

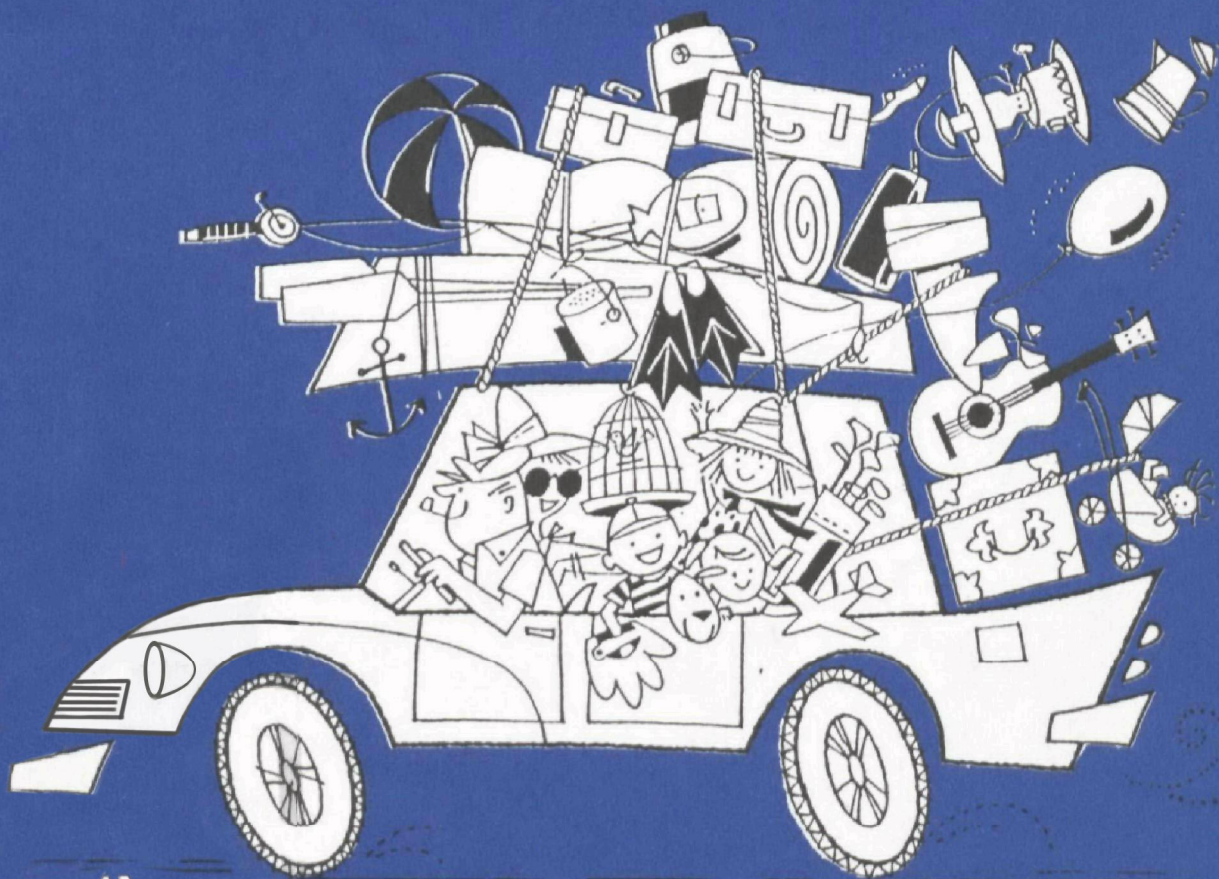


# Leave Handbook

United States Environmental Protection Agency

401 M Street, S.W., Washington, DC 20460

Employee Participation and  
Communication Division  
Office of Human Resources Management



Human Resources Management

*Printed on Recycled Paper*

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# Introduction

**T**his Handbook provides basic information about leave for EPA employees and supervisors. We believe it will answer your most frequently asked questions about leave policies and procedures. Unfortunately, some aspects of Federal leave law and regulations are complex and therefore beyond the scope of this publication. After reading the Handbook, if you have an unanswered question about leave, you should call and discuss it with your servicing personnel office.

The Handbook is organized into chapters, each one devoted to a

separate category of leave. It does not include a discussion of Agency timekeeping procedures.

Timekeeping policies and procedures are explained in the EPA Timekeeping Manual. A glossary of important leave terms and a list of references appear at the end of the Handbook.

Bargaining unit employees and their supervisors are strongly urged to review the applicable collective bargaining agreement. Where the provisions of a collective bargaining agreement conflict with Agency policy, the agreement applies.

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# Annual Leave



Annual leave is an approved absence with pay from official duties. While it is mainly used for vacation, it can also be used to allow periods of time off for personal and emergency purposes, such as a death in the employee’s family, obtaining a driver’s permit, or similar personal business that needs to be accomplished during duty hours. Annual leave is a benefit and accrues automatically. However, supervisors have the discretion to decide when and in what amount annual leave may be taken. In EPA, the minimum charge for annual leave is one hour, and additional leave is charged in multiples of one hour.

## Earning Annual Leave

Annual Leave for full-time employees accrues as follows:

Leave Accrual	Years of Service
4 hours per pay period	0-3 years
6 hours per pay period (10 hours in last pay period of year)	3-15 years
8 hours per pay period	15 years and over

Part-time employees earn on a prorated basis.

## Limit on Accumulation

There is a ceiling on annual leave accumulation for all employees except those in the Senior Executive Service. Usually, only 30 days (240 hours) of annual leave can be carried forward into the next leave year. Unused annual leave in excess of this amount is forfeited. Supervisors and employees have a joint responsibility to see that annual leave is scheduled and granted so that no employee is required to forfeit leave.

## Restoration of Leave

In rare cases, forfeited annual leave can be “restored”; for example, when it has been forfeited because of (1) administrative error, (2) illness or injury, or (3) because an employee is required by an exigency of the public business to remain on duty when leave has already been approved. The criteria which must be met and the procedures one must follow to have leave restored are too extensive to discuss here. The important thing to remember is that supervisors should pay special attention early in the year

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to the scheduling of employees' annual leave to avoid forfeiture. The basic policy regarding annual leave in the Federal service is "use it or lose it!" Upon separation, employees are paid a lump sum for unused annual leave and any restored leave to their credit.

### **Advancing Annual Leave**

Employees may be advanced annual leave that will be earned by the end of the current leave year. However, only leave that would be earned prior to an anticipated date of separation or retirement during the remainder of the current leave year or during the term of a temporary appointment may be advanced. All restored leave must be used before any annual leave may be advanced.

### **Annual Leave Indebtedness**

Advanced annual leave is charged against annual leave subsequently earned. If an employee separates from Federal service, any indebtedness for advanced annual leave must be reimbursed. However, this does not apply in cases of disability retirement, active military service with restoration rights, or death.

### **Emergency Leave**

Normally, all annual leave is requested and approved in advance. It is EPA policy that in unplanned or emergency annual leave situations, an employee must notify his/her supervisor before or as soon as possible after the time they are scheduled to report for work to explain the absence and request approval. If a supervisor determines that the needs of the work unit preclude a grant of leave, or if the employee's reasons are not acceptable to the supervisor, the supervisor may order the employee to report for duty. If the employee fails to report, all or part of the absence may be charged to AWOL.

### **Misuse of Leave**

If an employee appears to be misusing the procedures for request and approval of annual leave, a supervisor may require the employee to comply with special leave approval procedures more stringent than those for other employees in the work unit. For example, the employee may be required to notify the supervisor personally or to document with evidence any unscheduled emergency absences. A supervisor who places an employee on special leave approval procedures should give the employee advance written notice of the procedures and their duration.



## Sick Leave



**S**ick leave is a period of approved absence with pay from official duty. It may be authorized only:

- When an employee personally is unfit for duty because of sickness, injury, or incapacitation;
- For personal medical, dental, or optical examination or treatment, including treatment or rehabilitation for alcohol or drug abuse; and
- When the appropriate public health authorities determine that an immediate family member has a contagious disease that requires the care and attendance of the employee, or when, through exposure to a contagious disease, the employee's presence at work could jeopardize the health of others.

In EPA, the minimum charge for sick leave is one hour, and additional charges are in multiples of one hour.

### Sick Leave Benefits

Full-time employees accrue 4 hours of sick leave each pay period. Part-time employees earn on a prorated basis. Sick leave accumulates without limit. Upon retirement, unused sick leave is credited to length of service for purposes of annuity computation. For other separations, if there is a break in service of less than three years, sick leave is reccredited upon

reemployment. If the break is longer than three years, sick leave is lost.

### Approval of Absences

Supervisors have the authority to grant or deny any sick leave. The only exception is in the case of a disabled veteran who must be granted any leave (sick, annual, or LWOP) needed for medical treatment or to take a physical exam in connection with a disability or to have a prosthetic device fitted. Supervisors are responsible for determining the acceptability of evidence of incapacity for duty, and may use any reasonable and necessary means to determine whether sick leave should be granted.

If an employee is absent due to illness, the supervisor should be notified no later than the second hour of the employee's normal duty. If the supervisor is not notified, the absence may be recorded as AWOL. Absences for medical, dental, or optical exams or prearranged treatment should be approved in advance. Disciplinary action may be taken if the facts in requesting sick leave are misrepresented.

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## **Evidence of Entitlement**

Requests for sick leave of more than three consecutive workdays should be supported by a medical certificate or a statement by the employee as to why a certificate was not provided. An employee must also provide a statement from a public health authority when a family member has a contagious disease requiring isolation, quarantine, or restricted movement. A supervisor may require a medical certificate for an absence of three days or less and/or may require that an employee inform them of their condition each day during an absence from work. Whenever these requirements become necessary, a supervisor should give an employee advanced written notice.

## **Advancing Sick Leave**

For serious ailment or disability, employees may be advanced sick leave, even if they have annual leave to their credit. A full-time employee may be advanced up to 30 days. Part-time employees may be advanced on a prorated basis. Temporary employees may not be advanced sick leave in excess of what they would earn during the remainder of their appointment. Any request for advanced sick leave must be supported by a medical certificate.

## **Sick Leave Indebtedness**

Advanced sick leave is charged against sick leave subsequently earned. If an employee separates from Federal service, any indebtedness for advanced sick leave must be reimbursed, except for disability retirement, entrance into active military service with restoration rights, or death.

# Excused Absence

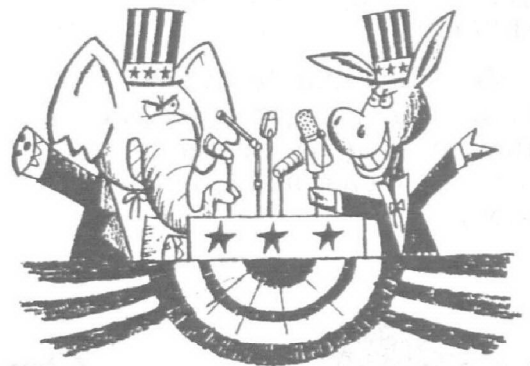
Probably no other area of leave administration creates as much confusion for employees and supervisors as excused absence. Simply stated, an excused absence is an absence from duty without loss of pay or charge to an employee's leave account. It is synonymous with the term "administrative leave," and is distinct from absence for officially sanctioned purposes from the employee's usual worksite or regular duties. The distinction is that an employee, while on excused absence, is not acting within the employer-employee relationship and is not deemed to be subject to the control or responsibility of the Agency as an employer. Employees who are performing certain representational functions or are conducting the business of organizations recognized by the Agency (e.g., credit unions, welfare and recreation associations, or the Combined Federal Campaign) generally are considered to be acting within the employer-employee relationship. These absences are usually referred to as "official time."

Supervisors may handle tardiness and other brief absences from duty for less than one hour in any of the following ways: (1) by excusing employees for adequate reasons; (2) by requiring additional work equivalent to the period of absence or tardiness; or (3) by charge (in one hour increments) against compensatory time, annual leave, LWOP, or AWOL. Participation in

patriotic, civic, or community activities that are infrequent and of limited duration, such as viewing parades, welcoming visiting dignitaries, dedication ceremonies, and emergency actions to save life or property are usually adequate justification for excusing an employee's brief absence.

Other familiar (and perhaps some unfamiliar) purposes for which excused absence may be granted to Federal employees are:

- **Registration to Vote** - When an employee is required to register in person, and registration is not available outside normal work hours, he/she may be granted up to 8 hours.



- **Voting** - Where the polls are not open at least 3 hours before or after an employee's regular hours of work, he/she may be granted excused absence which will permit reporting for work 3 hours after the polls open or leaving work 3 hours before the polls close, whichever requires less excused absence.

● **Conventions, Conferences, and Meetings** - Employees authorized to attend in connection with and as a part of official duties are in a duty status, and no excused absence needs to be recorded. If not directly related to duties, but attendance will contribute to EPA's mission, excused absence may be granted. If attendance is solely for the employee's benefit and no value to the Agency is apparent, annual leave would be more appropriate. The leave and duty status of an employee who attends a meeting, conference, or convention should be clearly established in advance.

● **Funeral Services** - Veterans who are asked to attend the funerals of deceased veterans or members of the Armed Forces as active pallbearers, members of firing squads, or guards of honor may be excused up to 4 hours in any one day.

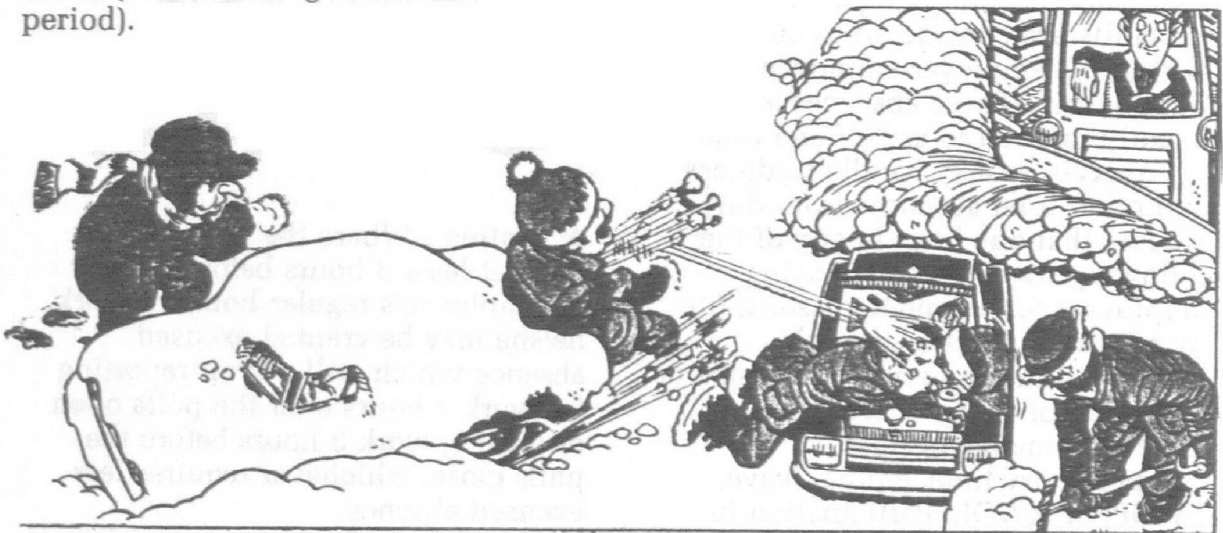
● **Treatment for Illness Occurring During Working Hours or On-the-Job Injury** - Usually 1 hour to go to health unit.

● **Blood Donation to an Outside Organization or in an Emergency Situation** - May be excused up to 4 hours (not including the lunch period).

● **Emergency Conditions** -

Hazardous weather conditions either during or outside work hours and other sudden emergencies such as power or equipment failure, flooding, etc.

● **Deceased Military** - An employee may be granted up to 3 workdays to make arrangements for, or to attend the funeral of an immediate relative in the Armed Forces who dies in the line of duty in other than a combat zone. (See also, Chapter 9, Funeral Leave.)



"Hazardous weather conditions"



# Absence Without Pay

The types of absences without pay discussed in this chapter are leave without pay (LWOP) and absence without leave (AWOL). These terms have nothing to do with a period of suspension or furlough. Let's deal with AWOL first.

## Absence Without Official Leave (AWOL)

AWOL is a period of absence without pay for which an employee did not obtain advance approval or for which a request for leave is denied. AWOL is based on the supervisor's decision that no form of leave (sick, annual, or LWOP) has been or should be approved. While AWOL itself is not a disciplinary action, it may be the basis for later disciplinary action.

## Leave Without Pay (LWOP)

LWOP is an "approved" temporary absence from duty in a non-pay status requested by an employee. Extended LWOP is a period exceeding 30 days. Granting LWOP is always a matter of administrative discretion and may not be demanded by an employee, except in two situations. A disabled veteran is entitled to LWOP, if necessary, for medical treatment, and reservists and National Guard members are entitled to LWOP, if necessary, to perform military training duties.

## Granting LWOP

LWOP for 30 days or less can be approved by the leave-approving supervisor. Extended LWOP procedures are more involved and require that the absence and later return to duty be recorded in an employee's Official Personnel Folder. For extended LWOP, the approving office must submit an SF-52, Request for Personnel Action, and supporting documentation to the appropriate servicing personnel office. The maximum initial period for which LWOP may be approved is 12 months. (This does not apply to employees on leave without pay status during Intergovernmental Personnel Act assignments.) Requests for extensions of LWOP are reviewed more carefully than original requests. LWOP exceeding 24 months must be approved by the Administrator.

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## Extended LWOP

A request for extended LWOP is usually examined very closely to ensure that the value to the Government or serious needs of the employee justify the costs and administrative inconvenience to the Agency. These include loss of needed services of the employee, obligation to provide employment at the end of the LWOP period, and full credit for 6 months of each year of absence toward retirement.

Most requests for LWOP are not approved unless there is a reasonable expectation that the employee will return. In addition, at least one of the following should be apparent in any request for extended LWOP: (1) increased ability on the job, (2) protection or improvement of employee's health, (3) retention of a desirable employee, or (4) furtherance of a program of interest to the Government.

Some specific examples of situations which might justify approval of extended LWOP are:

- Full-time study or research in a line of work being performed by EPA.
- Service with a non-Federal public or private organization, if in the interest of EPA.

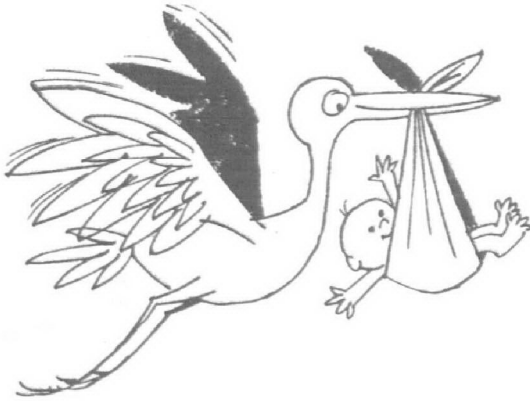
- Furthering a program of interest to the Government (e.g., IPA assignments, President's Executive Interchange Program, member of U.S. Olympic Team, etc.).

- Recovering from illness or disability which is not of a permanent nature.

- To avoid a break in service for an employee who is relocating to accompany a spouse in Government service.

- To protect an employee's status pending: (1) final action by the Office of Personnel Management on a claim for disability retirement, after sick and annual leave have been exhausted, or (2) a Department of Labor decision on a claim for disability compensation resulting from job-related injury or disease.

## Absence for Parenting Reasons



**L**aw and regulations governing Federal leave policies do not contain a separate category for absences for maternity or paternity reasons. These absences are charged to sick leave, annual leave, or LWOP.

EPA recognizes the interrelationship between personal life and job performance and the fact that an employee's maternal or paternal responsibilities are valid considerations in weighing leave requests. Supervisors are expected to carefully consider the needs and responsibilities of expectant parents, the parents of newborns or adoptive parents, and to make every effort to accommodate these needs within the work requirements of their units. Likewise, employees who anticipate using leave for maternity or paternity reasons are expected to report their intentions well in advance to enable supervisors to make workload adjustments as needed.

Parenting absences are handled as follows:

- **Sick Leave** - Any part of an absence for maternity reasons may be charged to sick leave when supported by a statement from a physician or other medical authority. Advanced sick leave may also be granted if there is reasonable assurance that the employee will return to work.

Employees and supervisors should be aware that any period of absence that is not medically certified as due to incapacitation for duty may not be charged to sick leave. It must be charged to annual leave or LWOP, if requested by the employee and approved by the supervisor. Sick leave may not be approved for paternity reasons.

- **Annual Leave** - Any part of an employee's approved absence may be charged to annual leave, including absence to care for the newborn, the mother, or a newly adopted child.
- **Other Leave** - Approved absences may also be charged to accrued compensatory time or LWOP.

# Military Leave

**M**ilitary leave is approved absence for employees in the National Guard or Armed Forces reserve components on days they are on military active duty. Both full-time employees and part-time career employees with permanent, TAPER, or term appointments, or temporary appointments of one year or more, are entitled to military leave. Employees with temporary appointments of less than one year, temporary appointments not to exceed one year, or intermittent work schedules are not entitled to military leave.

## Earning Military Leave

For full-time employees, military leave accrues at the rate of 15 days each fiscal year. To the extent that it is not used in a fiscal year, it accumulates for use in the next fiscal year, until it totals 15 days at the beginning of a fiscal year. In other words, the military leave (not to exceed 15 days) which is unused at the beginning of the succeeding fiscal year is carried forward for use in addition to the days credited at the beginning of that fiscal year. This gives a full-time employee the potential of 30 days military leave during a fiscal year. Part-time employees accrue military leave on a prorated basis.

## Charging Military Leave

Military leave is charged on a calendar day basis, except that non-workdays at the beginning or end of the period of leave are not charged to military leave. For example, an employee absent on military leave from Monday of one week through Friday of the following



week would be charged military leave for the intervening Saturday and Sunday, but not the Saturday and Sunday immediately preceding and after the period of military duty.

## Approval Procedures

When requesting military leave, employees must present a copy of their orders to their supervisor. Approval of military leave is usually mandatory. And if the employee has exhausted his/her military leave, they are usually granted annual leave or LWOP, as requested, to cover the period of active duty.

Supervisors and employees should be aware that not all forms of military duty qualify for military leave. For instance, summer R.O.T.C. training, Civil Air Patrol duty, and Temporary Coast Guard Reserve duty are some examples that do not qualify. Any questions or doubts about who or what qualifies for military leave should be referred to your servicing personnel office.

## Exemption from Dual Compensation Restrictions

Employees on military leave receive their regular civilian pay and their military pay and allowances. However, employees on military duty to enforce the law have their civilian pay reduced by the amount of pay received for military duty.

## Court Leave

**C**ourt leave is approved absence with pay and without charge to leave for jury duty (Federal, state, or local court) or for service as a nonofficial witness in a matter in which the U.S., the District of Columbia, or a state or local government is a party. Permanent and temporary employees, both full and part-time (unless employed on an intermittent basis without a regular tour of duty), are entitled to court leave.

### Approval Procedures for Jury Duty

When employees request court leave for jury service, they should present a copy of their order or subpoena to their supervisor. Upon return from jury service, they should submit to the supervisor a certificate of attendance signed by a clerk of the court or other appropriate official.

Supervisors are urged not to request that an employee be excused from jury duty or be granted a deferral except in cases of genuine emergency. If an employee's absence will severely hamper operations, the Division Director or higher level official may write directly to the court and request that the employee be excused or that service be deferred.

### Period of Jury Service

An employee is granted court leave for jury duty for the entire period of service, regardless of the number of hours per day or the days per week actually served on a jury during the period. However, court leave is not granted during periods when the employee is excused or discharged by the court. A night-shift employee



who performs jury service during the day is eligible for court leave for his or her regularly scheduled night tour of duty.

### Absence for Witness Service

The general rule to remember is that anytime the U.S., the District of Columbia, or a state or local government is a party, an employee summoned for witness service in a "nonofficial" capacity is entitled to court leave.

On the other hand, an employee is considered to be performing official duty, and no court leave is involved, when he or she is called to: (1) testify or produce official records on behalf of the U.S. or the District of Columbia, or (2) testify in his or her "official" capacity on behalf of a party other than the U.S. or the District of Columbia.

If witness service in a "nonofficial" capacity is performed on behalf of a private party and the U.S., D.C., or a state or local government is not a party, the employee's absence from duty is charged to annual leave or LWOP.



## CHAPTER 8

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# Home Leave and Shore Leave

**H**ome leave and shore leave are two categories that rarely apply to EPA employees. Home leave is for employees stationed abroad and is for use in the United States. Employees accumulate home leave without limit, and depending on the nature of their assignment, earn from 5 to 15 days of home leave for each 12 months of service abroad. Home leave may not be granted until an employee has

completed 24 months of continuous service outside the U.S. Shore leave is for employees whose regular duties are aboard oceangoing vessels. An employee earns shore leave at a rate of one day for each 15 calendar days of absence on one or more extended ocean voyages. Shore leave also accumulates without limit.

## CHAPTER 9

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# Funeral Leave

**F**uneral leave is for an employee to make arrangements for, or to attend, the funeral or memorial service for an immediate relative who died as a result of wounds, disease, or injury incurred while serving in the Armed Forces in a combat zone. Funeral leave (up to 3 days) must be granted when requested by an employee.

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## Glossary

**Accrued Leave** - The leave earned by an employee during the current leave year that is unused at any given time in that leave year.

**Accumulated Leave** - The unused leave remaining to the credit of an employee at the beginning of a leave year.

**Armed Forces** - The Army, Navy, Air Force, Marine Corps, and Coast Guard.

**Break in Service** - For leave purposes, separation from the Federal service for one or more workdays.

**Combat Zone** - Those areas in which Armed Forces of the United States are or have been engaged in combat as determined by the President in accordance with Section 112 of the Internal Revenue Code.

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

**Immediate Relative** - Spouse, parents, children (including adopted children) and their spouses, brothers and sisters and their spouses and any person related by blood or affinity whose close association can be regarded as the equivalent of a family relationship.

**Leave Year** - The period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

**Medical Certificate** - A written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or treatment, or to the period of disability while the patient was receiving professional treatment.

## References

More detailed information about employee absences and administration of leave in the Federal service and EPA may be found in the following publications:

- a. Law: Chapter 63 of Title 5, U.S. Code
- b. Regulations and Guidance
  1. 5 CFR 550 and FPM Chapter 550, "Pay Administration (General)"
  2. 5 CFR 610 and FPM Chapter 610, "Hours of Duty"
  3. 5 CFR 630 and FPM Chapter 630, "Absence and Leave"
  4. FPM Supplement 990-2, "Hours of Duty, Pay, and Leave, Annotated"
  5. EPA Leave Manual
  6. EPA Timekeeping Manual