

LEAVE ADMINISTRATION

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1. **PURPOSE**

To establish Regional Office policy and procedures on absence and leave and to supplement the regulations contained in VA Human Resources Directive 5011 and VA Handbook 5011, Hours of Duty and Leave.

2. **POLICY**

a. The leave program will be administered on a uniform and equitable basis within the scope of applicable laws, regulations, and negotiated agreement between the U.S. Department of Veterans Affairs (VA) and American Federation of Government Employees (AFGE).

b. Leave approving officials will encourage employees to schedule annual leave throughout the leave year to avoid forfeiture. Leave approving officials will ensure that, when requested, an employee will be granted at least two consecutive weeks for vacation purposes during the leave year.

c. The primary consideration in granting leave will be to ensure the efficient operations of the VA Regional Office. Workload requirements will be carefully scrutinized before leave is approved.

3. **RESPONSIBILITIES / AUTHORITIES**

a. The Staff Assistant is responsible for administering leave for Division Chiefs and Assistant Division Chiefs (in the absence of Division Chief) and Director's staff.

b. Division Chiefs are delegated authority to approve or disapprove leave requests and excused absences for employees under their supervision as stated in Human Resources Directive 5011, Part III, Chapter 1. They are delegated to approve all types of paid leave, leave without pay up to forty (40) hours; advanced sick or annual leave up to twenty-four (24) hours, and excused absence (without charge to leave) of up to one (1) hour. First-line supervisors may not approve Leave Without Pay, but may approve excused absences of up to fifteen (15) minutes, provided this authority is officially delegated to them in writing by the Division Chief. Division Chiefs may further delegate their leave approving authority to subordinate supervisors with the following limitations, may not delegate authority to approve leave without pay, or

advanced leave, nor periods of excused absence for more than fifteen (15) minutes. Division Chiefs will retain the responsibility for ensuring that all division supervisors receive appropriate training on absence and leave policies.

c. Supervisors, as authorized, are responsible for administering absence and leave policies and regulations for employees under their supervision. This includes:

1. Planning and scheduling annual leave;
2. Acting promptly on requests for leave;
3. Ensuring employees are trained in proper use of leave;
4. Maintaining control over attendance, leave, and excused absence of employees;
5. Determining whether an employee's absence from their regular duties constitutes official duty, approved leave, excused absence without charge to leave, or absence without leave;
6. Ensuring that leave requests are entered into the Electronic Time and Attendance System (ETA);
7. Ensuring that certification of time and attendance reports are correct.

d. Employees are responsible for observing leave and excused absence policies and regulations. This includes:

1. Being at their post of duty during official duty hours unless they are on approved leave or excused absence without charge to leave;
2. Observing time and attendance policies and procedures and using leave for the purpose for which it is intended;
3. Entering leave requests in to the Electronic Time and Attendance System (ETA);
4. Getting approval except in emergencies, of annual and sick leave for medical, dental, optical examination or treatment;
5. Making timely report of absence not previously approved;
6. Scheduling, and if necessary, rescheduling annual leave to avoid forfeiture.

An employee wishing to discuss a problem with the Human Resources Liaison, Finance Office, etc., will be permitted to do so during working hours, without charge to leave. While not required to explain to their supervisor the reason for desiring the interview, the employee notifies their supervisor before leaving the work unit. Time for the interview may be scheduled by the supervisor in order to avoid undue interruption of the work unit.

e. The Human Resources Liaison is responsible to the Director for the general administration of the station leave program. This includes interpreting leave policies and regulations and providing for employee orientation on leave provisions and supervisory training in leave administration.

f. The Chief, Support Services Division, is responsible for training all time and leave clerks in proper timekeeping procedures. Periodic audits will be made to ensure proper preparation and maintenance of time and attendance reports and records subsidiary thereto.

g. Timekeepers are responsible for the preparation, maintenance and timely submission of time and attendance reports for each employee in their assigned block of responsibility. The timekeeper must have personal knowledge when each employee in their assigned block is on duty and on leave. Timekeepers must post attendance and leave information to the ETA on a daily basis, and post all absences and hours worked. **Timekeepers are not authorized to approve or excuse absences.**

4. **PROCEDURES**

a. Annual Leave

(1) Annual leave is authorized absence with pay, provided to allow employees an annual vacation period and time off for emergencies and personal business, which can only be disposed of during working hours. Employees earn annual leave credit as a legal right subject to their supervisor's authority to decide when the leave may be taken. This authority must be exercised in light of workload requirements rather than solely desires of individual employees. There is no authority to approve annual leave from which the employee will not be returning to duty unless such approval meets needs of the service. The general rule is that the separating employee is to be paid a supplemental sum for accrued annual leave credit.

(2) Annual Leave Request – All request for annual leave should be made in advance. All request for annual leave will be made electronically in the ETA system in advance by the employee along with an e-mail to the supervisor notifying them they have placed the request in ETA. In the event of an unforeseen emergency the employee will notify the supervisor within 2 hours of their normal tour of duty and place leave request in ETA when he/she reports for duty.

(3) Tentative Schedule - By January 15th of each year, supervisors will obtain a tentative vacation schedule from all employees in their division. Insofar as possible, any conflicts of dates of vacations of employees shall be resolved at that time. Division Chiefs will submit their own tentative leave schedules to the Director by January 15th as well. These are tentative schedules for planning purposes. Remember, leave is not officially requested until it is requested in ETA. Leave can not be requested in ETA sooner than 30 days before the requested leave start date.

(4) Use or Lose - No later than the end of pay period 20, all "use or lose" leave must be scheduled for use in writing to the supervisor. Employees who fail to do so will not be eligible for approval of carry-over. Carry-over will only be approved from the result of illnesses, administrative error, or cancellation of scheduled leave due to the exigencies of the public business.

(5) Advanced Annual Leave - Annual leave may be advanced only in an amount that can be earned by the end of the leave year in which it is granted. Employees who are incapacitated for duty because of serious illness or disability can be advanced sick leave for up to thirty (30) days. The employee will not be required to utilize any annual leave prior to utilizing the advanced sick leave. When an employee is serving under an

appointment which will expire before the end of the leave year, annual leave may be advanced up to the amount the employee would otherwise earn during the term of the appointment. Approval of requests for advance leave is at the discretion of the agency, but it is agreed that advance leave, including both sick and annual, will be fairly and equitably administered. Denials of requests for advance leave must be conveyed to the employee promptly and must contain a specific explanation of the reasons for the denial.

b. Sick Leave

(1) Sick leave is authorized absence with pay provided to allow employees time off when incapacitated for duty because of illness, injury, pregnancy and confinement; when receiving medical, dental or optical examination or treatment; when under legally prescribed circumstances, a member of their immediate family if afflicted with contagious disease and the presence of the employee at the place of duty would jeopardize the health of others and to participate in substance abuse treatment programs or counseling that would not be covered by authorized absence. Leave approving supervisors have the authority and responsibility to require employees to furnish evidence to substantiate their need for sick leave. They also have the authority and responsibility to disapprove sick leave requests, which are not substantiated by satisfactory evidence of need.

(2) Sick Leave Request - Request for sick leave for medical, dental, and optical examinations or treatment must be made in advance. Employees who are incapacitated for duty because of sickness or injury, or absent because of exposure to contagious disease, must notify their approving supervisor and request appropriate leave as soon as practicable. **This should be done at the beginning of their tour of duty, but no later than two hours after the start of their tour of duty.** It is the responsibility of an employee who is incapacitated for duty to report his/her illness as soon as possible to the supervisor or designee. Employees who expect to be absent more than one day must inform their supervisor of an expected date of return. If they anticipate an extended absence, their supervisor may ask them to call and report their progress periodically, depending on the circumstances involved. An employee will not routinely be required to furnish the nature of illness as a condition for approval.

Employees on sick leave for more than three consecutive work days must submit an electronic leave request upon returning to duty and furnish satisfactory evidence of their need for sick leave during the period of absence. This will be done in accordance with the Master Agreement, Article 32, Section 5. An electronic leave request is required for all periods of leave, regardless of duration, but medical documentation will not be required for periods of sick leave for three days or less. Where there is substantial reason to believe that an employee is abusing the sick leave entitlement, the employee shall be formally counseled and advised of the possibility of future medical certification requirements if misuse or abuse continues and the employee may be required to furnish a medical certification for each sick leave application. All such cases requiring a counseling or medical certification may be reviewed in four (4) months but not later than six (6) months afterward.

Frequency or amount of leave used will not be the sole factor for determining sick leave abuse, nor will leave for which medical documentation has been provided. When abuse ceases, the restriction will be removed, the record shall be made clean, and the employee will be notified of this action. The employee will also be notified of the reasons, in writing, if the restriction is to be continued.

(3) Advanced Sick Leave - Division Chiefs may advance sick leave up to twenty-four (24) hours in cases of serious disability or ailment, provided the employee is not on a temporary time-limit appointment. Before approving any advanced sick leave the Division Chief must ensure that there will be no more than 30 days (240 hours) of advanced sick leave on the employee's record at one time. Any request for over twenty-four (24) hours must be manually routed (with written medical documentation) to the Director's office through the HR Liaison to be reviewed for eligibility and approval. This request will be completed in the approved format (Appendix A) with medical documentation attached.

(4) Calling in Sick - An employee calling during business hours to request sick leave must speak to his/her supervisor. Similarly, an employee who is approved intermittent FMLA must also speak to his/her supervisor. If FMLA is invoked, they must also state the type of leave being requested (AL, SL, or LWOP). To facilitate this, each Division will provide its employees with the direct phone numbers of his/her 1st and 2nd line supervisors as well as the Division front office. Approval of the request for leave will be based on the individual employee's circumstances.

c. Leave Without Pay (LWOP)

(1) LWOP is discretionary with the agency and will not be routinely approved. LWOP must be requested by an employee and approved at the appropriate level depending on the length of LWOP being requested. An employee will not be placed on LWOP without a documented request. LWOP is granted at the discretion of Management, employees do not have a right to LWOP except in the following cases: When requested by a disabled veteran for medical treatment; by a reservist or National Guardsman for active military training duty; by an employee who has a claim pending with the Office of Workers' Compensation Programs (OWCP) and who is incapacitated for work, except in case of an overriding requirement for separation, such as reduction-in-force or removal for cause; or, by an employee who makes a request under the Family and Medical Leave Act and meets the criteria for that program.

(2) LWOP Request - All request for LWOP should be made electronically, and supplemented with a written request and documentation to the Division Chief in advance. Request for leave without pay for absences, which are not approved in advance, will normally be denied. A possible exception would be cases where and employee's absence is due to unforeseen illness, injury or extreme emergency. In such cases, employees will be required to furnish satisfactory evidence to substantiate their need for leave without pay. LWOP will not be approved after the fact. Any request for LWOP in excess of forty (40) hours must be submitted by the Division Chief recommending approval or denial and stating the basis for such recommendation to the Director through Human Resources. If LWOP extends for more than 30 days, or if granted due to a job-incurred injury, the division Chief must provide Human Resources with an SF-52 places the employee in LWOP status. An additional SF 52 will be required once the employee returns to duty.

d. Absence Without Leave (AWOL)

(1) Absence without leave (AWOL) is absence from duty which is not authorized or for which a leave request was denied. An employee receives no pay for such absence and may be subject to disciplinary action.

(2) The reason for charging an employee AWOL will be documented and signed by his/her leave approving supervisor at the time of decision to charge AWOL. This documentation will be made in the form of written memorandum to the employee and the leave record. When the employee reports for duty, the leave approving supervisor will instruct the employee to read and sign the documentation. If AWOL is changed to a different leave code because of extenuating circumstances surrounding the absence, the reason for the change will be documented in the same manner.

e. Family Friendly Leave

To request Family Friendly Leave, employees must submit an electronic request to their supervisor for any sick leave absences related to the Family Friendly Leave Act. Periods of sick leave of three days or more must be accompanied by documentation (i.e. physician's statement certifying illness of family member, a program or statement from funeral director verifying the death of a family member, or the statement of an attorney or adoption agency or other official showing that the employee is engaged in adoption procedures). First line supervisors are delegated authority to approve leave for family friendly purposes. They are responsible for keeping the division chief informed.

f. Maternity/Paternity Absence

Absence for maternity reasons may be covered by sick leave, annual leave, leave transfer and leave without pay. Such leave is provided to allow employees time off when incapacitated by pregnancy and confinement. Request for Maternity/Paternity Leave must be supplemented by medical documentation. A male employee may request annual leave or leave without pay for the purpose of assisting or caring for his minor children or the mother of his newborn child while she is incapacitated for maternity reasons. Request and approval for annual leave and LWOP for this reason must be consistent with the pertinent policies and procedures established in this circular.

g. Administrative Absence

Administrative leave is considered as absence from duty without loss of any pay and without charge to leave. Division Chiefs have the authority to excuse absence up to one (1) hour without charge to leave. First and second-line supervisors may excuse absences up to fifteen (15) minutes. All other requests for longer periods of excused absences must be approved by the Director's Office. Some examples of administrative leave are: severe weather and emergency situations; emergency treatment due to on the job injury; jury duty; and time spent in approved training.

h. Military Leave

(1) Military leave is leave of absence with pay which must be granted to all full-time and part-time employees serving in other than time-limited appointments who are members of the National Guard or a Reserve component of the U. S. Armed Forces to perform military duty. Military leave must go through the Division Chief.

(2) Military Leave Types - Full-time employees serving in other than time-limited appointments who are members of the Reserve components of the Armed Forces or National Guard will be granted two types of leave.

(a) At the rate of 15 days (120 hours) 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. This gives a full-time employee the potential of 30 days (240 hours) military leave during a fiscal year.

(b) Not to exceed 22 workdays in a fiscal year for the purpose of :

- (1) support of civil authorities in the protection of life and property;
- (2) performance of full-time military service as a result of a call or order to duty in support of a contingency operation as defined in section 101(a)(13) of title 10, U.S.C.

(3) Military Leave Accrual - Part-time employees serving in other than time-limited appointments, shall accrue military leave by a percentage of the rate prescribed under paragraph 4e(2)(a) which is determined by dividing 40 into the number of hours in the regularly scheduled workweek of the part-time employee.

(4) Military Leave Request - Military leave should be requested as far in advance as possible. Requests should be submitted through ETA, with an accompanying set of orders to verify the active duty. A certificate of attendance at the training duty signed by the unit commanding officer must be furnished the supervisor upon return to duty at the Regional Office. Military leave is charged only for hours the employee otherwise would have worked.

i. Voluntary Leave Transfer Program

(1) The Voluntary Leave Transfer Program permits employees to donate annual leave to other Federal employees who are experiencing a medical emergency. A medical emergency is a medical condition of an employee or a family member of the employee that is likely to require the employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

(2) Request - Any employee who has experienced or is experiencing a medical emergency may make a written request to become a participant in the voluntary leave transfer program. To be eligible to apply for the program, the employee must have exhausted all of his/her available paid leave and has been or is expected to be absent from duty without available paid leave for at least 24 hours (3 workdays). The request must contain (a) name, position title, and grade or pay level of the potential leave recipient; (b) the reasons why transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency, and if it is a recurring one, the approximate frequency of the medical emergency; and (c) certification from one physician, or other appropriate expert, with regard to the medical emergency. Additional information may be requested to support the application.

(3) Completed OPM 630 Leave Recipient Application Under the Voluntary Leave Transfer Program should be forwarded to the employee's supervisor, who will forward the application to the Human Resources office for review prior to forwarding

the request to the Director. The employee may request an application form from the Human Resources office. Applicants usually will be notified within 10 workdays of their eligibility to participate in the program as leave participants.

(4) In order to ensure the privacy of those who wish to participate in the program, employees who are eligible and are approved as leave recipients will have the discretion of determining their own means of informing potential leave donors from within VA. Potential donors from other Federal agencies may be considered in accordance with the regulations governing the program.

(5) The donation of annual leave is entirely voluntary. However, employees may not donate annual leave to their immediate supervisor. There are also minimum requirements and limitations on the amount of annual leave that can be donated. Employees who are interested in donating annual leave to a specific recipient may contact the Human Resources office for additional information.

(6) Annual leave donations will be transferred from the accounts of donors to the leave recipient's account. These annual leave donations will be used for the recipient's current leave charges and to liquidate any advance leave indebtedness. When the leave recipient's medical emergency no longer meets the criteria of this policy (for example, the employee is able to return to duty), the remaining annual leave in the person's account will be recredited to donors on a prorated basis in accordance with OPM regulations and VA policy.

(7) VA supports the concept of the leave transfer program. However, the decision to apply to become a leave recipient, or to donate leave, is personal and must be made on a completely voluntary basis.

j. Court Leave

Court leave is leave with pay for attending court, as a witness not in an official capacity on behalf a State or local government, or jury service in a United States, District of Columbia, or a State or local court. An employee will be required to furnish evidence of jury service. Employees will contact the Agent Cashier to determine what monies received for service as a juror or witness must be turned in.

k. Excused Absences

(1) **Leave to Vote** - As a general rule, where the polls are not open at least three hours either before or after an employee's regular hours of work, an amount of excused leave may be granted which will permit reporting for work three hours after the polls open or leave work three hours before the polls close, whichever requires the lesser amount of time off. Under exceptional circumstances, where the general rule does not allow an employee sufficient time, he/she may be excused for an additional period not to exceed a full day.

(2) **Blood Donor Program** - Employees who give blood without compensation to the Red Cross (or similar organizations) may be excused without charge to leave for the portion of the day blood is donated which may be desirable for rest and recuperation. Not to exceed four (4) hours.

(3) **VA Placement Matters** - Employees required to report for placement interviews in connection with placement within the VA will be authorized absence without

charge to leave for the time involved when such matters are conducted during the employee's regular work hours.

(4) **Training** - Employees may be excused to attend approved educational lectures, seminars, courses of instruction, etc., in the VA in-service training programs and to participate in other training as defined in 5 USC 4104. While absent from the usual worksite for such activity, the employee is considered to be on official duty during normal work hours.

(5) **Change in Station** - An employee who is being transferred for the convenience of the Government from one VA station to another may be excused without charge to leave for the time required, not to exceed 2 workdays, to make arrangements for moving. If a round trip to find housing has been authorized, the employee may be granted excused leave not to exceed one workday to get settled at the new location. Where no advance round trip has been authorized, the employee may be granted five workdays with no charge to leave to find housing and move into it.

k. **Tardiness or Brief Periods of Absence:** Supervisors should excuse, without charge to leave, infrequent, brief periods of tardiness/absence if such tardiness/absence was for a good cause. Continued tardiness will not be approved. The supervisor may counsel and change to AWOL and also consider disciplinary actions.

6. **REFERENCES**

5 U.S.C. Chapter 63
5 CFR, part 630
VA Handbook and HR Directive 5011
Master Agreement between VA and AFGE

7. **RESCISSION**

This circular will expire November 30, 2011.

ZITA M. COMMONS
Director

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