fill in the desired range and press **PF 5**. Press **PF 16** to exit. Pressing PF 5 will generate the following screen.

```
Time:  8:37 am         REPORT OF HISTORICAL T&A DATA          Pgm: T452
Date:  5/25/91           Time and Attendance (TA)             Rel: 03.03.00

       PAY PERIOD 10  FROM 4 23 89 TO 5 6 89  COUNTRY FROM ___ TO ___

                 PRINTER CLASS  A


    PRESS 'ENTER' TO CONFIRM  OR  PRESS PF-16 TO EXIT
```

Check the print class and press Enter to print a historical report.

PRINT CLASS: Use a single letter (A through Z) to designate the 132 character printer on which you wish to print the report. It will automatically be set for your printer by your AETA Coordinator. You may change the print class if necessary.

Note: In the CICS version the print class will be two digits.

APPENDIX 1
PC USER GUIDE

```
Time:  8:35 am          TIMEKEEPER TABLE  (ADD MODE)          Pgm: T45A2
Date: 04/02/91            Time and Attendance (TA)            Rel: 03.03.03

USER ID:     PAY PER 25   12 03 90 TO 12 16 90  PHONE#
ACTIVE (Y/N)  Y    T&A ACCESS LEVEL (0-2)  1
TIME KEEPER'S SUPERVISOR
TIME KEEPER'S NAME                                   PASSWORD
FROM      COUNTRY     POST    TIMEKEEPER      AGENCY CODE 0
TO        COUNTRY     POST 99 TIMEKEEPER 99
OR ACCESS IS TO INCLUDE (IN) / EXCLUDE (EX)    ONLY FROM THE TABLE BELOW
COUNTRY  __    POST  __  TIME  __        ***********************************
         __          __        __        *     PRINTER DEFAULTS            *
         __          __        __        *                                 *
         __          __        __        * PRINTER CLASS              __   *
         __          __        __        *                                 *
         __          __        __        *   ( CABLE PRINT DEFAULTS )      *
         __          __        __        *                                 *
         __          __        __        * WP CHARACTER SET     1-9     _  *
         __          __        __        * CABLE PAPER OR FORMS P/F     _  *
         __          __        __        * CABLE AUTO PRINT     Y/N     _  *
         __          __        __        * MAX LINES PER CABLE         00  *
                                          ***********************************
ENTER=ADD, 4=MOD, 5=DEL,                                              16=EXIT
```

The PC and the VS versions differ when setting the Printer Defaults in the AETA system. The PRINTER DEFAULTS table displayed above is what appears on a PC screen.

WP CHARACTER SET — Select "1" if you need "L's" converted to "1's" for correct OCR cable printing. Any other character besides "1" will do no character conversions.

CABLE PAPER OR FORMS — Select "P" to print on cable paper or "F" to print on forms.

CABLE AUTO PRINT — Select "Y" to print the cable automatically or "N" to hold the print. If the print is held you will have to manually print TACABLE file.

APPENDIX 2
PC LOCATION TABLE

```
Time:  7:48 am          Printer Location Table Inquiry        Pgm: T45PB
Date: 06/10/91                                                Rel: 03.03.00

AETA   PRINTER                                          LASER   CLASSIC
CLASS   PORT      DESCRIPTION                           (Y,N)    WANG
 A      LPT1      DEFAULT PRINTER - SOURCE, AETA         N        N


(F1) Top                (F6) Search
(F2) Next               (F16)Exit
End of file reached
```

This screen allows you to view your printer locations and options. If you need a new printer added to this list, contact your AETA System Administrator.

Fields

AETA CLASS:	Letter to indicate the AETA logical printer class.
PRINTER PORT:	Printer port from your PC. (Usually, this is reserved for LPT1).
DESCRIPTION:	Pertinent printer information.
LASER (Y OR N):	Should be Y only if the designated printer is a laser printer.
CLASSIC WANG:	Should be Y if your PC is a Wang Classic running 'Seamless-DOS', or N if your PC is anything else (e.g., PC-240, PC-280, Paser).

APPENDIX 3
PF-KEY CONVERSION TABLE

Wang VS	PC Equivalent	CICS Equivalent
PF1 - PF10	PF1 - PF 10	PF1 - PF 10
PF11	SHIFT/PF1	PF11
PF16	SHIFT/PF6	PF12

CHAPTER 9

OFFICERS EXEMPTED FROM LEAVE ACT

9A. Purpose

This chapter provides Agency policies on the applicability of the leave laws in 5 U.S.C Chapter 63 to individuals serving as Mission Directors, Deputy Mission Directors, AID Representatives or AID Affairs Officers. It is the policy of the Agency to assign individuals to these positions under the authority of the FSA of 1980, as amended, and consequently, they are covered by the leave laws. While it generally will not be used, the Agency retains the right to use the authority of section 631(b) of the FAA of 1961, as amended, to appoint individuals to these positions and under certain limited situations the individuals appointed would be exempt from the leave laws. Specific guidance for determining the applicability of the leave laws to individuals serving in the designated positions is outlined below.

9B. Authorities

1. 3 FAM 480, Officers Exempted from Leave Act (App. 27-9)
2. 5 U.S.C. Chapter 63, Leave
3. Foreign Assistance Act (FAA), sec. 631(b)
4. Foreign Service Act of 1980 (FSA), sec. 302(b) as amended by P.L. 100-204, sec. 177(b) and P.L. 102-138, sec. 142; and sec. 312

9C. Definitions

1. Exempt. Individuals who are not covered by the leave laws and consequently do not accrue or use annual, sick or home leave.

2. Non-exempt. Individuals who are covered by the leave laws and are subject to all statutory and regulatory provisions governing the use of annual, sick or home leave.

9D. Policies

1. Whether a Mission Director, Deputy Mission Director, AID Representative or AID Affairs Officer is exempt or non-exempt from the leave laws in 5 U.S.C. Chapter 63 is dependent upon the following factors:

a. Whether the individual is appointed to the position by the President under section 631(b) of the FAA, as amended, the date of the appointment and the laws in effect at the time of the appointment with respect to election of salary and leave provisions.

9D1

b. Whether the individual is assigned to the position, without presidential appointment, under the authority of the FSA of 1980.

c. Whether a member of the Foreign Service or appointed from outside the Service.

9E. Principal officers covered by the leave laws (non-exempt)

1. Individuals in the following categories who are appointed by the President as Mission Directors, Deputy Mission Directors, AID Representatives or AID Affairs Officers under authority of sec. 631(b) of the FAA of 1961, as amended:

a. All members of the Senior Foreign Service appointed prior to December 22, 1987, and who elected to retain salary under the foreign service schedule and leave under 5 U.S.C. Chapter 63, subchapter I.

b. All members of the Senior Foreign Service appointed on or after October 28, 1991, and who elected to retain salary under the foreign service schedule and leave under 5 U.S.C. Chapter 63, subchapter I.

c. All Foreign Service Officers (commissioned FSO's appointed by the President, by and with the advice and consent of the Senate, under section 302 of the FSA of 1980, as amended).

d. Any other member of the Foreign Service commissioned as a diplomatic or consular officer, or both, under section 312 of the FSA of 1980, as amended.

2. Any member of the Service, who is otherwise covered by the leave laws, and who is assigned under authority of the FSA of 1980, as amended, exclusive of the appointment authority of section 631(b) of the FAA.

9F. Principal officers exempt from the leave laws

1. Individuals in the following categories who are appointed by the President as Mission Directors, Deputy Mission Directors, AID Representatives or AID Affairs Officers under authority of sec. 631(b) of the FAA of 1961, as amended:

a. Members of the Senior Foreign Service appointed after December 22, 1987, and prior to October 28, 1991.

b. Any individual appointed from outside the Foreign Service who is not otherwise covered by the leave laws.

Attachment:
App. 9A - 3 FAM 480

480
OFFICERS EXEMPTED FROM LEAVE ACT

481 AUTHORITY

(TL:PER-92 5-5-88)
(Uniform/State/AID/USIA/USDA/Commerce)

a. 5 U.S.C. 6301 provides that chiefs of mission, as defined under section 102(a)(3) of the Foreign Service Act of 1980, as amended, are exempt from the leave laws. For purposes of section 102(a)(c) of the Act, a chief of mission means the principal officer in charge of a diplomatic mission of the United States or of a United States office abroad which is designated by the Secretary as diplomatic in nature, including any individual assigned under section 502(c) of the Act to be temporarily in charge of such mission or office.

b. 5 U.S. C. 6305(b) permits the President to authorize a chief of mission a leave of absence for use in the United States and its territories or possessions. Leave so authorized does not constitute a leave system and may not be made the basis for a lump-sum payment.

c. By Executive Order No. 10471 dated July 5, 1953, and amended by Executive Order No. 12292, dated February 23, 1981, the President delegated authority to the Secretary to authorize leaves of absence to chiefs of mission. Authority to authorize leave of absence to exempt AID officers derives from Department of State Delegation of Authority No. 104, as amended.

482 PRESIDENTIAL APPOINTMENTS

a. Those members of the Senior Foreign Service (SFS) and Foreign Service Officers serving under Presidential appointments (e.g., chiefs of mission, Executive Schedule positions, and in rare instances, certain statutory rate or administratively determined positions) effective after December 21, 1987, are exempt from the leave laws and do not have a right to make any pay or leave elections.

b. These individuals are not covered by the various statutory and regulatory provisions governing annual, sick and home leave as of the effective date of their appointment (i.e., oath of office). Thus, time taken off from the job while in Presidential pay and leave status is not charged under a leave system. In other words, members do not accrue nor use leave. The current balance of these leave categories is frozen until an SFS member returns to FS status, terminates employment or retires.

483 ABSENCES OF EXEMPT OFFICERS

483.1 Leave of Absence in the United States

The Secretary of State, or the Administrator of AID, or his/her designee, as appropriate, may grant leave of absence with pay to exempt officers (except career ambassadors not serving as chief of mission) for use in the United States and its territories and possessions, with travel at Government expense, after at least 18 months of continuous service abroad as defined in section 452 (home leave).

(Applicable to chiefs of mission: For the purposes of this regulation, the term "leave" shall be construed to mean absence of chiefs of mission from their posts under the provisions of this section or, as appropriate, paragraph b of the following section.)

483.2 Other Absences

Chiefs of mission, and AID principal officers, are on duty at all times, including periods of vacation or sickness. Subject to the requirements of 2 FAM 160 or AID Handbook 27, Chapter 9, a chief of mission, or AID principal officer may be absent from post as follows:

a. For travel to other posts to which the officer is concurrently assigned or to an alternate seat of government established by the country to which the officer is assigned.

b. For other periods of absence abroad from time to time, within the responsibility and needs of the office, and for vacation, sickness or other purposes.

c. When authorized by the Secretary of State or by Assistant Administrator of the respective AID Bureau, as appropriate, periods of absence to visit the United States, U. S Commonwealths or possessions, with travel at personal expense. Any such periods spent in the United States, U. S. Commonwealths or possessions, shall be deducted in computing continuous service abroad in connection with section 452 (home leave).

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483.3 Notification to Headquarters

483.3-1 Request for Authorization to Visit United States

An exempt officer desiring to visit the United States, a U. S. Commonwealth, or the possessions of the United States, under the provisions of section 483.2c, shall request permission from the Secretary of State, or the Assistant Administrator of the respective AID bureau, as appropriate, before departure. Ordinarily, such requests are submitted so they are received in hea dquarters within a minimum of 5 calendar days before the anticipated departure date. Requests are submitted as follows:

a. State--By operations cable, subject: PERSONNEL - Absence of Chief of Mission, with one copy marked for the appropriate regional bureau.

b. AID--To the respective bureau. Each request will contain anticipated dates of departure and return, name of the officer who will assume charge of the mission (see 2 FAM 160, and HB 27, Ch. 9 for AID) and address(es) where the exempt officer may be reached in an emergency. For AID, the request submitted to headquarters under this section is in lieu of the notification required by State under 2 FAM 164.4-3. End Uniform State/AID/USIA Regulations.

483.3-2 Notification Required for Other Absences

(State only--for AID, see HB 27, Ch. 9)

In accordance with 2 FAM 164.4-3, a chief of mission desiring to be absent from the country (countries) of assignment will request permission from headquarters reasonably in advance of proposed departure. In addition, absence from the capital by a chief of mission traveling within the country (countries) of assignment which places the chief of mission beyond easy, rapid communication with the Department and/or the post, should under the provisions of 2 FAM 164.4-4 be reported to the Department.

483.3-3 Report of Return to Capital

Whenever the chief of mission returns to the capital after a reported absence, the date of arrival and the effective date of any transfer of office are reported to the Department.

483.3-4 Reports of Absences of Chief of Mission

All periods of absence of the chief of mission from country (countries) of assignment, including all absences under orders as absences for military training purposes or for purposes described in section 462, shall be reported to the Department by operations cable, subject: PERSONNEL - Absence of Chief of Mission, immediately upon return to the post. The report shall include the following information:

a. Name of chief of mission;

b. Dates of departure from and return to country (countries) of assignment;

c. Country (countries) visited during absence;

d. Purpose of trip (official, personal, or combination of both);

e. Whether or not travel was at Government expense;

f. Inclusive dates of any periods of consultation or other official duty during absence;

g. Inclusive dates of any periods used for vacation during absence;

h. Inclusive dates of any periods of illness or disability during each absence;

Whenever an absence of the chief of mission involves time spent in the United States, the following additional information is required:

i. Date of arrival in and date of departure from the United States;

j. Destination in the United States and, if travel was at Government expense, inclusive dates of travel to and from destination.

483.3-5 Chief of Mission Not Returning to the Post

Chiefs of mission who during their absence from the post are reassigned to another post should furnish the data in section 483.3-4 to their new post upon arrival. Chiefs of mission who leave the Service or retire without returning to their post of assignment should, upon completion of their travel to their place of residence, furnish the above data directly to the Department, Attention: PER/ER/RET.

484 DISPOSITION OF LEAVE CREDITS

484.1 Balances of Leave in Suspended Status

Any annual and sick leave balances to the credit of an exempt officer on the date on which the officer's exempted service began, remains in a suspended status and shall be held to the officer's credit until:

a. The officer is separated from Federal service for any reason, while serving as an exempt officer at which time a lump-sum payment for such annual leave shall be made at the rate of compensation being received by such officer immediately before the officer's exemption; or

b. The officer transfers to a position under a statutory leave system other than the leave system provided by 5 U.S.C. 6301-6312, at which time the annual and sick leave to which such officer was entitled immediately before the beginning of the officer's exempted service will be transferred on an adjusted basis in accordance with section 490; or

c. The officer transfers to a position subject to the leave laws without a break in service, at which time the annual and sick leave balances to the officer's credit immediately before the date on which such officer's exempted service began, will be transferred to credit or charge.

In the event a chief of mission reverts to a position subject to the leave laws, even for short periods, this action shall constitute a transfer to a position subject to the leave laws. If such officer is again appointed to an exempt position, the officer's leave balance which was recredited at time of conversion is adjusted to reflect subsequent accruals and charges and is again placed in a suspended status. In the event of the officer's separation from Federal service without returning to a position under the leave laws, the leave balance would become payable at the basic salary rate such officer was receiving on the date on which the officer was last subject to the leave laws.

484.2 Recredit of Leave Balances

An exempt officer who is transferred to a position subject to the leave laws shall have the annual and sick leave to the officer's credit as of the date on which the officer's exempted service began, recredited.

485 through 489 (Unassigned)

CHAPTER 10

DISPOSITION OF LEAVE BALANCES

This chapter provides the policies, procedures and regulations concerning the disposition of employees' leave balances under a variety of circumstances, including credit for leave when an employee exercises his/her reemployment rights after transfer to an international organization (Att. 10A). All other disposition situations are governed by Uniform Regulations 3 FAM 490, Disposition of Leave Balances (App. 10A).

Attachments:
1. Att. 10A
2. App. 10A

Att. 10A

LEAVE BALANCES UPON REEMPLOYMENT AFTER TRANSFER TO AN INTERNATIONAL ORGANIZATION

This attachment clarifies 3 FAM 496 for Agency employees, particularly regarding credit for leave when exercising reemployment rights after transfer to an international organization.

General

Annual and sick leave employees earn while on transfer to an international organization is not creditable upon reemployment.

Annual Leave

The period of separation, including the employee's actual time with the IO and the time required to effect reemployment, is counted as creditable service to determine the rate at which annual leave is accrued. If the employee did not receive a lump-sum payment for annual leave at the time of transfer, his/her annual leave account with the Agency at the time of transfer will be reinstated upon reemployment.

Sick Leave

Employees on transfer to an IO do not earn federal sick leave. Upon reemployment the employee's sick leave account is restored, by credit or charge, to its status at the time of transfer.

Home Leave

Employees on transfer do not earn federal home leave. The employee's home leave account is restored upon reemployment to its status at time of transfer.

490
DISPOSITION OF LEAVE BALANCES

491 AUTHORITY

(TL:PER-143 9-11-89)
(Uniform State/AID/USIA/Commerce/Agriculture)

The regulations in this section are based upon the following authorities and, in part, are abstracted from regulations issued by the U.S. Office of Personnel Management.

a. 5 U.S.C. 63 Subchapter I provides for the certification and transfer of annual and sick leave when covered employees transfer between agencies.

b. 5 U.S.C. 6308 establishes procedures for the certification of annual and sick leave on an adjusted basis for an employee who transfers between positions under different leave systems.

492 TRANSFERS BETWEEN AGENCIES

492.1 Annual Leave

492.1-1 Under the Same Leave System

When an employee is separated from a position under the leave laws and is reemployed in another position under those laws without a break in service,the annual leave account will be certified to the employing agency for credit or charge.

492.1-2 Under Different Leave Systems

When an employee transfers between positions under different leave systems without a break in service, the leave to the credit of the employee will be transferred to the employing agency on the basis that 7 calendar days of leave equal 5 workdays of leave. The amount of leave permitted to be transferred should not exceed the aggregate amount of leave which employees in the agency to which transferred are permitted to accumulate. The provisions of this section do not apply to:

a. Part-time employees for whom there has not been established a regular tour of duty during the administrative workweek;

b. Temporary employees engaged in construction work at hourly rates; or

c. Employees of the Senate or House of Representatives.

492.1-3 Partial Transfer of Annual Leave to a Different Leave System

When an employee transfers to a position under a different leave system to which only part of the annual leave can be transferred, the untransferred leave will be recredited if the employee returns to the leave system under which it was earned without a break in service of more than 52 continuous calendar weeks.

492.1-4 Transfer to a Position Not Under an Annual Leave System

When an employee transfers to a position to which annual leave cannot be transferred because the position is not under an annual leave system, the employee may not be paid a lump-sum payment for annual leave. The untransferred leave will be recredited if the employee returns to the leave system in which it was earned without a break in service of more than 52 continuous calendar weeks. The provisions of this section do not apply in the case of transfers to a position as:

a. A part-time employee for whom there has not been established a regular tour of duty during the administrative workweek;

b. A temporary employee engaged in construction work at hourly rates;

c. An employee of the Senate or House of Representatives.

492.2 Sick Leave

492.2-1 Under the Same Leave System

An employee's sick leave account will be certified for credit or charge when the employee transfers without a break in service between positions subject to the leave laws. If there is a break in service not in excess of 3 years, the employee's sick leave will be recredited upon reemployment in the Federal service (see section 494.3).

492.2-2 Under Different Leave Systems

When sick leave is transferred between different leave systems, 7 calendar days of leave are considered equal to 5 workdays of leave. Sick leave may not be transferred by employees listed in sections 492.2-2a through 492.2-2c.

492.2-3 Partial Transfer of Sick Leave to a Different Leave System

When an employee transfers to a position under a different leave system, to which only a part of the sick leave can be transferred, the untransferred leave is recredited if the employee returns to the leave system under which it was earned without a break in service in excess of 3 years.

492.2-4 Transfer to a Position Not Under a Sick Leave System

When an employee transfers to a position to which sick leave cannot be transferred, the untransferred leave will be recredited if the employee returns to the leave system under which it was earned without a break in service in excess of 3 years.

492.3 Home Leave

An employee's home leave account will be transferred or recredited to the account when the employee moves between agencies or is reemployed in the Federal service without a break in service in excess of 90 days.

493 SEPARATIONS FROM THE FEDERAL SERVICE

493.1 Lump-Sum Payments for Annual Leave Balances

When an employee is separated from the Service for any reason (except for death, see section 498), compensation will be paid in a lump-sum for accumulated annual leave. Accumulated annual leave includes the regular carry-over balance from the previous leave year, if any; plus accrued and unused annual leave during the then current leave year, if any; plus any unused restored annual leave maintained in a separate account. Employees who do not complete 90 calendar days of continuous employment under one or more appointments are not entitled to a lump-sum payment. Foreign Service Officers who at the time of separation are receiving a special differential under the provisions of 3 FAM 238.7, are entitled to have such amount included in their lump-sum leave payment. (See Comptroller General Decision B-227716, March 23, 1988).

493.2 Approval of Lump-Sum Payment

Headquarters authorization is required for all lump-sum payments for annual leave for U. S. employees separating from the Federal Service. This requirement also is applicable to resident staff personnel given temporary appointments.

For State: See section 124.7 for instructions re TMFIVE. Payments will be made in accordance with 4 FAM 542.8.

For USIA: MOA V-B 682.4

For AID: See HB 27, Ch. 3

493.3 Indebtedness for Unearned Annual or Sick Leave

Upon separation of an employee indebted for unearned leave, either the employee shall refund the amount paid for the period of such leave or deductions will be made from the salary or any other amount due. This section does not apply in cases of death or retirement for disability, or in case an employee is unable to return to duty because of disability, evidence of which must be supported by an acceptable medical certificate (section 441b). Employees who enter active military service with restoration rights are not to be deemed as separated for purposes of this section.

494 REEMPLOYMENT AFTER SEPARATION FROM THE FEDERAL SERVICE

494.1 Refund of Lump-Sum Payment Upon Reemployment

If a person is reemployed (whether the new appointment is more or less than 90 days), in a leave-earning capacity, prior to the expiration of the period covered by a lump-sum payment (8-hours of annual leave equals one working day), the employee shall refund to headquarters or to the post, as appropriate for State and USIA, and to the Agency Cashier, MI FM/CAD, for AID, a gross amount equal to the lump-sum leave payment covering the period between the date of reemployment and the expiration of the period covered by the lump-sum payment. For AID, a copy of any documentation received that describes the hours covered and payment made should be included with the check. For Commerce, refund ar-

rangements shall be made with the Office of Foreign Service Personnel (OFSP).

494.2 Recredit of Annual Leave After Refund of Lump-Sum Payment

a. If employment is in a position under the same leave system, leave is recredited in an amount equal to the amount represented by the refund.

b. If employment is in a position under a different leave system, leave is recredited on an adjusted basis so that 7 calendar days of leave are equal to 5 workdays of leave.

494.3 Recredit of Sick Leave Upon Reemployment

If a former employee is reemployed in the Federal Service with a break in service not in excess of 3 years, the employee's sick leave account is reinstated by the employing agency for credit or charge. In addition, an employee who separated from the Federal Government to accompany a civilian or uniformed sponsor on official assignment overseas, is entitled to a recredit of sick leave within the above three-year period, or within no more than 2 years after returning to the United States from an overseas area to which the sponsor was assigned, whichever is later.

494.4 Reemployed Civil Service Annuitants

The lump-sum leave payment to an employee who was retired under the Civil Service Retirement Systems (5 U.S.C. 8331-8348) and subsequently reemployed, will be computed at the full salary rate of the reemployed position without reduction of the amount of the employee's retirement annuity (36 Comp. Gen.209).

495 ACTIVE MILITARY SERVICE

495.1 Upon Entering Active Military Service

An employee entering upon active military service with the U. S. Armed Forces may elect to receive payment for accumulated annual leave to the employee's credit on the date of separation. Accumulated annual leave includes the regular carry-over balance from the previous leave year, if any; plus accrued and unused annual leave during the then current leave year, if any; plus any unused restored annual leave maintained in a separate account. Alternately, the employee may elect to have the annual leave remain to the employee's credit until return from active military service as provided in section 495.2.

On the request of an employee at any time before reemployment, payment will be made for all the leave retained which otherwise would be liquidated by a lump-sum payment.

Sick leave to an employee's credit remains in the employee's leave account upon entering active military service.

Employees entering active military service with restoration rights are not required to liquidate any indebtedness for unearned annual and sick leave. An indebtedness will remain on the employee's leave account until reemployed.

495.2 Upon Restoration After Active Military Service

Employees who elected to have annual leave remain to the their credit upon entering active military service will have the leave account certified as a credit or charge when:

a. Restored in accordance with the their right of restoration to a civilian position after separation from active military duty or hospitalization continuing thereafter as provided by law, or in accordance with the mandatory provisions of any statute, regulations, or Executive order; or

b. Reemployed in a position under the leave laws not more than 3 years after separation from active military duty.

If an employee received a lump-sum payment for annual leave at the time of entering the military service and the employee returns to the Federal Service in accordance with this section, only the sick leave account will be available for credit or charge upon reemployment.

496 TRANSFER TO AN INTERNATIONAL ORGANIZATION

496.1 Leave Balances

Employees who transfer with the consent of their agency to a public international organization with reemployment rights under 5 U.S.C. 3582, may elect to retain to their credit all accumulated and current

accrued annual leave to which entitled at the time of transfer which would otherwise be liquidated by lump-sum payment. On the request of an employee at any time prior to reemployment, payment will be made for all the leave retained. When an employee receives a lump-sum payment and re-employment occurs within 6 months following the date of the transfer, refund to the Federal agency of the amount of the lump-sum payment is required.

496.2 Lump-Sum Payments

Lump-sum payments made to employees subject to the Annual and Sick Leave Act are made in accordance with 5 U.S.C. 5551. Accordingly, as specified in section 493.1 a lump-sum payment for the existing annual leave balance at the time of transfer may be authorized if requested by the employee.

497 RESTORATION OF LEAVE BALANCES AFTER APPEAL

Employees restored to a position as a result of appeal shall have the leave in their account at the time of separation certified for credit or charge.If a lump sum payment was made to the employee, it must be repaid immediately.

498 DISPOSITION OF LEAVE BALANCES UPON DEATH

If an employee dies in service, the survivor(s) are entitled to payment for all accumulated and current accrued annual leave to the employee's credit at the time of death, limited to the amount the employee could have taken in kind had the employee lived and remained in the Federal Service (44 Comp. Gen.636). (Also see 4 FAM 470 for State, HB 29, Ch.2, "Designation of Beneficiary," for AID, and MOA V-B 687 for USIA).

499 (Unassigned)

CHAPTER 11

VOLUNTARY LEAVE TRANSFER PROGRAM

11A. Purpose

This chapter provides the policies, regulations and procedures for a leave transfer program in which Agency employees may voluntarily donate accrued or restored annual leave to other federal employees with medical emergencies. The program ends October 31, 1993.

The program is intended to help employees avoid serious economic consequences due to the unavailability of paid leave. The program does not intend to substitute for other leave programs, i.e., annual (AL), sick (SL), leave without pay (LWOP).

11B. Applicability

This chapter applies to all Agency U.S. citizen direct-hire employees, except employees appointed by the President and confirmed by the U.S. Senate other than members of the Senior Foreign Service and Foreign Service commissioned officers.

11C. Authorities and References

1. 5 CFR 630, Subpart I
2. Public Law 100-566 (October 31, 1988)
3. Executive Order 12589 (March 18, 1987)
4. 5 USC 2105, 6301(2)

11D. Definitions

1. Agency. The Agency (upper case "A") refers to AID; agency (lower case "a") refers to another federal agency.

2. Approving officials. Chiefs, Staffing and Career Development Division (FA/HRDM/SCD) and Executive Management Division (FA/HRDM/EM), Office of Human Resources Development and Management, and Director, Office of Resources Management, Inspector General (IG/RM).

3. Designee. An Agency employee who applies on behalf of an Agency colleague to become a leave recipient.

4. Family member. Employee's spouse and his/her parents; children, including adopted children and their spouses; parents; brothers and sisters and their spouses; and individuals related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

11D

5. Leave donor. A federal employee whose application for transfer of AL from his/her AL account to the AL account of an approved recipient has been approved.

6. Leave recipient. A federal employee whose application to receive AL from the AL accounts of one or more donors has been approved by the appropriate approving official.

7. Intimidate, threaten or coerce. The promise or attempt to confer or conferring any benefit, such as an appointment, promotion or compensation, or effecting or threatening to effect any reprisal, such as deprivation of appointment, promotion or compensation, or in any other way intimidate, threaten or coerce.

8. Medical emergency. A medical condition of an employee or a family member likely to require the employee's prolonged absence from duty and to result in substantial loss of income to him/her because of the unavailability of paid leave. Routine pre- and post-natal care are not considered medical emergencies.

9. Transferred leave status. The administrative status of an employee while he/she is using transferred leave.

11E. Policies

1. Recipient applications must be approved/disapproved and the applicant notified of the decision within 10 workdays of receipt by his/her supervisor.

2. In determining whether a medical emergency is likely to result in a substantial loss of income, the Agency shall not consider factors other than whether the absence from duty without available paid leave is, or is expected to be, at least 80 hours, or in the case of a part-time employee, the average number of hours in his/her biweekly scheduled tour of duty, during the leave year.

3. The Agency will accept the transfer of leave from an employee of another agency if he/she is a family member of an approved Agency recipient; if the Agency determines that the amount of leave donated within the Agency may not be sufficient to meet the needs of the approved Agency recipient; or if the Agency determines that the transfer of leave from another agency would further the program's intent.

4. The Agency will not transfer leave from a donor to his/her official supervisor or from a supervisor to his/her immediate subordinate.

5. The Agency will restore unused transferred leave to donors when the recipient's medical emergency ends.

11E

6. The Agency will reimburse an employee or pay a practitioner directly, upon submittal of written proof of payment, for the cost of medical certifications the Agency requests beyond the initial certification.

7. The Agency will disapprove a recipient application when there is documentation that the applicant has abused or inappropriately used leave and, as a result, loss of income can be attributed in whole or in part to small leave balances.

8. An employee will not directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, any other employee regarding the donation, receipt or use of transferred leave.

9. A recipient who is a full-time employee will not receive more than one calendar year (260 workdays or 2,080 hours) of transferred leave for a medical emergency. For a recipient who is a part-time employee, the maximum number of hours is calculated on the average number of hours of work in his/her biweekly scheduled tour of duty.

10. The approval and use of transferred leave is subject to conditions and requirements imposed by federal statutes, regulations and guidance, and Agency policy and regulations.

11. The Agency reserves the right to approve/disapprove an employee's application to become a donor/recipient.

12. False statements or other misrepresentation made in connection with an employee's application to be a recipient or donor may be cause for disqualification from the program, disciplinary action, criminal prosecution or liability if leave was dishonestly gained.

13. If the program ends before a recipient's medical emergency ends, any AL transferred to the recipient before October 31, 1993 will be available for use, including by restoration to leave donors, as if the program had remained in effect.

11F. Responsibilities

1. Director, Office of Human Resources Development and Management (FA/HRDM/OD)

Makes final determination on an employee's appeal regarding a disapproved recipient application. For BS-08 employees, the Inspector General makes the final decision.

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2. Chiefs, Staffing and Career Development Division (FA/HRDM/SCD), Executive Management Division (FA/HRDM/EM), Office of Human Resources Development and Management; Director, Office Resource Management, Inspector General (IG/RM)

a. Approves/disapproves recipient and donor applications.

b. Approves/disapproves waivers of limitations.

c. Notifies the payroll office of a recipient in another federal agency of the amount of approved leave to be transferred to the recipient's AL account from an approved Agency donor.

d. Maintains program records, reports and other materials.

e. Submits annual leave transfer report (Att. E) to Personnel Policy Branch (FA/HRDM/PPM/PP) no later than the last day of the month following the end of the fiscal year.

3. Personnel Policy Branch (FA/HRDM/PPM/PP)

Prepares Agency's leave transfer report as required by U. S. Office of Personnel Management

4. Prospective Recipient or Designee and Donor

Submits appropriate application.

5. Approved Recipient or Designee

a. Finds donor(s). May request his/her Executive Management /Administrative Office Staff (EMS) to issue a bureau/office or Agencywide notice informing employees of the need for donated AL. The recipient may specify if he/she wants to be identified in the notice and wants specific details to be included.

b. Notifies supervisor in writing of the date his/her medical emergency ends or the date he/she will begin to receive worker's compensation.

c. Submits monthly medical emergency status report to the supervisor.

11F

6. Supervisor

a. Determines that an employee's absence from duty without available paid leave because of medical emergency is, or is expected to be, at least 80 hours, or in the case of a part-time employee, the average number of hours in the employee's biweekly scheduled tour of duty.

b. Completes appropriate sections of leave transfer applications.

c. Requests additional medical certification if he/she determines such is necessary.

d. If he/she recommends against approval of the application, documentary evidence must be provided to support the recommendation. Acceptable evidence would be annotated time and attendance records, leave restriction letters, counseling memoranda or disciplinary/adverse action letters involving leave abuse (see sec. I2c(2) below).

e. Monitors the status of the recipient's medical emergency to make certain he/she continues to be affected by the emergency for which he/she was approved to be a recipient.

f. Notifies timekeeper when the recipient's medical emergency ends.

g. Monitors recipient's accrued, restored and transferred leave records.

7. Timekeeper

a. Maintains leave donor's and/or recipient's time and attendance using the AETA system..

b. Maintains Manual Log (Att. D) and completes parts A and B of the Transaction sheet (Att. C).

8. Controller, Overseas Post

Identifies through the AETA system recipient's use of transferred leave and informs FA/FM/P when medical emergency has been terminated.

9. Payroll Office, Office of Financial Management (FA/FM/P)

a. Processes leave transactions sent by approving officials and other agencies when the donor is from another agency.

11F9

b. Establishes separate accounts for transferred leave and for AL and SL accrued by an employee while in transferred leave status, and makes certain through the Payroll system that employee does not accrue more than 40 hours each of AL and SL while in transferred leave status.

11G. Limitations

1. An Agency employee may request transfer of leave only to another Agency employee except as specified in sec. I5 below, Leave Transfer from Another Federal Agency.

2. The Agency may accept all or part of an employee's offer to donate leave.

3. A donor may donate only restored or accrued AL.

4. In any one leave year, a donor may not donate more than half of the amount of AL he/she would be entitled to accrue during the leave year in which the transfer is made.

5. In addition to the limitation in sec. G4, above, a donor who expects to have AL that otherwise would be subject to forfeiture at the end of the leave year may donate no more than the number of hours remaining in the leave year for which the donor is scheduled to work and receive pay. Example: A donor wishes to donate 108 hours of leave subject to forfeiture two weeks before the end of the leave year. The donor may donate only 80 hours since there are only 80 working hours left in the leave year.

6. A recipient personally affected by the medical emergency must use all restored and accrued AL and accrued SL before using transferred leave.

7. In medical emergencies other than personal, a recipient must use all AL before using transferred leave.

8. A recipient cannot use the AL and SL he/she accrued while using transferred leave until after his/her medical emergency ends.

9. A recipient may use leave transferred to his/her leave account only for the purpose of the medical emergency for which the recipient was approved.

10. An employee who has filed a claim under the Federal Employee's Compensation Act, Office of Workers' Compensation Programs (OWCP), may be a leave recipient, but may not receive compensation from the OWCP and use transferred leave for the same period.

11G

11. An employee who receives disability retirement benefits under a federal retirement system may not participate in the program.

12. The minimum amount of AL that may be donated and that will be transferred from a donor to a recipient is eight hours.

13. The approving official initially will not approve donations totaling more than 75 percent, but not less than 250 hours, of the number of hours requested by the recipient at the onset of a current medical emergency. As the recipient nears exhaustion of the transferred leave account, the approving official may accept additional donations in increments of 80 hours.

11H. Waiver

A waiver of the limitation in sec. G5 above may be granted in unusual circumstances.

1. Circumstances that would confer eligibility for restoration of forfeited AL do not constitute unusual circumstances for the purpose of this program.

2. Request for a waiver must be documented in writing and include a description of the unusual circumstances and justification to waive the limitation.

11I. Procedures

1. Application to be a Recipient

A prospective recipient submits a completed application (Att. A) to his/her supervisor. An Agency employee may submit an application on behalf of an incapacitated colleague.

a. The application must be accompanied by documentation that includes the nature, severity and anticipated duration of the medical emergency, and, if it is a recurring one, the approximate frequency, and certification by a physician or other appropriate expert specifying the patient's condition, diagnosis/prognosis and anticipated duration of condition. The supervisor may request additional certification.

b. If the emergency affects a family member, a brief description of the situation and relevant circumstances, and documentation, e.g., family member's medical certification.

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2. Processing Recipient Applications

a. The applicant's supervisor reviews the application to determine that the applicant, or a family member, has been affected by a medical emergency; that the employee's absence from duty without paid leave because of a medical emergency is, or is expected to be, at least 80 hours, or, in the case of a part-time employee, the average number of hours of work in his/her biweekly scheduled tour of duty, and that the application has been completed, signed and dated. The supervisor, no later than three workdays after receipt of the application (see Att. F), forwards the application to the appropriate approving official through the EMS and/or executive officer.

b. The approving official approves/disapproves an application, no later than nine workdays after the day received by the applicant's supervisor (see Att. F), and sends approval/disapproval to applicant's supervisor through the EMS and/or executive officer and a copy of the approved application to FA/FM/P. Criteria to consider in determining whether or not to approve an application include the authenticity and severity of the hardship situation; whether the applicant could have foreseen the medical emergency, and the extent to which the hardship situation is within the control of the applicant.

c. The supervisor, no later than the 10th day after the day he/she received the application (see Att. F), notifies the employee in writing that his/her application has been approved/disapproved and gives an approved application to the employee's timekeeper.

(1) Approval notice includes informing the employee that he/she is responsible for finding donors and that Agency donors may request the transfer of AL to the employee's AL account.

(2) Disapproval notice includes reason(s) for disapproval, and information that the employee may appeal the decision (see sec. M below).

d. The timekeeper:

When the recipient's medical emergency begins:

--makes certain that the recipient has used all his/her restored and accrued AL and SL if the recipient is personally experiencing the medical emergency, and all his/her restored and accrued AL if the recipient's medical emergency involves a family member;

11I2d

--makes certain that the recipient does not use AL and SL being accrued while he/she is using transferred leave;

--records in the AETA system the amount of transferred leave used by the recipient.

--if transferred leave is used to cover retroactive actions, i.e., advanced SL and/or AL, processes time and attendance information in the AETA system according to the AETA Timekeeper's Guide.

3. Application to be a Donor

A prospective donor submits a completed application (Att. B) to his/her supervisor.

4. Processing Donor Applications

a. The applicant's supervisor reviews the application and makes certain that the applicant has sufficient leave to make the donation, that all limitations (see sec. G above, Limitations) have been observed and that the application has been completed, signed and dated. The supervisor forwards the application to the appropriate approving official through the EMS and/or executive officer.

b. The approving official approves/disapproves the application and sends approved/disapproved application to the applicant's supervisor through the EMS and/or executive officer, and a copy to FA/FM/P.

c. The supervisor notifies the applicant in writing that his/her application has been approved/disapproved and gives an approved application to the timekeeper. Notification of disapproval includes reason(s) for disapproval.

d. The donor completes form SF 71, Application for Leave, filling in blocks 1-3; block 4C (number of hours to be transferred), block 5 (mark AL) and block 6 (enter remarks "AL transferred to [name of recipient]").

5. Leave Transfer from Another Federal Agency

a. The Agency must accept the interagency transfer of leave from a family member of a recipient OR from a non-family donor when the Agency determines the amount of leave donated within the Agency is not sufficient to meet the recipient's needs OR when the Agency determines that the interagency transfer would further the program's intent.

b. The Agency recipient must arrange for the donor's agency to send a copy of the donor's approved application directly to FA/FM/P and to his/her timekeeper.

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c. An overseas post may accept leave donated from employees of other federal agencies at the recipient's post. The post is not required to determine whether transferred leave is available from AID/W employees.

6. Leave Transferred to Another Federal Agency

a. Upon receipt of an Agency donor's approved application, FA/FM/P will reduce the amount of AL credited to the donor's AL account.

b. FA/HRDM/SCD, FA/HRDM/EM, or IG/RM, as appropriate, will notify the recipient's agency in writing of the amount of AL to be transferred to the recipient's AL account.

7. Monitoring the Use of Transferred Leave

a. The recipient or, if incapacitated, his/her designee, must submit a monthly written status report to his/her supervisor and include a statement that the medical emergency continues and note changes in the situation as specified in the original application, e.g., duration of the emergency.

b. The recipient or, if incapacitated, his/her designee must immediately notify in writing his/her supervisor when his/her medical emergency ends (see sec. L below, Termination of Medical Emergency).

c. The recipient's timekeeper processes the AETA record and sends copies of the recipient's notification that his/her medical emergency has ended, the completed Transactions Sheet (Att. C) and the Manual Log to FA/FM/P (Att. D).

8. Restoration of Transferred Annual Leave

a. FA/FM/P will transfer unused leave to the AL accounts of donors who contributed to the recipient and are employed by the Agency on the date the recipient's medical emergency ends and to the payroll office of another federal agency, as appropriate. The amount of leave to be restored to each donor shall be determined as follows:

(1) Divide the number of hours of unused leave by the total number of hours of leave transferred to the recipient;

(2) Multiply the result by the number of hours of leave transferred by each donor eligible for restoration;

(3) Round the result to the nearest hour.

11I8

b. If the number of eligible donors exceed the number of hours of AL to be restored, no transferred leave shall be restored.

c. The amount of leave restored to a donor shall not exceed the amount donated by the donor.

d. Transferred leave restored to a donor before the beginning of the third biweekly pay period before the end of the leave year is subject to the 240-hour limitation for Civil Service (CS) employees and 360-hour limit for Foreign Service (FS) employees in a leave year.

e. Transferred leave restored to a donor after the beginning of the third pay period before the end of the leave year is subject to the 240-hour limitation for CS employees and 360-hour limit for FS employees stationed overseas at the end of the leave year following the leave year in which the transferred leave was restored.

f. If a donor has retired from federal service, died or is otherwise separated from federal service before the date unused transferred leave can be restored, the transferred leave will not be restored to that donor.

g. At the election of the donor, transferred AL restored to such leave donor may be restored by:

(1) Crediting such leave to the donor's AL account in the then current leave year;

(2) Crediting such leave to the donor's AL account, effective as of the first day of the first leave year beginning after the date of the election;

(3) Donating such leave in whole or in part to another leave recipient. If the donor elects to donate only part of the restored leave, the donor may elect to have the remainder credited to his/her AL account in accordance with (1) or (2) above.

11J. Use of Transferred Annual Leave

1. A recipient uses transferred leave in the same way and for the same purposes as if he/she had accrued regular AL, e.g., the recipient submits a competed SF 71 to his/her supervisor for approval. The supervisor must consider the employee's continued absence from the job and its impact on the efficiency of the workplace in granting or denying the leave.

11J

2. The approval and use of transferred AL is subject to the conditions and requirements of regularly accrued AL, except that transferred AL is not subject to the leave ceiling limitation, i.e., 240 hours for CS employees and 360 hours for FS employees assigned overseas, in a leave year.

3. Transferred leave may be retroactively substituted for periods of LWOP or advanced leave used from the beginning of the medical emergency for which the transferred leave account was established.

4. Transferred leave may not be:

a. Transferred to a recipient other than the recipient specified to receive the leave;

b. Transferred to another federal agency if the recipient transfers;

c. Included in a recipient's lump-sum payment;

d. Made available for recredit upon reemployment by a federal agency;

e. Used for any period during which the recipient received compensation from the OWCP.

f. Used after the recipient's medical emergency ends.

11K. Accrual of Annual and Sick Leave

1. While an employee is in a transferred leave status, AL and SL will accrue to the credit of the recipient at the same rate as if he/she were in a paid leave status except the maximum amount of AL and SL that may be accrued may not exceed 40 hours each, or in the case of a part-time employee, the average number of hours of work in his/her weekly scheduled tour of duty.

2. AL and SL accrued by an employee in a transferred leave status shall be credited to separate AL or SL accounts, and shall not become available for use by the employee until it is transferred to the appropriate leave account of the employee, which is after his/her medical emergency ends.

3. AL and SL accrued by an employee in a transferred leave status shall be transferred to the employee's appropriate leave accounts, effective the beginning of the first applicable pay period beginning after the date on which the employee's medical emergency ends.

4. If the employee's medical emergency ends as described in paragraphs 1 and 4, sec. L below, Termination of Medical Emergency, no leave will be credited to the employee.

11L. Termination of Medical Emergency

The status of a recipient ends:

1. When his/her federal employment ends;

2. At the end of the pay period in which the recipient notifies the Agency in writing that his/her medical emergency is over;

3. At the end of the pay period in which the Agency determines, after written notice and opportunity for the recipient to respond orally or in writing, that he/she no longer is affected by a medical emergency;

4. At the end of the pay period in which the Agency is notified by the U.S. Office of Personnel Management that it has approved the recipient's application for disability retirement;

5. When the recipient transfers to an agency that has a voluntary leave bank program.

11M. Appeal

An employee may appeal his/her disapproved recipient application to the Director, FA/HRDM/OD, whose decision is final. For BS-08 employees, the Inspector General will adjudicate.

11N. Records and Reports

The approving official:

1. Maintains all program documents, including approved and disapproved recipient and donor applications; SF 71s; grade of approved recipients and donors; number of hours transferred to each recipient; number of transferred hours used by each recipient; recipients' monthly medical emergency reports; written notice of termination of the medical emergency; and all other material pertinent to each recipient or donor.

a. Files must be kept separate from other personnel files.

b. Files must be maintained for three years after the medical emergency ends or three years after the file is established, whichever is later.

10. Confidentiality

Persons involved in any leave transfer process are responsible for the confidentiality of all related communications. Persons with access to information related to any leave transfer case must not disclose information to anyone except persons with a need to know and persons who have express written permission of the applicant or recipient to release specific information. Individuals granted access to such information must be advised of confidentiality requirements.

Attachments:
- 11A - Recipient Application
- 11B - Donor Application
- 11C - Leave Transactions Form
- 11D - Manual Log
- 11E - Annual Transferred AL Report
- 11F - Timetable

AID 760-44 (6-89)

AGENCY FOR INTERNATIONAL DEVELOPMENT

TEMPORARY LEAVE TRANSFER PROGRAM

Leave Recipient Application

Attach Required Documentation [See HB 27, Chapter 11, 11a Procedures]

INSTRUCTIONS TO RECIPIENT: *Parts A must be completed by a prospective recipient or his/her designee. Parts B and C must be completed by the applicant's supervisor and approving official, respectively.*

APPLICATION AND CERTIFICATION

Name of Recipient	Social Security Number	Position Title
Pay Plan, Grade/Pay Level, Step:	Leave Balance *(as of most recent pay period)*	
Bureau/Office	Annual Leave Balance *(hours)*	Sick Leave Balance *(hours)*
Home Address	Address During Medical Emergency	
Home Phone Number	Phone Number During Medical Emergency	
Name of Timekeeper		Timekeeper's Telephone #

Have you been on leave restriction in the past two years? ☐ Yes ☐ No

Do you currently have advanced leave? ☐ Yes ☐ No

Type: ☐ Annual ☐ Sick Amount: _____ hrs.

Are you receiving worker's compensation in connection with the medical emergency cited in this application? ☐ Yes ☐ No

Have you applied for worker's compensation in connection with the medical emergency cited in this application? ☐ Yes ☐ No

Describe the nature, severity and anticipated duration of the medical emergency and any other information you wish to offer that may be helpful to your case. Do not exceed the provided space.

APPLICANT

I, _____ *(Printed Name of Applicant)*, certify that I have been affected by the medical emergency I have described since _____ *(Date)*, and that I ☐ have or ☐ will have exhausted all restored and accrued annual leave and sick leave as of _____ *(Date)* and I expect to be absent from duty without paid leave for at least 10 workdays because of this medical emergency. I understand a false statement could be grounds for disciplinary action up to and including removal.

I agree that the above information may be disclosed as necessary to potential leave donor(s) and to individuals involved in the record keeping and processing of the transferred annual leave.

Signature of Applicant	Date

APPLICANT'S DESIGNEE

I hereby certify that, _____ *(Name of Applicant's Designee)*, is submitting this application on behalf of me with my knowledge and permission.

Signature of Applicant	Date	Signature of Designee	Date

NOTARY PUBLIC

(ONLY IF SUBMITTED BY APPLICANT'S DESIGNEE)

SUBCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 19_____, A NOTARY PUBLIC IN _____.

_____
(Notary Public) *(Seal)*

[PRIVACY ACT STATEMENT ON REVERSE]

B. SUPERVISOR'S RECOMMENDATION

Date Application Received

- To my knowledge, the applicant has not been on leave restriction in the past two years.
- To my knowledge, the applicant is not receiving worker's compensation in connection with his/her cited medical emergency.
- To my knowledge, the applicant has not applied for worker's compensation in connection with his/her cited medical emergency.

☐ I recommend this application be approved.

☐ I recommend against approval of this application for the following reason(s):

*(Send to **Approving** Official)*

Printed Name of Supervisor	Signature of Supervisor	Date submitted to approving official

C. APPROVING OFFICIAL REVIEW

Date Application Received

The medical emergency described in this application is likely to require the employee's absence from duty without paid leave for at least 10 workdays. ☐ Yes ☐ No

Application approved. ☐

Application disapproved. ☐

Reason(s) for disapproval:

*(Return to Supervisor and Send Copy of **Approved** Application to PFM/FM/P)*

Printed Name of Approving Official	Signature of Approving Offical	Date returned to Supervisor

PAYROLL OFFICE

Pay Period Processed	Printed Name of Payroll Officer	Signature of Payroll Officer	Date

PRIVACY ACT STATEMENT

5 U.S.C. 6311 authorizes collection of this information which will be used to transfer leave to your account from the donor's account. Your social security number is requested solely for the purpose of positively identifying leave recipients so that donated leave can be credited to the proper account.

AID 760-45 (6-89)

AGENCY FOR INTERNATIONAL DEVELOPMENT

TEMPORARY LEAVE TRANSFER PROGRAM

Leave Donor Application

INSTRUCTIONS TO DONOR: *Parts A, B and C must be completed by a prospective donor. Part D must be completed by the donor's supervisor and approving official.*

A. DONOR INFORMATION

Name of Donor	Social Security Number	Bureau/Office
Pay Plan, Grade/Pay Level, Step	Leave Balance *(as of most recent pay period)*	
	Annual Leave Balance *(hours)*	Sick Leave Balance *(hours)*
Name of Timekeeper		Timekeeper's Telephone #

B. RECIPIENT INFORMATION

Name of Recipient	Social Security Number	Department/Agency
Bureau/Office	Department/Agency Payroll Office Contact	
Contact Address		Contact's Telephone #

C. CERTIFICATION

NOTE: You may donate only restored or accrued annual leave and only one-half the annual leave you will accrue during the current year. If you will be employed full time for the full calendar year, the limits are:

- 52 hours for employees in the 4 hour leave earning category
- 80 hours for employees in the 6 hour leave earning category
- 104 hours for employees in the 8 hour leave earning category

If you are a part-time employee or if you will not be employed for the full calendar year, compute your transfer limit as follows:

$$\text{Part-time employee} = \frac{13 \times \text{duty hours in pay period} \times \text{leave earning category}}{80}.$$

$$\text{Part-year employee} = \frac{\text{No. pay periods to be worked} \times \text{leave earning category}}{2}.$$

I, _____ *(Name of Applicant)*, certify that I have read and understand the reasons why the leave recipient has requested transferred annual leave and voluntarily authorize the transfer of ____ hours from my accrued annual leave account/_____ hours from my restored annual leave account to the account of _____ *(Name of Leave Recipient)*. I certify that this amount meets the limitations as described in HB 27, Chapter 11, and that I will not be eligible to have unused leave restored to me if I leave the Agency before such restoration takes place. I also understand that once I donate the leave, no part of it may be restored except for that unused by the recipient.

(Printed Name of Leave Donor)	*(Signature of Leave Donor)*	*(Date)*

D. APPROVAL

Printed Name of Supervisor	Signature of Supervisor	Date
Printed Name of Approving Official	Signature of Approving Official	Date

(Return to Supervisor and Send One Copy of Approved Application to PFM/FM/P)

PAYROLL OFFICE

Pay Period Processed	Printed Name of Payroll Officer	Signature of Payroll Officer	Date

PRIVACY ACT STATEMENT

5 U.S.C. 6311 authorizes collection of this information which will be used to transfer leave from your account to the recipient's account. Your social security number is requested solely for the purpose of positively identifying leave donors so that transferred leave can be deducted from the proper account.

AID 760-46 (6-89)

AGENCY FOR INTERNATIONAL DEVELOPMENT

TEMPORARY LEAVE TRANSFER PROGRAM

Transactions

INSTRUCTIONS: *Parts A and B must be completed by recipient's timekeeper. Part C must be completed by payroll officer.*

A. RECIPIENT

Name of Recipient		Social Security Number
Position Title	Bureau/Office	Pay Plan, Grade/Pay Level, Step
Number of Donated Hrs. Donated	Number of Donated Hrs. Used	Number of Donated Hrs. To Be Restored

B. DONOR(S)

1. Donors	Social Security Numbers	Hours Donated
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		

Printed Name of Recipient's Timekeeper	Signature of Recipient's Timekeeper	Phone Number	Date

C. PAYROLL OFFICER

ADJUSTMENT LEAVE *(TO RECIPIENT)*

Number of Hrs. Credited	Date Leave Credited	Pay Period

LEAVE RESTORATION *[TO DONOR(S)]*

1. Donors	Social Security Numbers	Hours Restored
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		

Pay Period Restored Leave to Donor(s) Processed	Printed Name of Payroll Officer	Signature of Payroll Officer	Date

PRIVACY ACT STATEMENT

5 U.S.C. 6311 authorizes collection of this information which will be used to restore leave to donor's accounts from the recipient's account. Social security numbers are requested solely for the purpose of positively identifying leave donors and recipient so that transferred leave can be properly adjusted.

ATTACHMENT 11D

TEMPORARY LEAVE TRANSFER PROGRAM
Manual Log

Instructions: The log should be used by the leave recipient's timekeeper to keep track of leave donated to and used by a recipient. Attach copies of SF71s.

Name of recipient: SSN: - -

Position title: Bureau/office:

Pay plan, grade/pay level, step:

PAY PERIOD:	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
Balance from previous PP[1]																										
Leave donated during PP[2]																										
Total donated leave available[3]																										
Amount used during PP[4]																										
Balance[5]																										

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[1] Amount of unused donated annual leave, if any, from previous pay period.
[2] Total of all annual leave donated during pay period as verified in the SF71s received during pay period.
[3] Total of items [1] and [2].
[4] Amount of donated leave used during the pay period.
[5] The amount at line [4] subtracted from amount at line [3].

ATTACHMENT 11E

ANNUAL TRANSFERRED LEAVE REPORT

DATE:

TO: Personnel Policy Branch (FA/HRDM/PPM/PP)
Office of Human Resources Development and Management

FROM:

SUBJECT: Annual Leave Transfer Report

1. Recipient

Number of recipient applications received during the fiscal year. ___

Number of recipient applications approved. ___

Average grade of approved recipients. ___

2. Donor

Number of donor applications received. ___

Number of donor applications approved. ___

Average grade of approved recipients. ___

3. Total number of hours donated. ___

4. Total number of donated hours used by recipients. ___

April 1989

ATTACHMENT 11F

TIMETABLE FOR APPROVAL OF RECIPIENT APPLICATION

By law, a recipient application must be approved/disapproved no later than 10 workdays after the prospective recipient, or his/her designee, submits it to his/her supervisor. Persons involved in processing an application should make certain that they take immediate action upon receipt. Under no circumstances should any person in the chain take any longer than as specified in the following schedule:

Day 1. Prospective recipient or designee submits recipient application to supervisor.

Day 3. Supervisor forwards recipient application to approving official through the EMS and/or executive officer.

Day 9. Approving official returns approved/disapproved recipient application to supervisor through the EMS and/or executive officer and a copy of an approved application to FA/FM/P.

Day 10. Supervisor notifies the applicant that his/her application has been approved/disapproved and gives a copy of an approved application to the employee's timekeeper.