

# MS 635 Staff Absence and Leave

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**Effective Date:** October 26, 2022

**Responsible Office:** Office of Human Resources (OHR)

**Supersedes:** 01/15/21; 10/24/19; 06/29/18; 05/29/13; 09/21/07; 07/21/07; 05/3/84; 05/21/76

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Issuance Memo (05/29/2013)

Issuance Memo (10/13/2016)

Issuance Memo (06/29/2018)

Issuance Memo (10/24/2019)

Issuance Memo (01/15/2021)

Issuance Memo (10/26/2022)

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## MS 635 Staff Absence and Leave Procedures

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## **1.0 Authority**

- (a) 5 USC Chapter 61 - Sections 6101-6105 and Chapter 63 (includes Annual and Sick Leave Act of 1951, as amended, herein referred to as Leave Act).
- (b) 5 CFR Parts 610 and 630.
- (c) Family and Medical Leave Act of 1993, Pub. L. 103-3, 29 USC 2601, 29 CFR 825 referred to herein as the FMLA.

## **2.0 Purpose**

This Manual Section establishes the Peace Corps' policy on staff absence and leave. Applicable definitions and procedures are set forth in the accompanying MS 635 *Staff Absence and Leave Procedures*. It is important to read this Manual Section and the accompanying information in the MS 635 *Staff Absence and Leave Procedures* together in order to fully understand applicable policies and procedures.

## **3.0 Applicability**

This Manual Section covers all Peace Corps employees except for the following:

- (a) Director and Deputy Director.
- (b) Intermittent employees for whom a regular tour of duty during each administrative workweek has not been established in advance (intermittent employees do not earn leave).
- (c) Foreign Service National employees who occupy positions outside the United States.
- (d) Personal Service Contractors.

## **4.0 Definitions**

The definitions of terms used in the Peace Corps' policies and procedures governing employees' absence and leave are set forth in part 4.0 of the accompanying MS 635 *Staff Absence and Leave Procedures*.

## **5.0 Policy**

It is the policy of the Peace Corps to foster a workplace environment specifically designed to help employees better manage their work and personal life responsibilities. This policy is intended to increase opportunities for employee satisfaction, development, and fulfillment and to maximize employee creativity and productivity.

Peace Corps policy regarding absence and leave will comply with 5 USC Chapter 63 and, in most cases, applicable Office of Personnel Management (OPM) guidance. However, when

discrepancies between OPM guidance and this Manual Section arise, the provisions of this Manual Section will take precedence, except when necessary to comply with federal laws. Where this Manual Section is silent, OPM guidance will be followed where practicable.

## **6.0 Applicable Principles**

The procedures implementing the applicable principles in the subsections below are set forth in the accompanying MS 635 *Staff Absence and Leave Procedures*. It is important to read this Manual Section and the accompanying MS 635 *Staff Absence and Leave Procedures* together to understand fully how the Peace Corps' administration of its policies governing absence and leave is to be implemented.

### **6.1 Leave Administration**

Leave approval will be made at the "work unit" level. Associate Directors, Regional Directors, Office Heads, and all first-line supervisors are expected to approve leave when appropriate and when it will provide for sufficient work coverage during the employee's absence. Regional Directors may designate their Chief of Operations to approve leave administration for Country Directors.

All leave will be computed and recorded in units of one hour, except that absences without leave (AWOL) will be charged in 15 minute increments. *See MS 635 Staff Absence and Leave Procedures* subsection 6.0 for further information.

Use of credit hours is a benefit that is a form of leave. It is accumulated, used, and maintained within the Peace Corps' electronic timekeeping system. For more information regarding credit time see also MS 630 Hours of Duty, subsection 4.8.1.1.3.

In the event a supervisor believes any type of leave is being abused, the employee may be subject to leave restrictions with the concurrence of the Office of the General Counsel.

### **7.0 Sick Leave**

The Peace Corps shall permit employees Sick Leave as a paid absence from duty requested by an employee for covered reasons. (*See subsection 7.0 of the MS 635 Staff Absence and Leave Procedures* for further details.)

### **8.0 Annual Leave**

The Peace Corps shall permit employees Annual Leave as a paid absence from duty requested by an employee for vacation, personal reasons or emergencies. Annual Leave may also be requested and used for reasons covered by Sick Leave. (*See subsection 8.0 of the MS 635 Staff Absence and Leave Procedures* for further details.)

## **9.0 Leave without Pay**

The Peace Corps may permit employees Leave without Pay (LWOP) as a temporary non-pay status and absence from duty approved upon the employee's request. Normally, LWOP is requested when other leave, such as Sick Leave or Annual Leave, is exhausted or not available. (See subsection 9.0 of the MS 635 *Staff Absence and Leave Procedures* for further details.)

## **10.0 Absence without Leave**

The Peace Corps may charge, on the record, an employee Absence without Leave (AWOL) as an absence from duty which was not authorized or for which a leave request has been denied. (See subsection 10.0 of the MS 635 *Staff Absence and Leave Procedures* for further details regarding action by the supervisor and the possible consequences for an employee that is AWOL.)

## **11.0 Military Leave**

The Peace Corps may permit employees Military Leave as an approved absence with pay from official duty for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces. (See subsection 11.0 of the MS 635 *Staff Absence and Leave Procedures* for further details on eligibility, requesting, and granting of Military Leave.)

## **12.0 Court Leave**

The Peace Corps may permit employees an authorized absence, without charge to leave or loss of pay, from work status for jury duty or when summoned as a witness in a judicial proceeding in which the Federal, State, or local government is a party. (See subsection 12.0 of the MS 635 *Staff Absence and Leave Procedures* for details.)

## **13.0 Home Leave**

The Peace Corps shall provide Home Leave (HL) to overseas U.S. Direct Hire Employees (USDHs) who qualify for the leave, as authorized by 5 USC 6305(a). Home Leave is earned by service abroad for use in the United States and in its commonwealths and possessions. (See subsection 13.0 of MS 635 *Staff Absence and Leave Procedures* regarding the requirements and limitations governing the earning, authorizing, and repayment of costs of Home Leave.)

## **14.0 Transition Leave**

The Peace Corps shall provide Transition Leave (TL) to overseas USDHs transferring from an overseas post to Peace Corps headquarters in Washington, D.C. A total of ten (10) business days shall be granted as TL in order to allow the employee to readjust back in the United States after a period of absence overseas. (See subsection 14.0 of MS 635 *Staff Absence and Leave Procedures* for further details.)

## **15.0 Leave for Funeral and Bereavement**

The Peace Corps may provide eligible employees leave for a Funeral or Bereavement for *Combat-Related death of an Immediate Relative, First Responders, Veterans Participating in a Funeral Ceremony, Military Leave for Funeral Honors Duty, or Sick Leave for Bereavement*. (See the MS 635 *Staff Absence and Leave Procedures* in subsection 15.0 on *Leave for Funerals* and subsection 7.3 on *Sick Leave for Bereavement* for additional details.)

## **16.0 Excused Absences**

The Peace Corps shall authorize employees excused absences on an individual basis; however, groups of employees may be excused under certain conditions as determined by the Director of Peace Corps or by such official to whom this authority is delegated. Excused Absences include, but are not limited to, holidays (U.S. and Host Country), weather/emergency conditions, registration and voting, Inauguration Day, blood donations, treatment for injury, travel time, and other excused absences. (See the MS 635 *Staff Absence and Leave Procedures* in subsection 16.0 for further information on Excused Absences.)

## **17.0 Family and Medical Leave Act**

The Peace Corps may provide eligible employees leave authorized by the Family and Medical Leave Act of 1993 (FMLA) by which most Federal employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period for certain prescribed medically related purposes. (See the MS 635 *Staff Absence and Leave Procedures* in subsection 17.0 for further information on FMLA.)

## **18.0 Paid Parental Leave**

A Peace Corps employee may elect to substitute up to 12 weeks of paid parental leave for FMLA unpaid leave in connection with the occurrence of the birth or placement (for adoption or foster care) of a child. Such paid parental leave may be used to care for a newly born or placed child, and thus allows for bonding between parent and child. (See the MS 635 *Staff Absence and Leave Procedures* in subsection 18.0 for further information on Paid Parental Leave.)

## **19.0 Peace Corps Voluntary Leave Transfer Program (VLTP)**

The Peace Corps may provide employees leave pursuant to the Voluntary Leave Transfer Program (VLTP) by which a covered employee may donate annual leave directly to another employee who has a personal or family medical emergency and who has exhausted his or her available paid leave. There is no limit on the amount of donated annual leave a leave recipient may receive from the leave donor(s). However, any unused donated leave must be returned to the leave donor(s) when the medical emergency ends. (See subsection 19.0 of MS 635 *Staff Absence and Leave Procedures* for additional information.)

## **20.0 Emergency Leave Transfer Program (ELTP)**

In the event of a major disaster or emergency as declared by the President that results in severe adverse effects for a substantial number of employees, the President may direct the U.S. Office of Personnel Management (OPM) to establish an Emergency Leave Transfer Program (ELTP). Under an ELTP, a covered employee in an executive agency or the judicial branch, or an agency leave bank, may donate annual leave for transfer to employees of the same or other agencies who are adversely affected, or have family members who are adversely affected, by the disaster or emergency, i.e., floods, earthquakes, hurricanes, bombings. (See subsection 20.0 of MS 635 *Staff Absence and Leave Procedures* for additional information.)

## **21.0 Disabled Veteran Leave**

An employee *hired on or after November 5, 2016*, who is a veteran with a service-connected disability rating of 30 percent or more from the Veterans Benefits Administration (VBA) of the Department of Veterans Affairs is entitled to up to 104 hours of Disabled Veteran Leave for the purposes of undergoing medical treatment for such disability. (See subsection 21.0 of MS 635 *Staff Absence and Leave Procedures* for additional information.)

## **22.0 Weather and Safety Leave**

Agencies may grant weather and safety leave when it is determined that employees cannot safely travel to or from, or perform work at, their normal worksite, a telework site, or other approved location because of severe weather or another emergency situation. Weather and safety leave is a form of paid time off authorized under the Administrative Leave Act. It will generally be used in conjunction with an operating status announcement issued by OPM or an agency.

## **23.0 Bone Marrow or Organ Donor Leave**

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

## **24.0 Procedures**

Procedures implementing this Manual Section must be approved and authorized by the Human Resource Council. (See MS 601 *Administration of the Peace Corps Personnel System* at 3.1.2.)

## **25.0 Effective Date**

The effective date of this Manual Section is the date of issuance.