

# MS 635 Staff Absence and Leave Procedures

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**Effective Date:** October 16, 2023

**Responsible Office:** Office of Human Resources

**Supersedes:** 05/19/23; 08/17/21; 01/15/21; 10/24/19; 06/29/18; 07/29/15; 05/29/13

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*MS 635 Staff Absence and Leave*

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## Attachments

Attachment A – [Request for Leave or Approved Absence](#)

Attachment B – [Home Leave Earning Table](#)

Attachment C – [Application to Become a Leave Recipient \(OPM 630\)](#)

Attachment D – [Request to Donate Annual Leave \(OPM 630-A\)](#)

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## 1.0 References

- (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) Volume 3, Foreign Affairs Manual (FAM) Section 3300.
- (d) Family Medical Leave Act of 1993, Pub. L. 103-3; 29 USC 2601; 29 CFR 825.

## 2.0 Purpose

*MS 635 Staff Absence and Leave Procedures* sets forth the procedures and other requirements implementing the Peace Corps' policy on absence and leave. It should be read with the Manual Section it accompanies, *MS 635 Staff Absence and Leave*.

## 3.0 Applicability

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

- (a) Employees appointed by the President whose rate of basic pay is greater than the rate of basic pay for FP-1 step 14, excluding locality pay.
- (b) Intermittent employees for whom a regular tour of duty during each administrative workweek has not been established in advance.
- (c) Foreign Service National employees who occupy positions outside the United States.
- (d) Personal Services Contractors (PSCs).

## 4.0 Definitions

- (a) ***Absence Without Leave (AWOL)*** is an absence from duty, which was not authorized, or for which a leave request has been denied and is charged on the leave record as absence without leave.
- (b) ***Accrued Leave*** is leave earned by an employee during the current leave year that is unused at any given time in that leave year.
- (c) ***Accumulated Leave*** is the unused leave remaining to the credit of an employee at the beginning of a leave year.
- (d) ***Administrative Workweek*** means the period beginning Sunday and ending Saturday.
- (e) ***Advance Leave*** is leave (sick and annual) granted before it is earned.
- (f) ***Annual Leave*** is an absence from duty with pay requested by an employee for vacation, personal reasons, or emergency, and chargeable against annual leave credits.
- (g) ***Automated Leave Accounting System*** means the system used by the Office of Human Resources (HR) and the Peace Corps writ large to process all leave requests and transactions for agency personnel. For the purpose of these Procedures, the automated system is GovTA.
- (h) ***Available Paid Leave*** is leave that includes an employee's accrued, accumulated, re-credited, and restored annual or sick leave. It does not include advance annual or sick leave, any annual or sick leave in an employee's set aside leave accounts, which has not yet been transferred to the employee's regular annual or sick leave account, or other forms of paid time off (i.e., credit hours under Maxiflex work schedules, compensatory time off, or religious compensatory time off).
- (i) ***Birth*** is the delivery of a living child. When the term "birth" is used in connection with the use of leave before birth, it refers to an anticipated birth.
- (j) ***Break In Service*** is, for purposes of MS 635 and these Procedures, at least one full workday between periods of employment.
- (k) ***Compensatory Time Off*** means time off granted to an employee from their scheduled tour of duty in lieu of payment for an equal amount of time spent in overtime work. *See MS 625 Premium Pay and Compensatory Time* for additional information.
- (l) ***Compensatory Time Off for Travel*** is earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. *See MS 625* for additional information.
- (m) ***Court Leave*** is the authorized absence, without charge to leave or loss of pay, of an employee 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.

- (n) ***Credit Hours*** are those hours which an employee under the Maxiflex schedule elects to work in excess of their basic work requirement. See MS 630 *Direct Hire Hours of Duty* for additional information.
- (o) ***Direct Hire Positions***, also referred to as United States Direct Hire (USDH) positions, are positions covered by the Peace Corps personnel system authorized by Section 7 of the Peace Corps Act and implemented through MS 601 *Administration of the Peace Corps Direct Hire Personnel System*.
- (p) ***Disaster or Emergency*** means a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees (e.g., loss of life or property, serious injury, or mental illness as a result of a direct threat to life or health).
- (q) ***Emergency Leave Transfer Program Leave*** is leave taken under an Emergency Leave Transfer Program (ELTP) established by direction of the President by which a covered employee in an executive agency or the judicial branch, or through 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 a disaster or emergency (e.g., floods, earthquakes, hurricanes, bombings).
- (r) ***Employee*** is an officer, or an individual appointed to the Civil Service, who is engaged in the performance of a federal function under authority of law or an executive act, and subject to supervision while engaged in the performance of the duties of their position. The meaning given is under 5 U.S.C. 2105.
- (s) ***Excused Absence*** means an absence administratively authorized or approved, which does not result in a charge to leave of any kind or in loss of basic salary.
- (t) ***Family Member*** means any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, including an employee's spouse, parents, parents-in-law, children, brothers, sisters, grandparents, grandchildren, step parents, step children, foster parents, foster children, guardianship relationships, same sex and opposite sex domestic partners, and spouses or domestic partners of the aforementioned, as applicable.
- (u) ***Family Medical Leave Act Leave*** is 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 paid or unpaid leave during any 12-month period for certain prescribed medically related purposes.
- (v) ***Funeral Leave*** is an authorized absence, with pay of not more than three workdays, from official duty for an employee to make arrangements for, or to attend, the funeral or memorial service of an immediate relative who died as a result of wounds, disease, or injury incurred as a member of the Armed Forces while serving in a combat zone.
- (w) ***Furlough*** means a temporary non-pay status and absence from duty directed by appointing authority because of lack of work, or funds, or military duty.

- (x) **Home Leave** is leave authorized by 5 USC 6305(a) and earned by service abroad for use in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States. Home leave authorized under this section includes accrued days of paid home leave as well as travel and transportation costs to and from the home leave destination for the employee and authorized dependents accompanying the employee in the country of service.
- (y) **Immediate Relative** is the same definition as Family Member above in section 4.0(s).
- (z) **Intermittent Employee** means an employee who works on an irregular basis for which there is no prearranged scheduled tour of duty.
- (aa) **Jury Duty** means service as a juror in a legal proceeding.
- (bb) **Leave Without Pay (LWOP)** means a temporary non-pay status and absence from duty approved upon the employee's request.
- (cc) **Leave Year** is the period from the beginning of the first day of the first full pay period in one calendar year to the beginning of the first day of the first pay period in the next calendar year.
- (dd) **Medical Certificate** means a written statement signed by a registered practicing physician, or other practitioner, certifying to the period of disability of an employee while under professional care and to the employee's ability to return to duty.
- (ee) **Medical Emergency** is a medical condition of either the employee or the employee's *family member* that is likely to require the employee to be absent from duty for a prolonged period and to result in a substantial loss of income because of the employee's lack of available paid leave.
- (ff) **Military Leave** means 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.
- (gg) **Overseas Recruitment, Selection, and Support (ORSS)** is the operating unit within HR with the delegated authority to recruit, select, and support overseas USDH staff. ORSS provides human resources staffing and classification support to the Office of Global Operations (OGO) and staff within the agency's three Regions – Africa Operations (AF), Europe, Mediterranean, and Asia Operations (EMA), and Inter-America and Pacific Operations (IAP).
- (hh) **Paid Parental Leave** amended the Family and Medical Leave Act (FMLA) to provide up to 12 weeks of paid leave to covered federal employees in connection with the birth or placement (for adoption or foster care) of a child occurring on or after October 1, 2020.
- (ii) **Part-time Employee** means an employee who is appointed for less than 80 hours per pay period but for a definite number of hours on a prearranged scheduled tour of duty made at their time of appointment.

- (jj) **Placement** means a new placement of a child with an employee for adoption or foster care. For example, this excludes the adoption of a stepchild or a foster child who has already been a member of the employee's household and has an existing parent-child relationship with an adopting parent. When the term "placement" is used in connection with the use of leave before placement has occurred, it refers to a planned or anticipated placement.
- (kk) **Qualifying Position(s)** is a USDH position occupied by personnel hired within the U.S. and deployed overseas. For the purpose of these Procedures, Experts, Consultants, PSCs, and Volunteers are not eligible for coverage.
- (ll) **Relevant Office(s)/Component(s)** are one of the offices with personnel stationed overseas on a full-time basis and who are covered/affected by the conditions of employment herein addressed. For the purpose of these Procedures, those offices are the Office of Global Operations, Office of Safety and Security, and Office of Health Services.
- (mm) **Restored Leave** is annual leave held in a separate account as a result of an administrative decision to permit an employee to carry forward more than the maximum permitted.
- (nn) **Sick Leave** means an absence of duty with pay requested by an employee for health reasons.
- (oo) **Service Abroad** is service which begins with the date of the employee's arrival at a Post outside the United States, or on the date of their entrance on duty if recruited abroad, and ends on the date of departure from the Post for separation or assignment in the United States. Service abroad also includes:
- (1) Up to two weeks of absence in a non-pay status within each 12 months of service abroad;
  - (2) Authorized leave with pay;
  - (3) Time spent in the Armed Forces, which interrupts otherwise creditable service; and
  - (4) Periods of detail.
- (pp) **Suspension** means a temporary non-pay status and absence from duty required by the appointing authority for disciplinary reasons, or pending inquiry.
- (qq) **Temporary Employee** is an employee appointed either full-time or part-time for a definite period of time not exceeding one year.
- (rr) **Transition Leave** is leave authorized for a specific purpose, i.e., to provide employees a period of excused absence to settle into their homes in the United States before returning to an assignment in the United States. For the purpose of these Procedures, the applicable location for this benefit is Washington, DC.

- (ss) ***Tour of Duty*** means the hours and days during the administrative workweek, fixed in advance, during which the employee regularly is required to be on duty.
- (tt) ***Travel Time*** is the time actually and necessarily occupied by an employee (not a U.S. based employee on temporary duty travel (TDY)) in going to and from an overseas Post of duty and such time as may be necessarily occupied in awaiting sailing or flight, as well as time spent in change to another official station within the United States of America.
- (uu) ***Volunteer Leave Transfer Program Leave*** means leave taken 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 their available paid leave.

## **5.0 Policy**

These Procedures must be interpreted in a manner consistent with 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 procedures regarding absence and leave will comply with 5 USC Chapter 63, the negotiated agreement when bargaining unit employee is involved, and, in most cases, applicable Office of Personnel Management (OPM) guidance. However, when discrepancies between OPM guidance and these Procedures arise, the provisions of these Procedures will take precedence, except when necessary to comply with federal laws. Where these Procedures are silent, OPM guidance will be followed where practicable.

## **6.0 Leave Administration**

All leave used will be computed and recorded in 15-minute increments. Use of credit hours (*see* MS 630) is a form of leave. It is accumulated and used in units of 15-minute increments, maintained within the Peace Corps' electronic timekeeping system.

Use of leave is subject to approval. A Request for Leave or Approved Absence must be submitted by an employee requesting leave, including credit hours and compensatory time off. (*See* Attachment A for form.)

## **7.0 Sick Leave**

### **7.1 Administrative Responsibility**

It is the responsibility of supervisors to approve requests for sick leave. If there is doubt as to whether the employee's absence is due to any of these reasons, the supervisor will satisfy himself or herself on this point before approving the charge to sick leave. Authorities for approving advance sick leave are described in section 7.5 below.

## 7.2 Accrual of Sick Leave

Under the provisions of the Annual and Sick Leave Act of 1951, as amended, sick leave accrues as set forth below:

Description	Time
Full-time employees	1/2 day (4 hours) for each biweekly pay period
Part-time employees	1 hour for each 20 hours in a pay status
Uncommon Tours of Duty	(4 hours) times (average # of hours per biweekly pay period) divided by 80 = biweekly accrual rate

Intermittent employees (employees not having a regular prearranged tour of duty) are excepted from the provisions of the Leave Act and, therefore, are not entitled to earn sick leave.

Sick leave is credited at the end of the biweekly pay period in which it is earned and is available for use during or after that pay period. The credit for the current pay period is not considered as “advance” leave unless the employee is separated before the end of the pay period.

### 7.2.1 Pay Status of Less Than a Full Biweekly Pay Period

Sick leave will not be earned for periods in pay status of less than a full biweekly pay period where the employee enters or leaves the service during a biweekly pay period.

### 7.2.2 Accrual While in Non-pay Status

A full-time employee earns sick leave while in a non-pay status provided the non-pay status totals less than 80 hours. When the aggregate of non-pay status equals the number of hours in one pay period (80 hours) or multiples thereof within the leave year, the credits for sick leave will be reduced by the amount earned during one pay period (four hours) at the time the 80-hour total is reached. In determining the reduction of sick leave accruals, when an employee has one or more breaks in service during the year, all hours in non-pay status must be included for each period of service during the leave year in which leave accrued. Leave without pay during fractional pay periods at the beginning or end of employment, when the employee does not accrue leave, is disregarded when computing the reductions described above.

### 7.2.3 Periods of Disability Compensation

An employee who is on leave without pay because of an injury received in the line of duty does not accrue sick leave for the period for which they are paid disability compensation by the agency.

## 7.2.4 Accumulation of Sick Leave

There is no limitation on the amount of sick leave that can be accumulated. The days of unused sick leave cannot be added for the purpose of meeting length of service required for retirement eligibility.

## 7.3 Granting and Approving Sick Leave

Subject to the sick leave limitations listed below, a supervisor must grant sick leave to an employee when they —

- (a) Receives medical, dental, or optical examination or treatment;
- (b) Is incapacitated for the performance of their duties by physical or mental illness, injury, pregnancy, or childbirth;
- (c) (1) Provides care for a family member who is incapacitated by a medical or mental condition or attends to a family member receiving medical, dental, or optical examination or treatment; or  
  
(2) Provides care for a family member with a serious health condition (*see [OPM's Fact Sheet: Family and Medical Leave](#)*);
- (d) Makes arrangements necessitated by the death of a family member or attends the funeral of a family member (*see [OPM's Fact Sheet: Sick Leave for Family Care or Bereavement Purposes](#)*);
- (e) Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by their presence on the job because of exposure to a communicable disease; or
- (f) Must be absent from duty for purposes relating to their adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.

### 7.3.1 Sick Leave Limitations

- (a) No limitation for an employee's own personal medical needs.
- (b) Up to 13 days (104 hours) of sick leave for general family care and bereavement each leave year.
- (c) Up to 12 weeks (480 hours) of sick leave to care for a family member with a serious health condition each leave year.

If an employee previously has used any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the 12-week entitlement. If an employee has already used 12 weeks of sick leave to care for a family



member with a serious health condition, they cannot use an additional 13 days in the same leave year for general family care purposes. An employee is entitled to no more than a combined total of 12 weeks of sick leave each leave year for all family care purposes.

Part-time employees and employees with uncommon tours of duty are also entitled to use sick leave, and the amount of sick leave which may be granted is pro-rated in proportion to the average number of hours of work in the employee's scheduled tour of duty each week.

### **7.3.2 Notification to Supervisor**

An employee who is absent on account of sickness is personally responsible for notifying the supervisor of the need for sick leave or having the supervisor notified within two hours of the usual reporting time on the first workday of such absence. The employee must request prior approval for sick leave for the purpose of receiving medical, dental, or optical examination or treatment and, to the extent possible, when caring for a family member.

### **7.3.3 Request and Approval of Sick Leave**

The Agency will grant sick leave only when the need for sick leave is supported by administratively acceptable evidence. A supervisor may consider an employee's self-certification as to the reason for their absence as administratively acceptable evidence, regardless of the duration of the absence. A supervisor may, however, require a medical certificate or similar evidence for an absence in excess of three workdays. Evidence may also be requested for a lesser period when the supervisor determines it is necessary (see section 7.4 below).

An employee must normally provide administratively acceptable evidence or medical certification for a request for sick leave no later than 15 calendar days after the date the supervisor requests such medical certification. The supervisor may extend this period to no later than 30 calendar days if warranted. An employee who does not provide the required evidence or medical certification within the specified time period is not entitled to sick leave.

If necessary, a supervisor may require an employee requesting sick leave to care for a family member with a serious health condition to provide an additional written statement from the health care provider concerning the family member's need for psychological comfort and/or physical care. The statement must certify that:

- (a) The family member requires psychological comfort and/or physical care;
- (b) The family member would benefit from the employee's care or presence; and
- (c) The employee is needed to care for the family member for a specified period of time.

A Request for Leave or Approved Absence shall be submitted within the pay period when the employee returns to duty except in the case of a request for planned sick leave which shall be submitted prior to its use.

### **7.3.4 Sick Leave during Official Travel**

In the event an employee becomes ill while in official travel status, the period of time for which the travel status is interrupted because of illness will be charged to sick leave.

### **7.3.5 Sick Leave during Hazardous Weather Dismissals**

In the event of hazardous weather dismissals, an employee on scheduled sick leave with no expectation of return to duty before the close of workday will be charged sick leave as if the dismissal had not occurred.

### **7.3.6 Substitution of Sick Leave for Annual Leave**

Sickness which occurs while an employee is in annual leave status may be charged to accrued sick leave and the charge against annual leave reduced accordingly.

## **7.4 Abuse of Sick Leave**

### **7.4.1 Responsibility of Supervisors**

Supervisors are responsible for reviewing the circumstances surrounding indiscriminate or seemingly excessive use of sick leave to determine whether there is a proper use of sick leave. If a supervisor determines that there is an abuse of sick leave, that supervisor is responsible for correcting the situation.

### **7.4.2 Action by Supervisors**

Supervisors who suspect abuse of sick leave shall first counsel the employee about the proper use of sick leave. If excessive and indiscriminate use of sick leave continues, the supervisor may require the employee to provide a medical certificate for future sick leave absences, regardless of length. Such requests must be based on sound judgment and reasonableness. Advance notice in writing will be given to an employee when such a certificate is required. The notice must contain, as a minimum, the following:

- (a) The specific reason(s) for requesting the medical certificate;
- (b) A statement that requests for approval of sick leave not supported by a medical certificate will not be approved, and will be charged to absence without leave (AWOL) or annual leave, as appropriate; and
- (c) A statement that repeated instances of AWOL may lead to disciplinary action.

The Employee Relations Specialist in HR will provide advice and guidance to supervisors concerning matters covered by this Section.

## **7.5 Advance Sick Leave**

Subject to the limitations below, a maximum of 30 days of sick leave may be advanced to a full-time employee in cases of serious disability or ailment of the employee or a family

member or for purposes relating to the adoption of a child. For a part-time employee (or an employee on an uncommon tour of duty), the maximum amount of sick leave an agency may advance must be prorated according to the number of hours in the employee's regularly scheduled administrative workweek. Sick leave should not be advanced to an employee when it is known (or reasonably expected) that the employee will not return to duty, e.g., when the employee has applied for disability retirement. Before granting advanced sick leave, it is recommended that the approving authority consider such matters as the expectation of return to duty, the need for the employee's services, and the benefits to the agency of retaining the employee.

- (a) Sick leave may be advanced in any increment of 1 hour or more as often as necessary, but an employee may not have more than 30 days to their credit at any one time.
- (b) Advance sick leave for an employee on a time limited appointment shall not exceed the amount of sick leave that would accrue during the remaining period of the appointment.
- (c) A request for advance sick leave should be made in advance of the absence, if possible. Failure to request advance sick leave prior to exhaustion of accrued sick leave may result in the absence being charged to annual leave or leave without pay.
- (d) Sick leave indebtedness, as a result of a grant of advance sick leave, will be reduced by the employee's subsequent sick leave accruals. Any additional sick leave granted while an outstanding sick leave indebtedness exists must be treated as a further advance and not as a grant of "earned" sick leave toward current accrual.

### **7.5.1 Approval**

A Delegates (as defined in MS 114 *Delegation of Authority*) may approve requests for advance sick leave for employees under their respective jurisdiction. This authority may be re-delegated.

Requests for advance sick leave must be submitted using the time and attendance system by means of a Request for Leave or Approved Absence. Supervisors may also request a medical certificate or other appropriate evidence. Advance sick leave is not an employee entitlement and will not be granted to an employee under an abuse of sick leave notice during the six months preceding the request for advance sick leave.

### **7.5.2 Refunds for Advance Sick Leave**

Except as set forth in the next paragraph, an employee granted advance sick leave who is separated before they earn sufficient sick leave to repay the sick leave indebtedness is required to make a refund for the unearned portion. The refund should be made in accordance with the leave regulations in effect at the time the advance leave was used, and at the salary rate or rates at which the employee was paid for the leave.

### **7.5.3 Circumstances under which No Refund is Required**

No refund is required for sick leave which has been advanced and is unearned at the time of separation by death, retirement for disability, or in case the employee is unable to return to duty because of disability (if evidence is furnished in the form of an acceptable medical certificate).

### **7.6 Return to Duty after Extended Sick Leave**

The Family Medical Leave Act (FMLA) imposes certain restrictions on any fitness for duty examinations in connection with a return to duty from FMLA leave. The Peace Corps requires each employee who returns from extended sick leave to obtain certification of his/her ability to resume work from the employee's own health care provider. 29 USC 2614(a)(4). The certification need only be a simple statement of an employee's ability to return to work. 29 CFR 825.310(c).

The Peace Corps, with the employee's permission, may have its own health care provider contact the employee's health care provider for purposes of clarification of the employee's fitness to return to work. The Peace Corps may not request additional information and may request clarification only for the serious health condition for which FMLA leave was taken. Moreover, the employee's return to work may not be delayed while contact with the health care provider is being made.

The FMLA does not authorize an employer to make its own determination of whether an employee is fit to return from FMLA leave following recovery from a serious health condition. Rather, the Peace Corps must rely on the evaluation done by the employee's own clinician and return the employee to work without delay upon receipt of medical certification.

### **7.7 Re-credit and Transfer of Sick Leave**

#### **7.7.1 Reemployment**

Upon reemployment by Peace Corps of a former federal employee who was subject to chapter 63 of title 5, United States Code, the employee's unused sick leave balance upon separation will be credited to the employee's new Peace Corps account, unless the sick leave was previously forfeited upon reemployment in the Federal Government before December 2, 1994.

#### **7.7.2 Transfer**

When an employee transfers from a position covered by chapter 63 of title 5, United States Code to the Peace Corps, the agency from which the employee transfers shall certify their unused sick leave balance, which will then be credited to the employee's new Peace Corps account. When an employee transfers from Peace Corps to another federal position covered by 5 USC Chapter 63, the Peace Corps will certify their sick leave balance and provide to the new agency for credit to the employee's account.

When an employee transfers to a position under a different federal leave system, to which they can transfer only a part of the sick leave or cannot transfer sick leave, the employee is entitled

to a re-credit of the un-transferred leave if they later return to the leave system under which it was earned.

For a reemployed annuitant, any sick leave that is used in the computation of the employee's annuity is charged against the employee's sick leave account and cannot be used, transferred, or re-credited in the future. If the employee returns to Federal service as a reemployed annuitant, they are entitled to the re-credit of the remaining 50 percent of their sick leave. For a CSRS employee, or a FERS employee who retires on or after January 1, 2014, 100 percent of the employee's sick leave will be used in the annuity computation, consequently, no sick leave will remain for re-credit should the retiree later return to Federal service.

## 8.0 Annual Leave

Annual leave is an absence from duty with pay requested by an employee for vacation, personal reasons, or emergency, and chargeable against annual leave credits.

### 8.1 Administrative Responsibility

Leave planning and the approval of annual leave is an administrative responsibility of supervisors. An employee may use annual leave for vacations, rest and relaxation, and personal business or emergencies. An employee has a right to take annual leave, subject to the supervisor's discretion.

### 8.2 Accrual of Annual Leave

All full-time and part-time employees, both within and outside the continental United States, except for temporary and expert/consultant employees on appointments of less than 90 days, accrue annual leave as provided below. A change to the next higher rate of accrual as noted below will take effect at the beginning of the pay period following that in which the employee completes the prescribed period of service.

<b>Employee Type</b>	<i>Less than 3 years of service</i>	<i>3 years but less than 15 years of service</i>	<i>15 or more years of service</i>
<b>Full-time employees</b>	(4 hours) for each pay period	(6 hours) for each pay period, except (10 hours) in last pay period	(8 hours) for each pay period
<b>Part-time employees</b>	1 hour for each 20 hours in a pay status	1 hour for each 13 hours in a pay status	1 hour for each 10 hours in a pay status
<b>Uncommon tours of duty</b>	(4 hours) times (average # of hours per biweekly pay period) divided by 80 = biweekly accrual rate.	(6 hours) times (average # of hours per biweekly pay period) divided by 80 = biweekly accrual rate.**	(8 hours) times (average # of hours per biweekly pay period) divided by 80 = biweekly accrual rate.

<b>Senior Foreign Service (SFS)</b>	8 hours for each pay period, regardless of years of service
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### **8.2.1 Intermittent Employees**

Intermittent employees (i.e., employees who do not have a regular prearranged tour of duty) are excepted from the provisions of the Leave Act and, therefore, are not entitled to earn annual leave.

### **8.2.2 Qualifying Period**

An employee whose current employment is limited to less than 90 days is entitled to annual leave only after being currently employed for a continuous period of 90 days under successive appointments without a break in service. After completing the 90-day period, the employee is entitled to be credited with the leave that would have accrued to them during that period.

An employee who must complete a 90-day qualifying period to be entitled to leave under the provisions of this section, may not substitute annual leave for leave without pay granted during the qualifying period.

### **8.2.3 Pay Status of Less Than a Full Biweekly Pay Period**

Annual leave will not be earned for periods in pay status of less than a full biweekly pay period where the employee enters or leaves the service during a biweekly pay period.

### **8.2.4 Accrual While in Leave Status**

An employee earns leave while in any type of leave with pay status except that leave does not accrue on a period covered by lump-sum payment for annual leave.

### **8.2.5 Accrual While in Non-pay Status**

A full-time employee earns leave while in a non-pay status, if the total non-pay status is less than 80 hours. When the aggregate of non-pay status equals 80 hours or multiples thereof within the leave year, the credits for annual leave will be reduced by the amount earned during one pay period at the current accrual rate. In computing the 80-hour total(s), any leave without pay charged during pay periods when leave accruals were not allowed is not included, e.g., when an employee enters or leaves the service during a biweekly pay period.

### **8.2.6 Creditable Service**

Candidates for employment may be eligible under 5 CFR Part 630 for the crediting of prior federal or non-federal service, that otherwise would not be creditable under 5 U.S.C. 6303(a), in the determination of leave accrual rates that meet established criteria. Candidates do not have an

automatic entitlement to receive prior service credit and determination of eligibility must be prior to commencement of employment.

This authority cannot be retroactively applied to current employees according to 5 CFR 630.205(d).

#### **8.2.6.1 Responsibilities**

The Chief Human Capital Officer for the Office of Human Resources (HR) will make determinations, on a case-by-case basis, to grant service credit for service that otherwise would not be creditable under 5 U.S.C. 6303(a). If approved, HR grants credit to candidates on the effective date of their initial appointment, or reappointment after a break in service of 90 days or more from a federal appointment, to a position in the Peace Corps.

#### **8.2.6.2 Coverage**

Peace Corps applies this authority to positions eligible to earn leave, as identified in 5 U.S.C., Chapter 63.

Candidates may receive service credit for the following:

- (a) Prior work experience in a non-Federal appointment;
- (b) Prior work experience in a Federal appointment that would normally not be creditable; or
- (c) As specified by 5 CFR 630.205(b), a period of active duty in a uniformed service that otherwise would not be credited in determining their annual leave accrual rate of an employee who is a retired member of a uniformed service as defined by 38 U.S.C. 4303, if the conditions for crediting prior service have been met (see section 8.3.3.1 of this policy, Criteria to grant prior service credit).

#### **8.2.6.3 Conditions for Crediting Prior Service**

- (a) ***Criteria to Grant Prior Service Credit*** – The grant of prior service credit is discretionary and subject to the candidate(s) meeting all of the following conditions:
  - (1) The skills and experience they possess are essential to the new position and were acquired in a prior position in which their duties directly relate to the position to which they are being appointed;
  - (2) There must be at least one year of demonstrated work experience in a prior position which is at or equivalent to no less than one grade level below the position to which they are being appointed;
  - (3) The skills and experience they possess are necessary to achieve an important Peace Corps mission or performance goal;

- (4) The candidate must not have resigned while subject to an adverse action, while subject to an Inspector General investigation, or been terminated from the position upon which the creditable service is sought.
- (b) ***Amount of Service Credited*** – The amount of service credited will only include the actual amount of service where the duties performed directly relate to the position to which the candidates will be appointed. In addition, the prior service must meet the following conditions:
- (1) Only service that was conducted within the past 15 years relevant to the candidate's appointment date to the Peace Corps will be considered.
  - (2) It must have been either full-time employment or part-time employment of at least 32 hours during a two-week period (16 hours per week).

#### **8.2.6.4 Required Documentation**

The required documentation for the determination is outlined in the accompanying procedures and is the responsibility of HR. Documentation and recordkeeping procedures must be sufficient to allow reconstruction of each action.

#### **8.2.6.5 One-Year Service Requirement to Retain Service Credit**

Service credit granted to an employee for prior work experience remains creditable for annual leave accrual purposes, unless the employee fails to complete one full year of continuous service with the Agency.

Once the employee completes one full year of continuous service with the Peace Corps, the period of service for which the employee was granted service credit is permanently credited for annual leave accrual purposes for the duration of the employee's Federal career.

An employee must not receive dual credit for the same period of service. Once an employee is permanently credited with service in a prior position or a period of active military service (upon completion of one full continuous year with the Peace Corps), that period of service may not be considered for further credit if the employee has a future break in service.

- (a) ***Leave without Pay Status during the One-Year Period of Continuous Service Requirement*** – If an employee is placed in a leave without pay status during the 1-year period of continuous service required in 8.3.5, the 1-year period of continuous service must be extended by the amount of time in a leave without pay unless:
- (1) The employee separates or is placed in a leave without pay status to perform service in the uniformed services (as defined in 38 U.S.C. 4303 and 5 CFR 353.102) and later returns to civilian service through the exercise of a reemployment right provided by law, Executive order, or regulation; or



- (2) The employee separates or is placed in a leave without pay status because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. chapter 81 and later recovers sufficiently to return to work.

**8.2.6.6 Separation before Completing One Year of Service**

If an employee separates from the Peace Corps or transfers to another Federal agency prior to completing one full year of continuous service with the Peace Corps, the employee is not entitled to retain credit for the prior work experience.

Prior to the transfer or separation of the employee, HR staff will establish a new service computation date for leave, subtracting the credit that was provided for prior work experience. Any annual leave earned by an employee remains to their credit, even if the employee fails to complete one full year of continuous service with the Peace Corps. The Peace Corps must transfer the annual leave balance to the new employing agency or provide a lump-sum payment for unused annual leave if the employee is separating from Federal service or moving to a new position to which annual leave cannot be transferred.

If an employee loses service credit for service in a prior position or a period of active military service because they fail to complete one continuous year of service with Peace Corps, an agency may elect to provide credit for that same period of time to the employee in the future, if and when the employee is reappointed to a Federal position. An agency may provide credit for the same period of service in a prior position if the employee has had a break in service of at least 90 calendar days and meets all the requirements for receiving credit for such service.

**8.3 Limitations on Accumulation of Annual Leave**

**8.3.1 Maximum Annual Leave That May Be Carried Over into the New Leave Year**

<b>Description</b>	<b>Days</b>
<b>Federal Employees Stationed within the United States</b>	30 days (240 hours)
<b>Federal Employees Stationed Overseas</b>	45 days (360 hours)
<b>Members of the Senior Foreign Service</b>	90 days (720 hours)

Annual leave in excess of the amount allowable which was previously accumulated under one of the above categories or a different leave system, remains to the credit of the employee until used. The excess annual leave ceiling is reduced at the beginning of each year by the amount of annual leave the employee used during the preceding year above the amount which accrued during that year, until the employee's accumulated leave does not exceed the maximum allowable carryover per employee description, as outlined in the above chart.

For an overseas employee returning to the United States, the determination as to the amount which may be carried forward shall be made as of the end of the pay period which includes the date:

- (a) On which the employee departs from the Post of duty, except when required to perform duty en route to a Post in which they would be subject to the 45-day maximum accumulation provisions, then the date shall be the date they cease to perform such duty; or
- (b) On which final administrative approval is given to effect a change in the employee's duty station when on detail or on leave in the United States, the Commonwealth of Puerto Rico, or a possession of the United States and originally recruited or transferred from these locations.

## **8.4 Granting Annual Leave**

### **8.4.1 Approval**

All employees must secure advance approval of annual leave from their supervisor by submitting a leave request through the agency timekeeping system, except when, because of unforeseen circumstances, it is necessary for an employee to be absent for reasons chargeable to annual leave and it is not possible to obtain approval in advance. In such cases, the employee must normally contact or transmit notice to the supervisor within two hours of the usual reporting time of the beginning of the first workday of absence to request leave. The employee is personally responsible for the delivery of such messages and obtaining leave approval. Upon returning to work, the employee will submit to the supervisor an appropriate leave request.

### **8.4.2 Annual Leave in Connection with Official Travel**

An employee who plans to take annual leave in excess of three (3) days while on international travel or in connection with home leave must have the leave approved in advance by the appropriate A Delegate for that office (for travel by A Delegate, they must obtain approval from their next higher supervisor). In all circumstances supervisors and officials authorizing travel must ensure the agency does not incur any additional costs related to annual leave while on official travel.

### **8.4.3 Employees Receiving Injury Compensation**

Employees injured in the line of work who are eligible for workers compensation payments and who elect to receive such compensation may not be granted annual and/or sick leave for any time covered by such payments. In such cases, employees will be in a leave without pay status for the period of absence during which they are receiving injury compensation.

### **8.4.4 Substitution of Annual Leave**

Annual leave may be substituted for scheduled sick leave if the supervisor approves the substitution and would have granted the annual leave initially.

Annual leave may be substituted for leave without pay when:

- (a) An employee is placed in a leave without pay status because the leave balance had not been transferred in from another federal agency at the time the employee took leave, or

- (b) An employee is placed in leave without pay status because of an error on leave balance or misunderstanding, and annual leave could have otherwise been granted.

#### **8.4.5 Payment of Annual Leave on Separation**

Employees who are separating from the agency due to retirement, resignation, etc. are entitled to payment, on separation, for all annual leave credited to the employee. For employees that are transferring to another federal agency, the employee's balance of annual leave will be transferred to the receiving agency.

#### **8.5 Granting Annual Leave in Advance of Accrual**

An employee may be granted annual leave up to the amount they will earn by the end of the appointment or the leave year, whichever occurs first. However, in granting an employee annual leave in excess of the amount actually earned, the supervisor authorized to approve leave must have reasonable assurance that the employee will be in a duty status long enough to earn the leave granted before the end of the leave year. Advance annual leave is not an employee's entitlement.

#### **8.6 Repayment of Annual Leave Used in Excess of Entitlement**

Employees are required to refund the full amount of any annual leave that may have been credited and/or used in excess of entitlement because of administrative error.

In order to provide for repayment without imposing a significant financial hardship on employees, repayment of such leave may be made under the following options:

- (a) Lump-sum payment in dollars equivalent to the dollar value of the leave at the time it was used;
- (b) Lump-sum payment in an equivalent amount of accrued annual leave;
- (c) Installment payments in dollars equivalent to the dollar value of the leave at the time it was used; or
- (d) Installment payments in annual leave, that is, a charge against later- accruing annual leave.

Employees who are requested to make refunds because of administrative error will be granted the right to choose from among the above options, provided that repayment is made within a reasonable period of time. In all cases, leave or dollars must be repaid from employee entitlements, either before or after separation.

If an employee separates with excess annual leave under this section or section 8.5 above, their final salary payment will be reduced by the dollar value of the leave at the time it was used.

## **8.7 Lump-sum Payment for Annual Leave**

Under the provisions of 5 USC 5551, and 5 USC 5552, a lump-sum payment is made for unused annual leave upon separation of an employee in certain cases.

### **8.7.1 Circumstances Governing Lump-sum Payment**

An employee will receive a lump-sum payment for any unused annual leave when they separate from Federal service or enters on active duty in the armed forces and elects to receive a lump-sum payment. Generally, a lump-sum payment will equal the pay the employee would have received had they remained employed until expiration of the period covered by the annual leave.

Lump-sum payment is mandatory in the following instances:

- (a) Separation from the federal service, either voluntary or involuntary.
- (b) Transfer to a position to which leave is not transferable.
- (c) Death while in the federal service (upon proper claim by the person entitled to receive payment).
- (d) Survivors of employees who die while in federal service will be entitled to lump-sum payments for all accumulated and current accrued annual leave to the credit of the employee at the time of death.

### **8.7.2 Computation of Lump-sum Payment**

An employee is entitled to receive a lump-sum payment for accumulated leave to their credit as of the effective date of the action which governs payment. For the purpose of this paragraph accumulated leave means:

- (a) Regular carry-over balance from the previous leave year; if any, plus
- (b) Accrued and unused annual leave during the current leave year; if any, plus
- (c) Any unused restored annual leave maintained in a separate account as explained in section 8.9 below.

## **8.8 Rate of Pay Used in Computing Lump-sum Payment**

Lump-sum payment will be made at the salary rate shown on the separation action.

### **8.8.1 Retirement Deductions**

No retirement deductions are made from lump-sum payments.

## 8.8.2 Taxes

The lump-sum payment is separate from the last salary payment but federal income tax and local income tax, where applicable, are withheld as if this payment represented the biweekly salary. F.I.C.A. (Social Security) taxes will be withheld on any portion of the lump-sum settlement that is taxable under the Federal Insurance Compensation Act.

## 8.8.3 Refund of Lump-sum Payment upon Reemployment

In calculating a lump-sum payment, an agency projects forward an employee's annual leave for all the workdays the employee would have worked if they had remained in Federal service. By law, holidays are counted as workdays in projecting the lump-sum leave period.

When an employee who has received a lump-sum payment for annual leave re-enters the federal service prior to the expiration of the period of annual leave (i.e., the lump-sum leave period), they are required to pay a refund for any unexpired portion of the period covered by lump-sum payment (at the salary rate at which the lump-sum payment was paid) and a corresponding amount of leave is credited to the employee in the new position, regardless of the duration of the new appointment. This requirement also applies where the new appointment is for part-time (with a regular tour of duty) but does not apply where the new appointment is on an intermittent basis (without a regular tour of duty) since the latter type of appointment is not subject to the Leave Act.

Restored annual leave included in lump-sum payments is not subject to refund and may not be re-credited upon reemployment.

## 8.9 Restoration of Forfeited Annual Leave

Annual leave that was forfeited because it was in excess of the maximum leave ceilings (i.e., 30, 45, or 90 days) may be restored if the leave was forfeited because of an administrative error, exigency of the public business, or sickness of the employee.

### 8.9.1 Administrative Error

- (a) **Current Employees** – When an administrative error is discovered, either by the employee or the agency, which caused a current employee to forfeit leave, such leave will be restored.

For the purpose of this Manual Section, an employee found to have undergone an unjustified or unwarranted personnel action entitling the employee to back pay under 5 USC 5596 is not entitled to exceed the normal maximum amount of annual leave permitted. Unjustified and unwarranted personnel actions are not considered administrative errors.

- (b) **Former Employees** – Former employees are not entitled to restoration of their leave but may receive a lump-sum payment for annual leave which was forfeited due to administrative error. The administrative error may have occurred at any time during the employment period.

The claim for payment must be filed within three years immediately following the date of discovery of the error with the last agency of employment. The claim may be filed by the former employee, or someone acting on their behalf. Payment for leave forfeited under this provision is to be made by the last agency of employment at the salary rate in effect when the lump-sum payment provisions in 5 USC 5551 last became applicable to the former employee. Payment is made by the last employing agency even though the error and forfeiture of leave may have occurred while the former employee was employed by another agency.

### **8.9.2 Notification**

If the error is discovered by an agency, that agency must notify the former employee of their entitlement to payment along with instructions on how to file the claim. Sending a notice to the employee's last known address fulfills the agency's obligation regarding notification.

### **8.9.3 Documentation Required for Administrative Error**

If official records are not available to substantiate the amount of annual leave to be restored, an estimate of the employee's leave account is acceptable when accompanied by official statements clearly reflecting the factors which form the basis for the estimate. A leave audit will be performed subsequent to approval of the restoration, but before an actual restoration is accomplished.

### **8.9.4 Exigencies of the Public Business**

In order for annual leave which has been forfeited because of exigencies of the public business to be considered for restoration, a decision that an exigency exists and that it is of such importance that employees cannot be excused from duty must be made in advance of the cancellation of scheduled leave; the annual leave must have been scheduled in advance of the third biweekly pay period prior to the end of the leave year. An employee's use of earned compensatory time off or credit hours does not constitute an exigency of the public business. If the use of earned compensatory time off or credit hours that are about to expire results in the forfeiture of excess annual leave, the forfeited leave cannot be restored.

The employee's supervisor must clearly demonstrate the importance of the operational demands precluding the use of scheduled leave and that there is no reasonable alternative to the cancellation of scheduled leave for the affected employee. The documentation requirements must be met.

A specific beginning and ending date of the exigency must be fixed, in advance, unless the suddenness or uncertainty of the circumstances prevent advance decisions. Generally, the next management official above the employee's supervisor will decide on the request to cancel leave. However, decisions regarding the exigency or the cancellation of leave must be made outside the immediate organizational unit affected by the exigency and may not be made by any employee whose leave would be affected by the decision.

After this approving official has reviewed the documentation and approved the request for permission to cancel the scheduled leave, the supervisor who submitted the request is

notified. The supervisor must then follow the appropriate provisions in order to have the employee's forfeited leave considered for restoration.

### **8.9.5 Illness or Injury**

An employee who, because of illness or injury, is unable to use scheduled annual leave before forfeiture, may have the leave restored if it is shown conclusively that the injury or illness interfered with using the annual leave.

The employee's supervisor must clearly demonstrate that:

- (a) The period of absence due to the illness or injury occurred at such a time late in the leave year or was of such duration that the annual leave could not be rescheduled for use before the end of the year to avoid forfeiture; and
- (b) The annual leave was scheduled in writing, in advance, of the third biweekly pay period prior to the end of the leave year.

Illness or injury; i.e., a medical or physical condition for which a grant of sick leave would be approved, is not in itself a basis for permitting annual leave to be forfeited and subsequently restored for later use. Supervisors still have the responsibility to schedule or reschedule the use of annual leave to avoid forfeiture even though an absence period of sickness occurs during the year. This is especially true where it is known in advance that a medical or physical condition will require an absence prior to the end of the leave year.

### **8.9.6 Documentation Required for Exigency of the Public Business or Sickness**

In order to meet the statutory requirement that annual leave be restored because of the exigency of public business or illness or injury to the employee, the leave must have been scheduled in advance, and the scheduling and rescheduling must be in writing and must include the following:

- (a) The calendar date leave was scheduled, i.e., approved by the official having authority to approve leave;
- (b) The date(s) during which the leave was scheduled for actual use and the amount of leave (days/hours) that was scheduled for use;
- (c) Reason(s) for subsequent canceling of approved leave (e.g., if because of an exigency of the public business, documentation must include the beginning and ending dates of the exigency and a copy of the approval actions outlined above.);
- (d) The calendar date the cancelled leave was rescheduled for use; and
- (e) The date(s) during which the leave was rescheduled for use and the amount of leave (days/hours) that was rescheduled for use.

Copies of approved Request for Leave or Approved Absence should be used to document the above requirements.

### **8.9.7 Restoration Request and Approval Authorities**

In order to have annual leave restored which was forfeited through exigencies of the public business or illness or injury, the affected employee's supervisor must submit the appropriate documentation to the Deputy Director or Chief of Staff of the Peace Corps, through HR and the Associate Director for Management. Only the Deputy Director or the Chief of Staff may approve the restoration of annual leave for Peace Corps employees. HR will maintain copies of all approvals of restored leave, which will include all the submitted documentation.

### **8.9.8 Separate Leave Accounts**

Restored annual leave must be credited to a separate leave account. The amount of restored leave does not in any way increase or change the employee's normal maximum permissible carry-over of annual leave into a new leave year as set forth in section 8.3.

### **8.9.9 Time Limitation for Use of Restored Annual Leave**

Restored annual leave must be scheduled and used not later than the end of the leave year ending 2 years after:

- (a) The date of restoration of the annual leave forfeited because of administrative error; or
- (b) The date fixed by the agency head, or their designee, as the termination date of the exigency of the public business that resulted in forfeiture of the annual leave; or,
- (c) The date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness.

Leave not used within the required time limit will be forfeited with no further right to restoration.

### **8.9.10 Use of Restored Annual Leave**

The procedures outlined in section 8.4 above regarding the request and approval for the use of annual leave will be followed, except that supervisors and employees have a mutual obligation to plan and schedule the use of restored leave as expeditiously as circumstances permit, but not longer than the specified two-year limit. Annual leave of employees with restored unused leave should be charged first against the restored leave account. Thus, annual leave taken by an employee with a restored leave account of 10 days will be charged against the 10 days first. Supervisors are responsible for ensuring that approved annual leave is charged accordingly.

## **9.0 Leave without Pay**

Leave without pay (LWOP) is 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 for use.



## **9.1 Administrative Responsibility**

In most instances, the approval of LWOP is a matter of supervisory administrative discretion. However, employees have an entitlement to LWOP in the following situations:

- (a) The Family and Medical Leave Act of 1993 (FMLA) (Public Law 103-3, February 5, 1993), provides covered employees with an entitlement to a total of up to 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs.
- (b) The Uniformed Services Employment and Reemployment Rights Act of 1994 (Pub.L. 103-353) provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service.
- (c) Executive Order 5396, July 17, 1930, provides that disabled veterans are entitled to LWOP for necessary medical treatment.
- (d) Employees may not be in a pay status while receiving workers' compensation payments from the Department of Labor.
- (e) Employees accepted as Peace Corps Volunteers (including Peace Corps Response) shall be granted leave without pay if they request it.

## **9.2 LWOP for Thirty (30) Days or Less**

LWOP for 30 days or less may be granted for medical or emergency reasons by supervisors.

## **9.3 Extended Leave without Pay**

Extended LWOP for periods exceeding 30 days may be granted by A Delegates (as defined in MS 114 *Delegation of Authority*). The initial period of extended LWOP should be limited to a period not to exceed six months. All requests for extended LWOP must be accompanied by a Request for Leave or Approved Absence and a statement justifying the request. Each request for LWOP should be examined closely to assure that value to the Government or serious needs of the employee are sufficient to offset certain agency costs and administrative inconveniences such as: encumbrance of a position, loss of needed services, obligation to provide employment at the end of the leave period, full credit for six months of each year of absence toward retirement, and 12 months coverage on group life insurance and health benefits.

As a basic condition for approval of extended leave without pay, there should be reasonable expectation that the employee will return to duty at the end of the approved period. In addition, it should be apparent that one or more of the following benefits should result: increased job ability, protection or improvement of employee's health, retention of a desirable employee, or furtherance of a program of interest to the Government (e.g., Peace Corps Volunteer service).

## 9.4 Requesting Leave without Pay

LWOP for 30 calendar days or less must be requested by submitting a Request for Leave or Approved Absence. LWOP for more than 30 calendar days must be requested by submitting a Request for Leave or Approved Absence and a statement from the employee justifying the request. Such requests will be forwarded to the appropriate management official identified above. If LWOP for more than 30 calendar days is approved, submission of a personnel action is required and the LWOP must be coordinated with HR.

## 9.5 Charging Leave without Pay

One hour is the minimum charge for LWOP; additional time is charged in multiples of one hour.

## 9.6 Holidays

An employee granted LWOP for a definite period approved in advance, who reports for duty on the next workday following expiration of the LWOP, is entitled to compensation for a holiday occurring between the date LWOP expires and the date of the return to duty. An employee on LWOP is not paid for any holiday that occurs during the period of LWOP.

## 9.7 Effects of Leave without Pay

LWOP (or other nonpay status) has a significant effect on many employee benefits and other programs, as follows:

- (a) Not-to-exceed (NTE) date or tour length: time in an LWOP status does not extend an employee's NTE date and employees do not have an entitlement to employment or continued LWOP past the NTE date. An extension while on LWOP may be granted, but only if it would otherwise have been granted, and only if allowed by the Peace Corps Act and approved through the regular approval process (e.g., Deputy Director's or Chief of Staff's approval is required for a third tour. Please note that extensions under 22 USC 2506 (a) (6) can only be approved by the Director).
- (b) Retirement benefits: A total of 6 months in a nonpay status in any calendar year is creditable service. Coverage continues at no cost to the employee while in a nonpay status. When employees are in a nonpay status for only a portion of a pay period, their contributions are adjusted in proportion to their basic pay.
- (c) Health benefits: Enrollment continues for no more than 365 days in a nonpay status. The Government contribution continues while employees are in a nonpay status. The Government is also responsible for advancing from salary the employee's share as well. The employee may choose between paying the agency directly on a current basis or having the premiums accumulate and withheld from their pay upon returning to duty.
- (d) Life insurance: Coverage continues for 12 consecutive months in a nonpay status without cost to the employee or the agency.

- (e) Within-grade increases: A total of two workweeks in a nonpay status in a waiting period is creditable service for advancement to steps 2 through 10 of the Foreign Service pay scale (FP); four workweeks is creditable for advancement to steps 11 through 14.
- (f) Accrual of sick and annual leave: See sections 7.2 and 8.2 above, respectively. For purposes of computing accrual rates for annual leave (i.e., 4, 6, 8 hours each pay period),
- (g) 6 months of nonpay status in a calendar year is creditable service.
- (h) Military duty or workers' compensation: Non pay status for employees who are performing military duty or being paid workers' compensation counts as a continuation of Federal employment for all purposes upon the employee's return to duty.

## **10.0 Absence without Leave (AWOL)**

An absence from duty which was not authorized or for which a leave request has been denied is charged on the leave record as absence without leave (AWOL). An employee who is AWOL must explain to the immediate supervisor, at the earliest practicable time, the cause of the absence and the reason for failure to properly request permission to be absent. At the supervisor's discretion, an employee may be requested to explain in writing the reason(s) for the unauthorized absence and failure to properly request leave. If it is determined that an employee was absent from duty for insufficient cause, that period of absence will be charged as absence without leave (AWOL) and pay will be forfeited for the entire period. Further, the employee may be disciplined through a reprimand, a suspension, or removal if warranted. The Manager of Employee and Labor Relations, HR, will provide advice and guidance to supervisors concerning such disciplinary matters.

## **11.0 Military Leave**

Military leave is 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.

### **11.1 Eligibility**

All Peace Corps employees whose appointments are for more than one year are entitled to military leave when official orders are presented to the approving supervisor. Military leave is prorated for part-time employees.

### **11.2 Types of Military Duty Covered**

Employees who are members of the (i) Army National Guard of the United States, (ii) Army Reserve, (iii) Naval Reserve, (iv) Marine Corps Reserve, (v) Air National Guard of the United States, (vi) Air Force Reserve, and (vii) Coast Guard Reserve must be granted:

- (a) military leave not to exceed 15 workdays per fiscal year for active duty, active duty training and inactive duty training without loss of pay, time, or performance or efficiency rating. An

employee may carryover a maximum of 15 days into next the fiscal year, not to exceed a total of 30 workdays in a fiscal year.

- (b) 22 workdays of military leave per calendar year shall be authorized for emergency duty as ordered by the President or a State governor. This may be for law enforcement or protection of life and property.
- (c) Unlimited military leave is also authorized for employees who are members of the National Guard of the District of Columbia for certain types of duty ordered or authorized under Title 39 of the District of Columbia Code.
- (d) Employees ordered to extend active duty for general service with the Armed Forces are covered by the Uniformed Services Employment and Reemployment Rights Act of 1994 (Pub.L. 103-353) and are entitled to LWOP.

5 USC Sections 6323 provides specific information on the type of duty and amount of military leave authorized in connection with duty in these organizations.

### **11.3 Requesting Military Leave**

An employee must furnish a copy of the military orders calling them to duty in order for military leave to be approved. Upon return from duty, the employee must furnish official evidence of the days of military duty performed. An employee called to extended military duty must furnish in writing an appropriate certification from a military superior that the 15 days of military duty have actually been performed.

### **11.4 Granting Military Leave**

Military leave under section 11.2 above is limited to a maximum of 15 calendar days during each fiscal year and may be taken intermittently, a day at a time, or as otherwise directed under orders issued by competent military authority. An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay.

## **12.0 Court Leave**

Court leave is the authorized absence, without charge to leave or loss of pay, of an employee 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. An employee is responsible for informing their supervisor if they are excused from jury or witness service for 1 day or more or for a substantial part of a day. To avoid undue hardship, an agency may adjust the schedule of an employee who works nights or weekends and is called to jury duty.

### **12.1 Eligibility**

Court leave for jury duty or witness service may be granted to both permanent and temporary employees, either full-time or part-time. Intermittent employees or those already

in a leave without pay (LWOP) status on the date of duty or service are not eligible for court leave.

## **12.2 Jury Duty**

An employee who is summoned to serve as a juror in a judicial proceeding is entitled to court leave. Jury duty is an important civic responsibility. It is Peace Corps' policy not to request a court to excuse an employee from jury duty, except in cases of necessity. Requests by a supervisor for excused absence from jury duty must be fully justified in writing and forwarded to the Chief Human Capital Officer (CHCO) via the appropriate office director. The request must clearly show how the absence of the employee will affect the efficiency of the office. The CHCO is responsible for contacting the appropriate court to obtain an excused absence if the situation so warrants.

## **12.3 Witnesses in an Official Capacity**

Attendance at court in an official capacity is considered official duty and no leave of any kind is charged. Attendance at court by an employee who is summoned or assigned by Peace Corps to testify in a non-official capacity on behalf of the United States Government or that of the District of Columbia is also considered official duty.

## **12.4 Granting Court Leave**

Court leave will be granted upon submission of a summons and will cover the period from the reporting date specified on the summons until the time the employee is discharged by the court, regardless of the number of hours per day or days per week he actually serves on a jury or is required to be in court as a witness. Upon completion of court attendance, the employee must submit to the supervisor a certificate of attendance signed by an official of the court. Where no hardship would result, an employee entitled to court leave on account of jury service who is excused from jury duty two or more hours before their regularly scheduled departure time must return to duty during such period or be charged annual leave. Return to duty should not cause a hardship to the employee, for example, because of the distance of the court from the employee's residence or place of duty or the unavailability of public transportation during non-rush hours. Telework provides another option for return to duty for employees with a telework agreement.

## **12.5 When Court Leave will Not be Granted**

Court leave cannot be granted to an employee subpoenaed in private litigation to testify, not in an official capacity, but as a private individual in a judicial proceeding in which the Federal, State, or local government is NOT a party. Absence for this purpose must be charged to annual leave or leave without pay.

## **12.6 Fees**

### **12.6.1 Jury Service**

An employee called to jury service in a state or local court should collect all fees and allowances payable as a result of the jury service. Except for mileage, parking allowances, and fees in excess of normal salary compensation, all fees must be returned to Peace Corps, Office of the Chief Financial Officer, Global Accounts Payable (CFO/GAP). Should the employee fail to do so, a payroll deduction will be made for the amounts involved from compensation due the employee.

### **12.6.2 Witness Service**

Employees are not entitled to witness fees when testifying on behalf of the United States or the government of the District of Columbia, except when such witness service is performed while absent on leave without pay. If an employee testifies in an official capacity or produces official records on behalf of a state or local government or a private party, or if they are summoned as a witness in a nonofficial capacity on behalf of a state or local government, they are required to collect the authorized witness fees and allowances for expenses of travel and subsistence. All witness fees so collected are to be returned to the Peace Corps, Office of Chief Financial Officer, Global Accounts Payable (CFO/GAP). Should the employee fail to do so, a payroll deduction will be made for the amounts involved from compensation due the employee.

### **12.6.3 Leave without Pay Status**

An employee called for jury service in a Federal or State Court while in a leave without pay status may retain jury fees and per diem. In addition, an employee serving as a witness for the United States or the District of Columbia while absent from their duties on leave without pay may accept and retain witness fees.

### **12.6.4 Travel**

An employee is entitled to travel expenses in connection with any judicial or agency proceeding to which they have been summoned (and is authorized by the agency to respond to such summons) or is assigned by the agency (1) to testify or produce official records on behalf of the United States or (2) to testify in their official capacity or produce official records on behalf of a party other than the United States.

## **13.0 Home Leave**

It is Peace Corps policy to provide home leave to Peace Corps direct hire employees who qualify for the leave. Home leave (*see Attachment B*) is earned by service abroad for use in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States. It is the policy of the Peace Corps to grant Home Leave to USDH employees in accordance with State Department regulations 3 FAM 3430 and 3 FAH-1 H-3430, except as noted in the following provisions.

### **13.1 Eligibility**

USDHs posted overseas are eligible to earn home leave.

### **13.2 Earning Home Leave**

For each 12 months of “continuous service abroad”, an employee earns the following days of home leave to be credited monthly to the employee’s account as earned:

- (a) employees subject to world-wide availability, i.e., the employee is required to accept assignments anywhere in the world as the needs of the agency dictate – 15 days;
- (b) employees not subject to world-wide availability at Posts with a Department of State Standardized Regulation (DSSR) Post differential of:
  - (1) 20% or more – 15 days; or
  - (2) 10-19% – 10 days; and
- (c) all other employees – 5 days.
- (d) Home leave may not be advanced.

#### **13.2.1 Computation of Continuous Service Abroad**

Computation of continuous service abroad:

- (a) begins on the date of the employee's arrival at an overseas Post on an overseas assignment or on the date of entrance on duty when recruited abroad;
- (b) ends on the date of the employee's departure from an overseas assignment for separation or for assignment in the United States, or on the date of their separation from duty when separated abroad; and
- (c) includes (i) authorized leave with pay, (ii) absence in a non-pay status up to a maximum of 2 workweeks within each 12 months of service abroad, (iii) time spent in the Armed Forces of the United States which interrupts service abroad (but only for eligibility, not leave-earning purposes), and (iv) a period of detail. However, time during non-pay status as a result of any disciplinary action does not count towards the “continuous service” requirement.

In computing service abroad, full credit is given for the day of arrival and the day of departure.

### **13.3 Authorizing Officials**

The following Authorizing Officials have authority to authorize home leave and to waive repayment of home leave indebtedness:

- (a) Associate Director of the Office of Safety and Security (OSS) for OSS employees;

- (b) Associate Director of the Office of Health Services (OHS) for OHS employees; and
- (c) Regional Directors for all other employees.

### **13.4 Authorizing Home Leave**

- (a) The Authorizing Official may not grant home leave unless the employee:
  - (1) has completed 18 months of continuous service abroad, or has completed 24 months of service abroad if the service is broken by Rest & Recuperation (R&R) travel (see [3 FAM 3431.2](#) and [3 FAM 3721.4](#)); and
  - (2) upon completion of Home Leave, is expected to serve another 12 months overseas with sufficient time remaining on the initial appointment or where the Authorizing Official has requested, or intends to request, a one year or 30 month extension (see [3 FAM 3431.2\(a\)2\(b\)](#)).
- (b) The fact that an employee has qualified for home leave by having 18 months of overseas service, or 24 months when an R&R is taken, does not mean that an employee is entitled to home leave. Home leave is granted at the discretion of the Peace Corps taking into account agency needs and priorities.
- (c) Home leave is generally authorized between the 24th and 30th month of continuous service abroad (or between the 18<sup>th</sup> and 30<sup>th</sup> month if the employee elects not to take R&R) unless the Authorizing Official approves an earlier or later date.
- (d) Under section 903 of the Foreign Service Act of 1980, 22 USC 4083, the Authorizing Official must order an employee on home leave as soon as possible after completion of 3 years of continuous service abroad where the employee has not been on home leave in the last three years.
- (e) An employee must complete another 18 months of continuous service abroad upon returning from home leave before becoming eligible again for home leave or must complete another 24 months of service abroad if the service is broken by R&R travel.
- (f) Home leave may only be used in conjunction with approved home leave travel or official travel. Home leave may be granted in combination with other leave.
- (g) Home leave may only be used in the United States or in a U.S Commonwealth or possession if that is the employee's home of record (3 FAM 3437.1).

### **13.5 Shortening an Overseas Assignment**

When it is determined that it is in the interests of the U.S. government, overseas assignments may be shortened (curtailed) and employees may retain eligibility for Home Leave under specific conditions. The decision to shorten or curtail an overseas assignment is made by:



- (a) Associate Director of the Office of Safety and Security (OSS) for employees on Safety and Security Officer assignments;
- (b) Associate Director of the Office of Health Services (OHS) for employees on Medical Officer assignments; or
- (c) Regional Directors for all other employees assigned overseas.

Overseas assignments may be shortened, and Home Leave eligibility retained:

- (a) For programmatic reasons for a period of up to 90 days, based on consultation with the responsible overseas Peace Corps office or region, OHR, and other relevant offices or staff members; or
- (b) For personal, compassionate reasons for a period of up to 30 days, based on the written request and justification of the employee.
  - (1) An employee may request a shortening of their overseas assignment for any reason, including, but not limited to, health, need to care for family members, schooling requirements for family members, and other changing family circumstances. The employee must submit the request for a shortened assignment in writing to the employee's direct supervisor.
  - (2) All proposed actions to shorten or curtail an overseas assignment by up to 30 days for personal, compassionate reasons must be reported to OHR, along with the justification for the action.
  - (3) Any request to shorten or curtail an overseas assignment for more than 30 days must be treated as a programmatic request and must be reviewed and considered in the same manner as (a), above.

### **13.6 Repayment of Home Leave Costs**

- (a) An employee who fails to complete at least 12 months of overseas service or 6 months of service in the United States upon return from home leave must refund the cost of home leave travel and transportation, and the amount of home leave taken shall be charged to the employee's annual leave balance.
- (b) No refund of home leave indebtedness under (a) is required where:
  - (1) the employee has completed not less than 6 months' service in an assignment in the United States following the period of home leave;
  - (2) the Authorizing Official determines that the employee's failure to return 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 has no control; or

- (3) the Authorizing Official determines it is in the public interest not to return the employee to his overseas assignment.
- (4) the Authorizing Official determines that the employee must comply with section 903 of the Foreign Services Act of 1980, 22 USC 4083, but cannot complete 12 months of service prior to the employee's Not to Exceed service date.

### **13.7 Unused Home Leave**

- (a) Unused home leave is added to future accruals for use when the employee again becomes eligible and is authorized home leave.

There is no lump sum payment for unused home leave. Unused home leave is forfeited at termination, unless the employee transfers to another federal agency or is reemployed in the federal service without a break in service in excess of 90 days.

## **14.0 Transition Leave (TL) for Overseas Personnel**

Ten (10) business days of Transition Leave will be granted and administered by the Peace Corps for the benefit of personnel transition from overseas Posts into Peace Corps headquarters in Washington, DC. Transition Leave will be recorded as Excused Absence/Administrative Leave.

### **14.1 Granting Transition Leave**

No employee shall be granted TL unless they have spent at least 18 months on assignment overseas and remains in a position. This leave may be taken throughout a period of thirty (30) calendar days from the official date of arrival to the United States on official orders and shall not be extended beyond the allowable time.

The granting of TL will be approved for use in the United States only after termination of an assignment abroad and before reporting to a new assignment in Washington, DC.; however, transportation within the United States will not be provided. An employee may request to use TL after they report to a new assignment only for compelling personal reasons of a compassionate nature, or for the needs of the Service, as determined by the Peace Corps. An employee may request to defer the usage of transition leave, in writing, to the AD/RD/Office Head of the gaining office for their approval. This request must be submitted and approved prior to departure from Post. Transition Leave will not be granted where the employee is authorized Home Leave and begins the Washington, DC. assignment thereafter.

For the purpose of these Procedures, all official travel time attending conferences, consultations, etc., outside of the Post of assignment shall count for the completion of the required 18 months. For more information on this subject matter, see these Procedures.

### **14.2 Roles & Responsibilities**

The CHCO through the Chief of Staffing and Recruitment, Office of Global Operations through Regional Directors, the Office of Safety and Security, and the Office of Health Services have

designated roles and responsibilities in the process of granting and administering transition leave for overseas staff. These include the following steps:

- (a) Receiving, reviewing, and approving requests for TL;
- (b) Tracking usage of TL days and properly coding, authorizing, and accounting leave dates;
- (c) Ensuring issuance of TL on travel orders/authorizations;
- (d) Notification to eligible personnel of entitlement to TL; and
- (e) Ensuring all requirements for TL entitlement are met by the employee prior to travel.

#### **14.2.1 Chief Human Capital Officer**

The CHCO, through ORSS and other HR units (payroll, benefits, domestic HR) is responsible for the management and oversight of transition leave for reassigning overseas staff in accordance with prevailing Peace Corps policies among others, but not limited to the following:

- (a) Management of Automated Leave Accounting/management System (WebTA);
- (b) Ensuring that all legal and regulatory requirements are met by qualifying employees prior to departure;
- (c) Ensuring compliance with policies stated in *MS 635 Staff Absence and Leave*;
- (d) Coordinating with Travel and Transportation Office for inclusion of TL in employees' orders;
- (e) Tracking usage of leave days by each employee and proper coding in the GovTA system;
- (f) Crediting leave to employees when they are approved to take TL at times other than upon arrival into the US;
- (g) Communicating requirements to employees about eligibility for TL and supporting client Regions/Divisions when unexpected situations may arise; and
- (h) Approval of all repayment waivers for employees unable to meet conditions set forth in these procedures.

#### **14.2.2 Approving Officials**

Approving officials are responsible for:

- (a) Coordinating, through their RDs/Supervisors, the timely request of TL for personnel unable to take their leave upon arrival to the US.
- (b) Communicating with reassigning personnel when waivers or delay requests are denied, with proper explanation so to reasons for the denial;

- (c) Communicating with HR when either an approval or denial of such requests has been granted/approved, with the proper dates (not to exceed 12 months from arrival) when the employee intends to take the TL.
- (d) Complying with legal requirements regarding set forth in *3 FAM 3460 Other Paid Leave* and all Peace Corps policies; and
- (e) Certifying employee's entitlement to TL.

## **15.0 Leave for Funerals and Bereavement**

### **15.1 Funeral Leave for Combat-Related Death of an Immediate Relative**

Funeral leave is an authorized absence, with pay of not more than three workdays, from official duty for an employee to make arrangements for, or to attend, the funeral or memorial service of an immediate relative who died as a result of wounds, disease, or injury incurred as a member of the Armed Forces while serving in a combat zone. If the employee provides satisfactory reasons, the three workdays do not need to be consecutive.

An eligible employee must request funeral leave in advance and will be granted such leave as needed, not to exceed three (3) workdays; however, any request for nonconsecutive days of funeral leave must be justified in writing by the requesting employee and presented to the supervisor responsible for approving leave. All requests for funeral leave must be requested by submitting a Request for Leave or Approved Absence.

Note: When an employee requests funeral leave for a combat-related death of an immediate relative, the agency may require the employee to document their relationship to that immediate relative. Agencies should establish consistent rules and follow the same documentation requirements for all relationships, but agencies have authority to request additional information in cases of suspected leave abuse.

### **15.2 Funeral Leave for First Responders**

A Federal law enforcement officer or firefighter may be excused from duty without loss of pay or charge to leave to attend the funeral of a fellow Federal law enforcement officer or firefighter who was killed in the line of duty.

### **15.3 Funeral Leave for Veterans Participating in a Funeral Ceremony**

A veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, may be excused from duty without loss of pay or charge to leave for up to 4 hours of excused absence to serve as a pallbearer, member of a firing squad, or guard of honor in a funeral ceremony for a member of the Armed Forces whose remains are returned from abroad.

## **15.4 Military Leave for Funeral Honors Duty**

An employee who is a member of the National Guard or a Reserve component of the Armed Forces may use military leave to attend to funeral honors duty under 10 USC 12503 and 32 USC 115.

## **15.5 Sick Leave for Bereavement**

Leave for bereavement purposes allows the employees to make arrangements necessitated by the death of a family member or attend the funeral of a family member. This is a form of sick leave and guidance on this issue can be found in Section 7.3 above.

## **16.0 Excused Absences**

Ordinarily excused absences are authorized 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.

### **16.1 Group Dismissals**

The Director of Peace Corps has the authority to administratively excuse groups of employees from duty for such reasons as:

- (a) Observance of a local holiday,
- (b) Weather conditions,
- (c) Emergency conditions (fires, explosions, etc.), and
- (d) Managerial reasons (power failures, breakdown of equipment, technology issues, etc.). This authority may be re-delegated.

### **16.2 Individual Dismissals**

Individual employees may be excused from duty by officials who have been delegated such authority, normally immediate supervisors, for such reasons as:

- (a) Registration and voting,
- (b) Civil defense activities,
- (c) Participation in military funerals,
- (d) Blood donation,
- (e) Tardiness and brief absence,
- (f) Representing employee organizations

- (g) Conferences and conventions, and
- (h) Managerial reasons (e.g., power failures, breakdown of equipment, technology issues).

### **16.3 Eligibility for Excused Absence**

#### **16.3.1 Per Annum Employees**

Employees paid on an annual salary basis may be administratively excused from duty by the immediate supervisor with such authority irrespective of whether they hold permanent or temporary appointments.

#### **16.3.2 Per Diem and Per Hour Employees**

Employees paid on a daily or hourly basis may be administratively excused from duty by the immediate supervisor with such authority in accordance with the following conditions (unless there are specific provisions of law that do not require that they be met):

- (a) The employee has a regular tour of duty, or
- (b) The employee's appointment is not limited to 90 days or less, or
- (c) The employee has been currently employed for a continuous period of 90 days under one or more appointments without a break in service.

#### **16.3.3 Experts and Consultants**

Except for intermittent experts and consultants, section 15.0 applies to experts and consultants unless provision is otherwise made in the appointment action.

### **16.4 Holidays**

#### **16.4.1 U.S. Holidays**

All employees, except those required to remain on duty to carry out essential operations, are excused without charge to leave on all U.S. legal holidays as specified below. The following are legal public holidays:

- (a) New Year's Day, January 1;
- (b) Martin Luther King Day, closest Monday to January 15;
- (c) President's Day (formerly Washington's Birthday), the third Monday in February;
- (d) Memorial Day, the last Monday in May;
- (e) Juneteenth National Independence Day, June 19;
- (f) Independence Day, July 4;

- (g) Labor Day, the first Monday in September;
- (h) Columbus Day, the second Monday in October;
- (i) Veterans Day, November 11;
- (j) Thanksgiving Day, the fourth Thursday in November; and
- (k) Christmas Day, December 25.

Other days may also be designated as a holiday by Federal statute or Executive Order of the President.

#### **16.4.2 Host Country Holidays**

Host country holidays are recognized, providing:

- (a) Such days are customarily observed as holidays by the local government, local business firms, and the diplomatic and consular offices of other countries; or
- (b) Failure to observe such days would be contrary to the interests of the United States, or it would be impractical to keep the office open because of drastic curtailment of normal services, such as transportation or building maintenance. (For further information, see MS 630 *Direct Hire Hours of Duty*.)

#### **16.4.3 Inauguration Day**

January 20 of each fourth year after 1965 is a legal public holiday in the metropolitan area of the District of Columbia. The metropolitan area of the District of Columbia includes in addition to the District of Columbia, Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties and the cities of Alexandria and Falls Church in Virginia. The holiday benefits for Inauguration Day apply only to employees employed in the metropolitan area of the District of Columbia. Employees in a travel status or performing duties away from the metropolitan area on Inauguration Day are not entitled to holiday benefits for that day.

### **16.5 Registration and Voting**

Employees are encouraged to carry out their civic responsibilities by voting in all elections. It is government policy to excuse employees for a reasonable time to register or vote in any elections or in referendums on a civic matter in their community when such excused absence does not seriously interfere with operations. The granting of excused time will be based on the following considerations:

- (a) When the polls are not open at least three hours either before or after an employee's regular hours of work, they may be excused from duty so as to permit them to report for work three hours after the polls open or leave work three hours before the polls close, whichever requires the lesser of time off.

- (b) Under exceptional circumstances where the rule above does not permit sufficient time, an employee may be excused for such additional time as may be needed to enable them to vote. Each supervisor responsible for approving leave will review the particular circumstances in individual cases and approve an appropriate amount of additional excused time required, but not to exceed a full day.

### **16.5.1 Time Allowed for Voting**

If an employee's voting place is beyond normal commuting distance and voting 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 to cast a ballot. Where more than one day is required to make the trip to the voting place, time off in excess of one day shall be charged to annual leave or if annual leave is exhausted, then to leave without pay.

### **16.5.2 Time Allowed for Registration**

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 non-work day and the place of registration is within a reasonable one-day round-trip travel distance of the employee's place of residence.

### **16.5.3 Regional Recruiting Offices**

Regional Office Managers, or designee in charge of Regional Recruiting Offices, are responsible for obtaining the necessary information concerning the hours during which polls are open in all political subdivisions in which employees reside and for determining, in accordance with the above policy, the amount of excused absence that may be granted. Employees should be notified of the determination made and the local procedure to be followed.

## **16.6 Absence for Physical Examination**

An employee may be granted necessary administrative time off, not to exceed one day, for the purpose of taking a medical examination determined to be necessary in connection with employment status in the Peace Corps. In addition, necessary time off may also be given to employees who participate in Peace Corps employee health maintenance examination programs, normally not to exceed one-half day depending on the employee's reaction effects, accessibility of facilities and other variables. Supervisors should exercise reasonable judgment in their decisions as to how long each individual employee needs for health examinations. Medical and health aspects of examinations should always be evaluated by the attending physician or nurse.

## **16.7 Absence for Blood Donations**

As an incentive to stimulate participation in Peace Corps' blood donation program, employees who donate one unit of blood during a planned Blood Drive may be given up to four hours of administrative leave. This leave must be used on the day of the donation and must be approved by the supervisor. Supervisors are encouraged to approve such leave requests.



## **16.8 Treatment for Injury**

An employee injured in the performance of duty will not be charged leave for initial examination or out-patient treatment by a Government physician or by a facility officially authorized to treat employees injured on duty. Additional excused absence may be approved by the employee's supervisor provided that the employee performs duty during some part of the day on which examination or treatment is received. The leave charged for a day on which no work is performed will not include the time required for treatment or examination of a work-connected injury. When an employee's Post of duty is outside the continental United States and local treatment is not available, the injured employee may be excused, without charge to leave, for whatever period is required for travel to and from the nearest approved medical facility. Travel time under these circumstances shall be allowed both for initial and later treatment at a medical facility.

## **16.9 Travel Time**

Employees who are serving outside the United States or serving, if their residences are elsewhere, in the Commonwealth of Puerto Rico or the possessions of the United States may be granted travel time, without charge to leave, for purposes of going from their duty Posts to their places of residences and for returning to those Posts under the following conditions:

- (a) They are authorized to accumulate up to 45 days of annual leave.
- (b) The travel time without charge to leave is limited to one return visit on leave during a prescribed tour of duty.
- (c) The leave-free travel time is limited to that required for travel by common carrier over the most direct route but may include time necessarily occupied awaiting transportation.

### **16.9.1 Taking Leave Other Than at Place of Residence**

An employee who is eligible for leave to return to the place of residence may take leave at a location other than the place of actual residence, but the other location must be within the country, territory, or possession in which such place of actual residence is located.

## **16.10 Other Excused Absences**

Under certain conditions employees may be excused to participate in specifically approved activities, e.g., certain labor-management relations activities as specified in MS 659 Direct Hire Labor-Management Relations or in the collective bargaining agreement between the Peace Corps and the Peace Corps Employees' Union (AFSCME Local 3548), and under certain circumstances as specified in MS 653 Equal Employment Opportunity and Affirmative Employment, MS 655 Direct Hire Employee Grievances, and MS 645 Prevention and Elimination Of Harassment, Including Sexual Harassment. Peace Corps officials and employees having questions about absences or specific details not covered by this manual section should consult with the HR Staffing Specialist assigned to service their respective area.

## 16.11 Weather and Safety Leave

The Peace Corps 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.

- (a) Weather and Safety Leave is granted solely when safety risks are present.
- (b) Severe weather or another emergency situation, including, but not limited to heavy snowstorm, floods, and icing conditions, can make streets and highways impassable or unusually dangerous to the health and safety of employees. Uncoordinated decisions by individual departments, agencies, or offices not to open for business or to dismiss employees early because of severe weather or another emergency situation may serve only to aggravate traffic congestion and hazards.

### 16.11.1 Responsibilities during Weather and Safety Leave

- (a) **Chief Human Capital Officer (CHCO)** – The CHCO in coordination with the U.S. Office of Personnel Management will determine when weather conditions are such in the Washington, DC. Metropolitan area as to warrant the granting of Weather and Safety Leave and will notify all staff at Peace Corps Headquarters.
- (b) **Office Directors** – Office Directors will determine those employees who are required to maintain emergency operations during severe weather or another emergency situation, closedowns, or early dismissals and will notify those employees of their requirements to be present regardless of conditions. Those designated employees will report to work and may not be dismissed in accordance with these Procedures. Office Directors will notify the CHCO of the names and job titles of designated employees in accordance with this provision.
- (c) **Regional Office Managers** – Regional Office Managers (ROMs), in coordination with the Federal Executive Board in their area, are responsible for determining when severe weather or another emergency situation exists in their local areas sufficient to warrant the granting of Weather and Safety Leave to Peace Corps employees within their Regional Recruitment Office (RRO). Those RROs and areas that do not have Federal Executive Boards should coordinate any planned dismissal with the nearest U.S. Office of Personnel Management and Peace Corps Headquarters.

ROMs are also responsible for designating emergency personnel in accordance with these Procedures. ROMs will notify the CHCO of the names and job titles of designated employees in accordance with that provision.

- (d) **Country Directors** – Country Directors in coordination with the local U.S. Embassy or Consulate General in their country are responsible for determining when severe weather or

another emergency situation exists in their local areas sufficient to warrant the granting of Weather and Safety Leave to Peace Corps employees within their areas.

Country Directors are also responsible for designating emergency personnel in accordance with these Procedures. CDs will notify the CHCO of the names and job titles of employees designated in accordance with the provision.

- (e) **Supervisors** – Supervisors are responsible for administering the policy and procedures set forth in MS 635 when notified by the cognizant Office Director or ROM that a determination has been made that severe weather or another emergency situation warrants granting of Weather and Safety Leave.

### **16.11.2 Determining and Granting Weather and Safety Leave**

Upon an official determination that severe weather or other emergency situation justify the closing of offices in a particular locality, employees will be excused from duty and their leave will be recorded under “Weather and Safety Leave” for the period during which their offices are closed. The time and attendance system will provide employees the appropriate code to record this type of leave.

#### **(a) Severe Weather or Another Emergency Situation during Regular Duty Hours**

When a determination has been made that there is a need for early dismissal due to severe weather or another emergency situation, employees will be excused from duty and may record their leave under “Weather and Safety Leave.” Early dismissal of employees without charge to annual leave will only apply to employees who are in regular work duty status at the time of the early dismissal.

Employees desiring to leave work early due to severe weather or another emergency situation before an early dismissal is authorized must request the appropriate leave category for any period of absence.

#### **(b) Severe Weather or Another Emergency Situation before Regular Duty Hours**

In rare circumstances, severe weather or another emergency situation may result in a determination to close down Federal departments and agencies in an affected local area.

In the case of an employee who does not report for duty during severe weather or another emergency situation when a determination to close down Federal departments and agencies has not been authorized, the employee shall be charged Annual Leave, unless the appropriate A Delegate (as defined in MS 114 *Delegation of Authority*), Country Director, or Regional Office Manager, determines that the employee made every reasonable effort to get to work but was unable to do so because of the severe weather or another emergency situation. In such cases, Weather and Safety Leave may be approved in amounts up to eight hours (nine or ten hours as applicable to employees on a compressed work schedule). Factors which should be taken into consideration before Weather and Safety Leave is approved include, but are not limited to, distance between the employee's residence and

workplace, health and safety of the workforce, severity of weather conditions in employee's area of residence, and mode of transportation used to get to the workplace.

**(c) Delayed Arrival as a Result of Severe Weather or Other Emergency Situation**

The CHCO is responsible for informing headquarters personnel when severe weather or other emergency situation is such as to warrant granting administrative leave for delayed arrival (arriving after 9:30 a.m.). Regional Office Managers and Country Directors are responsible for such determinations in their respective areas. Normally, delayed arrival not in excess of two hours may be charged to weather and safety leave. However, delayed arrival in excess of two hours may also be charged to weather and safety leave only after the facts and circumstances in each case are personally reviewed by the appropriate supervisor and they authorize approval of administrative leave for such delayed arrival. The facts and circumstances in each case must clearly demonstrate that the delayed arrival resulted from unavoidable delay following adverse weather or emergency situation or disruption of public or private transportation.

**(d) Hot Weather Dismissal**

Although dismissals due to excessive heat in most United States work sites should be nonexistent or rare, some offices may have power failures which result in extreme heat. Individuals who suffer from the heat and who think that their health may be endangered should seek medical attention for consultation. Supervisors must grant them sick leave or the appropriate leave category on the recommendation of medical or nursing officials. Extreme emergency conditions must be determined and approved by the Director of Peace Corps or their designee. Dismissals without charge to leave in the Regional Recruiting Office and Area Offices will be governed by guidance from the local U.S. Office of Personnel Management or General Services Administration (GSA).

**(1) Supervisory Instructions for Hot Weather Dismissal**

In conditions of hot weather or extreme heat, supervisors should be instructed to be cautious with regard to employees' health and safety as follows:

- (i) Avoid and eliminate potential or actual situations of extreme heat through appropriate improvement of work facilities;
- (ii) Be observant of individuals who might be affected by the heat and take special precautions with them on days of extreme heat such as assignment to a cooler, better ventilated work area;
- (iii) Suggest consultation with medical and nursing service, where indicated; and
- (iv) Be liberal in granting of sick leave or the appropriate leave category to employees who are suffering or uncomfortable from the heat, provided that they can be spared.

### 16.11.3 Teleworking during Severe Weather or another Emergency Situation

Weather Safety Leave provides a framework and criteria for decisions about whether to grant such leave to Federal employees, including those employees who are approved to telework. Moreover, Weather and Safety Leave does not require that an employee must telework. Rather, if an employee is eligible for and participating in the Peace Corps telework program as outlined in MS 632 *Direct Hire Telework Program* and is able to work at their telework site or other approved location, it recognizes that Weather and Safety Leave is normally not necessary, notwithstanding the conditions at the normal worksite.

- (a) **Telework Ready Employee** – Subject to 16.11, if an employee participating in the Peace Corps telework program does not meet the criteria for granting Weather and Safety Leave and seeks not to work from their normal worksite, telework site, or other approved location, the employee must request the appropriate leave category (e.g., Annual Leave, Leave without Pay, Credit Hours, etc.). During a situation where the employee may elect to telework, the employee is generally able to safely work uncompromised.
- (b) **Emergency Employee** - Emergency employees are governed by a different set of guidelines than employees participating in the Peace Corps telework program (*See MS 630 Direct Hire Hours and Duty Procedures*). Unlike many emergency employees, the teleworker is not expected to report to the regular worksite when an emergency has caused the regular office to be closed to the public.

### 16.11.4 Consideration of Weather and Safety Leave regarding Requested or Preapproved Annual Leave

In most cases, if an employee has requested or been preapproved annual leave prior to a Weather and Safety Leave announcement, the employee will remain on annual leave and may not be granted Weather and Safety Leave during that period.

- (a) If the Peace Corps determines that an employee cancels requested or preapproved annual leave for the primary purpose of receiving Weather and Safety Leave, the employee shall be excluded employee from receiving Weather Safety Leave.
- (b) However, if an employee cancels requested or preapproved annual leave because their leave plans are disrupted by severe weather or an emergency situation or for another valid reason the (e.g., a cancelled medical appointment or scheduled flight to a vacation destination), the employee shall not be excluded from receiving Weather and Safety Leave. If not otherwise required to report to the normal worksite or telework, such an employee may be granted Weather and Safety Leave.

## **17.0 Family and Medical Leave Act (FMLA)**

### **17.1 Entitlement**

Under the Family and Medical Leave Act of 1993 (FMLA), most Federal employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period for the following purposes:

- (a) the birth of a child of the employee and the care of such child;
- (b) the placement of a child with the employee for adoption or foster care;
- (c) the care of spouse, son, daughter, or parent of the employee who has a serious health condition; or
- (d) a serious health condition of the employee that makes the employee unable to perform the essential functions of their positions.

Under certain conditions, an employee may use the 12 weeks of FMLA leave intermittently. An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM's regulations for using annual and sick leave, for any unpaid leave under the FMLA. (The amount of sick leave that may be used to care for a family member is limited. (See [OPM's Fact Sheet: Family and Medical Leave](#)). FMLA leave runs concurrently with other paid time off available to an employee. [OPM's Fact Sheet: Family and Medical Leave](#) also contains additional information and links to forms regarding FMLA.

### **17.2 Job Benefits and Protection**

- (a) Upon return from FMLA leave, an employee must be returned to the same position or to an "equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment."
- (b) An employee who takes FMLA leave is entitled to maintain health benefits coverage. An employee on unpaid FMLA leave may pay the employee share of the premiums on a current basis or pay upon return to work.

### **17.3 Advance Notice and Medical Certification**

- (a) An employee must provide notice of their intent to take family and medical leave not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable.
- (b) The agency will request medical certification for FMLA leave taken to care for an employee, employee's spouse, son, daughter, or parent who has a serious health condition or for the serious health condition of the employee. Medical certification is documented using WH-380-E (FMLA Medical Certification Form for Employee's Serious Health Condition) or WH-380-F (FMLA Medical Certification Form for Family Member's Serious Health Condition).

## 17.4 Expanded Family and Medical Leave Policies

Federal employees may schedule and be granted up to 24 hours of leave without pay each year for the following activities:

- (a) **School and Early Childhood Educational Activities** – to allow employees to participate in school activities directly related to the educational advancement of a child. This would include parent-teacher conferences or meetings with child-care providers, interviewing for a new school or child-care facility, or participating in volunteer activities supporting the child's educational advancement. "School" refers to an elementary school, secondary school, Head Start program, or a child-care facility.
- (b) **Routine Family Medical Purposes** – to allow parents to accompany children to routine medical or dental appointments, such as annual checkups or vaccinations. Although these activities are not currently covered by the FMLA, the Federal Employees Family Friendly Leave Act (FEFFLA) does permit employees to use up to 13 days of sick leave each year for such purposes. Agencies should ensure that employees are able to use up to 24 hours of leave without pay each year for these purposes in cases when no additional sick leave is available to employees.
- (c) **Elderly Relatives' Health or Care Needs** – to allow employees to accompany an elderly relative to routine medical or dental appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, and other similar activities. Although Federal employees can use unpaid leave or sick leave for certain of these activities under the FMLA or FEFFLA, such as caring for a parent with a serious health condition, agencies should ensure employees can use up to 24 hours of unpaid time off each year for this broader range of activities related to elderly relatives' health or care needs.

## 18.0 Paid Parental Leave

Paid parental leave may be used in connection with the occurrence of a birth or placement of a child only during the 12-month period following birth or placement. Paid parental leave may not be used prior to the birth or placement involved.

A Peace Corps employee is eligible for paid parental leave only if they are a covered "employee" under 5 USC 6381 and have completed at least 12 months of service as such an employee.

Paid parental leave may be used only after the occurrence of the birth or placement involved which results in the employee assuming a parental role with respect to the newly born or placed child. An employee may take unpaid FMLA leave before the birth or placement to cover certain activities related to the birth or placement but cannot substitute paid parental leave for those pre-birth/placement FMLA unpaid leave periods. However, an employee could substitute annual leave or sick leave for pre-birth/placement FMLA unpaid leave periods (e.g., sick leave for prenatal care up to the point of birth or in connection with preplacement activities necessary to allow an adoption to proceed).

Paid parental leave may be used no later than the end of the 12-month period beginning on the date of the birth or placement involved. At the end of that 12-month period, any unused balance of paid parental leave granted in connection with the given birth or placement will expire and is not available for future use. No payment may be made for unused paid parental leave or paid parental leave that has expired. Paid parental leave is not considered to be annual leave and may not be included in a lump-sum payment for annual leave following separation.

No employee may use any paid parental leave unless the employee agrees in writing, before commencement of the leave, to work for Peace Corps for at least 12 weeks immediately following conclusion of the leave, regardless of the amount of leave used by an employee. The Director of the Peace Corps or designated official must waive this obligation if the employee is unable to return to work due to the continuation, recurrence, or onset of a serious health condition (including mental health) of the employee or the newly born/placed child—but only if the condition is related to the applicable birth or placement.

If an employee fails to return to work for the required 12 weeks period, the Peace Corps may recover from the employee an amount equal to the total amount paid by the agency on behalf of the employee to maintain the employee's health insurance coverage during the period of paid parental leave. This provision shall not apply if the employee is: (a) unable to return to work due to conditions that qualify for a waiver as set forth in the preceding paragraph; or (b) the employee fails to meet the 12-week work obligation due to any other circumstance beyond the employee's control.

## **18.1 Documentation and Employee Certification**

The Peace Corps may grant paid parental leave prior to receiving the required documentation and certification based on an employee's communications with a supervisor and OHR. Under these circumstances, the granting of paid parental leave is considered to be provisional, pending receipt of the required documentation and certification. All required forms can be found [here](#) on HR Central.

### **18.1.1 Documentation**

An employee must provide the Peace Corps with appropriate documentation that shows that the employee's use of paid parental leave is directly connected to a birth or placement that has occurred. Appropriate documentation may include, but is not limited to, a birth certificate or a document from an adoption or foster care agency regarding the placement.

In addition, an employee must provide the following documentation to the OHR to request paid parental leave:

- (a) [Agreement to Complete 12-Week Obligation Form](#);
- (b) [Paid Parental Leave Request Form](#); and



- (c) [Peace Corps FMLA Employee Form \(WH-380-E\)](#) or the [Peace Corps FMLA Family Member Form \(WH-380-F\)](#).

### **18.1.2 Employee Certification**

The Peace Corps requires that an employee sign a certification attesting that the paid parental leave is being taken in connection with a birth or placement. This form can be found [here](#) on HR Central. This employee certification may contain a statement in which the employee acknowledges an understanding of the consequences of providing a false certification (e.g., the possibility that the Peace Corps could pursue appropriate disciplinary action, up to and including removal from Federal Service, or referral to the Office of Inspector General).

### **18.1.3 Submission Requirements**

An employee must provide all required documentation required by the Peace Corps no later than 15 calendar days after the date the agency requests such documentation. If it is not practicable under the particular circumstances for an employee to respond within the 15-day time frame, despite the employee's diligent, good faith efforts, the employee must provide the documentation within a reasonable period of time under the circumstances involved, but no later than 30 calendar days after the date of the agency's original request unless circumstances beyond their control prevent them from adhering to the time frame (i.e. state processing of birth certificate).

If the employee fails to provide the Peace Corps with the required documentation within the specified time period, the Peace Corps may determine that the employee is not entitled to paid parental leave and may:

- (a) Allow the employee to request that the absence be charged to leave without pay, sick leave, annual leave, or other forms of paid time off, as appropriate; or
- (b) If the employee acted fraudulently, charge the employee as absent without leave (AWOL) and pursue any other appropriate action.

## **19.0 Peace Corps Voluntary Leave Transfer Program**

Under the Voluntary Leave Transfer Program (VLTP), a covered employee may donate annual leave to another employee who has a personal or family medical emergency and who has exhausted their 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.

### **19.1 Application to Become a Leave Recipient**

An employee should submit OPM-630 form (*see attachment C*) to become a leave recipient. If the member is not capable of making a written application, a personal representative may make the application on behalf of the employee.

- (a) Each application should include certification regarding the medical emergency from one or more physicians or other appropriate experts.

**Note:** When an employee requests leave transfer for a family member, they may be required to document their relationship with that family member.

## **19.2 Approval/Disapproval of Application to Become a Leave Recipient**

The employing agency must determine that a full-time employee's absence from duty without available paid leave because of the medical emergency is (or is expected to be) at least 24 work hours, which may be consecutive or intermittent. For a part-time employee or an employee on an uncommon tour of duty, the period of absence without paid leave is prorated. This period of unpaid absence qualifies as a substantial loss of income for purposes of the medical emergency determination.

The employing agency must review the employee's application and notify the employee of the approval or disapproval of the application within ten calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the application is received (or the date established by the agency if that date is later). If disapproved, the agency must give the reason for its disapproval.

Once approved, the Benefits Officer will monitor an employee's leave balance to determine when they become eligible to start receiving donations. Donated leave will not be transferred to a recipient until the first pay period of which they are projected to exhaust their own accrued leave.

## **19.3 Use of Donated Annual Leave**

A leave recipient may use donated annual leave only for purposes related to the medical emergency for which the leave recipient was approved. Except for leave in set-aside accounts (described below), a leave recipient must use any accrued annual leave (and sick leave, if applicable) before using transferred annual leave.

**19.3.1** Annual leave transferred under the VLTP to a leave recipient may be:

- (a) Substituted retroactively for any period of leave without pay used because of the medical emergency; or
- (b) Used to liquidate an indebtedness incurred by the leave recipient for advanced annual or sick leave used because of the medical emergency.

**19.3.2** Annual leave transferred under the VLTP to a leave recipient may not be:

- (a) Transferred to another leave recipient except by election of the leave donor;
- (b) Included in a lump-sum payment for annual leave; or
- (c) Re-credited to a former employee who is reemployed by a Federal agency.

## **19.4 Limitations on Leave Donations**

### **19.4.1 Employees Interested in Becoming Leave Donors**

Employees interested in donating leave to any of the employees in the Leave Donor Participant List, must submit OPM form 630A (*attachment D*) to HR via their immediate supervisor requesting that a specified number of hours of their accrued annual leave be transferred to the annual leave account of a specified leave recipient.

In any one leave year, a leave donor may donate no more than a total of 1/2 of the amount of annual leave he/she would be entitled to accrue during the leave year in which the donation is made; e.g., if an employee accrues 4 hours of leave per pay period, the employee may donate no more than 52 hours in any one leave year; if an employee accrues 6 hours of leave per pay period, the employee may donate no more than 80 hours in any one leave year; and if an employee accrues 8 hours of leave per pay period, the employee may donate no more than 104 hours of annual leave in any one leave year.

For leave donors who are projected to have annual leave that would be subject to forfeiture at the end of the leave year, the maximum amount of annual leave that may be donated during the leave year will be the lesser of the following two situations: (1) One-half of the amount of annual leave entitled to accrual during the leave year in which the donation is made; or (2) The number of hours remaining in the leave year, as of the date of the transfer, for which the leave donor is scheduled to work and receive pay.

An employee may transfer leave to an employee of another agency only when:

- (a) The donor is a family member employed by another agency;
- (b) The leave recipient's agency believes that leave donations within the agency may not be sufficient to meet the recipient's needs; or
- (c) The leave recipient's agency concludes that the transfer of leave from another agency furthers the purpose of the voluntary leave transfer program.

### **19.4.2 Supervisors of Leave Donors**

Supervisors of leave donors are required to verify the availability of annual leave in the leave donor's annual leave account, and to ensure that the amount of annual leave to be donated does not exceed the limitation as outlined above. Donations of annual leave may be transferred only to a leave recipient employed by the leave donor's own employing agency with the following exceptions; i.e., donations of leave will be accepted from leave donors employed by one or more other agencies when:

- (a) A family member of a leave recipient is employed by another agency and requests the transfer of annual leave to the leave recipient;
- (b) The amount of annual leave transferred from leave donors employed by Peace Corps is insufficient to meet the needs of the leave recipient employed by Peace Corps, or

- (c) (1) Acceptance of transferred leave from another agency would further the purpose of the voluntary leave transfer program. Supervisors of leave donors from another agency are required to:
  - (i) verify the availability of annual leave in the leave donor's annual leave account;
  - (ii) ensure the amount of annual leave to be donated does not exceed the limitation allowed by regulation; and
  - (iii) verify that Peace Corps has made a determination that acceptance of transferred leave from another agency would further the purpose of the voluntary leave transfer program.
- (2) Upon satisfying these requirements, the employing agency of the leave donor from another agency will:
  - (i) reduce the amount of annual leave credited to the leave donor's annual leave account, and
  - (ii) notify Peace Corps in writing of the amount of annual leave to be credited to the leave recipient's annual leave account.

## **19.5 Termination of Medical Emergency**

The medical emergency terminates:

- (a) When the leave recipient's Federal service is terminated;
- (b) At the end of the biweekly pay period in which the leave recipient provides written notice that the medical emergency is over;
- (c) At the end of the biweekly pay period in which the agency determines, after written notice to the leave recipient and opportunity for response, that the medical emergency is over; or
- (d) At the end of the biweekly pay period in which the agency receives notice that the leave recipient has been approved for disability retirement.

Supervisors are responsible for monitoring the status of a leave recipient's medical emergency to ensure that the employee continues to be affected by a medical emergency. When the medical emergency affecting a leave recipient terminates, no further requests for transfer of annual leave to the recipient may be granted. After the medical emergency has terminated, the CHCO may, on a case-by-case basis, approve the donation of additional leave for the purpose of liquidating the recipient's unpaid leave balance, if doing so is in the interest of the agency.

## **19.6 Restoration of Unused Donated Annual Leave**

Any unused annual leave remaining to a leave recipient's credit on termination of the medical emergency must be restored to the annual leave accounts of the donors. Once transferred leave is restored to a leave donor's account, the leave is treated the same as other annual leave in the account and becomes subject to the annual leave "use or lose" carryover limitation.

A leave donor can opt to have this leave restored during the current leave year or the next leave year or can donate all or part of the leave to another leave recipient.

## **20.0 Emergency Leave Transfer Program**

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 (e.g., floods, earthquakes, hurricanes, bombings).

### **20.1 Establishment of an Emergency Leave Transfer Program**

When directed by the President, OPM will establish an ELTP for a specific disaster or emergency and notify agencies of the establishment of the program. Once notified, each agency affected by the disaster or emergency is authorized to:

- (a) Determine whether, and how much donated annual leave is needed by affected employees;
- (b) Approve emergency leave donors and/or emergency leave recipients within the agency, as appropriate;
- (c) Facilitate the distribution of donated annual leave from approved emergency leave donors to approved emergency leave recipients within the agency; and
- (d) Determine the period of time for which donated annual leave may be accepted for distribution to approved emergency leave recipients.

In certain situations, OPM may also delegate to an agency the authority to establish an ELTP.

### **20.2 Application to Become an Emergency Leave Recipient**

In order to be approved to receive donated annual leave, an employee must make a written application to their agency to become an emergency leave recipient. If an employee is not capable of making a written application, a personal representative may make a written application on behalf of the employee. An employee or the family member is considered to be adversely affected if the disaster or emergency has caused them severe hardship to such a degree that their absence from work is required. An emergency leave recipient may use donated

annual leave to assist an affected family member, provided that the family member has no reasonable access to other forms of assistance.

**Note:** When an employee applies for the emergency leave transfer program, the agency may require the employee to document their relationship to a family member. Agencies should establish consistent rules and follow the same documentation requirements for all relationships, but agencies have authority to request additional information in cases of suspected leave abuse.

### **20.3 Approval/Disapproval of Application to Become an Emergency Leave Recipient**

The employing agency must review the employee's application and notify the employee of the approval or disapproval of the application within ten calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the application is received (or the date established by the agency if that date is later). If disapproved, the agency must give the reason for its disapproval.

### **20.4 Donations from Employees and/or Leave Bank**

An employee may voluntarily submit a written request to their agency that a specified number of hours of their accrued annual leave be transferred from their annual leave account to the employing agency's ELTP. Emergency leave donors may not donate to a specific emergency leave recipient.

### **20.5 Limitation on Amount of Annual Leave an Employee May Donate or Receive**

#### **20.5.1 Donation**

A leave donor may not contribute less than 1 hour or more than 104 hours of annual leave in a leave year to an ELTP. Each agency may establish written criteria for waiving the 104-hour limitation on donating annual leave in a leave year. Annual leave donated to an ELTP may not be applied against the limitations on the donation of annual leave under the voluntary leave transfer programs.

#### **20.5.2 Receipt**

An emergency leave recipient may receive a maximum of 240 hours of donated annual leave at any one time from an ELTP for each disaster or emergency. An employing agency may allow an employee to receive additional disbursements of donated annual leave based on the employee's continuing need. Each disbursement of transferred annual leave may not exceed 240 hours.

### **20.6 Transferring Donated Leave between Agencies**

If an agency does not receive sufficient amounts of donated annual leave to meet the needs of emergency leave recipients within the agency, the agency may contact OPM for assistance in receiving additional donated annual leave from other agencies. Based on the amount of donated leave needed, OPM will solicit and coordinate the transfer of donated annual leave

from other Federal agencies. OPM will notify each affected agency of the cumulative amount of donated annual leave that will be credited to it for transfer to its approved emergency leave recipients. The affected agency will determine the amount of donated annual leave to be transferred to each emergency leave recipient.

## **20.7 Use of Donated Annual Leave**

An approved emergency leave recipient is not required to exhaust their accrued annual and sick leave before receiving donated annual leave under the ELTP. Any donated annual leave an emergency leave recipient receives from an ELTP may be used only for purposes related to the disaster or emergency for which the emergency leave recipient was approved.

### **20.7.1 Annual leave transferred under the ELTP to a leave recipient **may** be:**

- (a) Substituted retroactively for any period of leave without pay used because of the disaster or emergency; or
- (b) Used to liquidate an indebtedness incurred by the emergency leave recipient for advanced annual or sick leave used because of the disaster or emergency. The agency may advance annual or sick leave, as appropriate (even if the employee has available annual and sick leave), so that the emergency leave recipient is not forced to use accrued leave before donated annual leave becomes available.

### **20.7.2 Annual leave transferred under the ELTP to a leave recipient **may not** be:**

- (a) Included in a lump-sum payment;
- (b) Re-credited to a former employee who is reemployed by a Federal agency; or
- (c) Used to establish initial eligibility for immediate retirement or acquire eligibility to continue health benefits into retirement.

## **20.8 Accrual of Leave While Using Donated Leave**

An emergency leave recipient using donated annual leave continues to accrue annual and sick leave at the same rate as if the employee were in a paid leave status, and the employee's annual leave will be subject to the annual leave limitations in 5 USC 6304 (a), (b), (c), and (f).

## **20.9 Termination of Emergency**

The disaster or emergency affecting the emergency leave recipient terminates at the earliest occurrence of the one of the following conditions:

- (a) When the employing agency determines that the disaster or emergency has terminated;
- (b) When the employee's Federal service terminates;

- (c) At the end of the biweekly pay period in which the employee, or their personal representative, notifies the emergency leave recipient's agency that they are no longer affected by the disaster or emergency;
- (d) At the end of the biweekly pay period in which the employee's agency determines, after giving the employee or their personal representative written notice and an opportunity to answer orally or in writing, that the employee is no longer affected by the disaster or emergency; or
- (e) At the end of the biweekly pay period in which the employee's agency receives notice that OPM has approved an application for disability retirement for the emergency leave recipient under the Civil Service Retirement System or the Federal Employees' Retirement System.

## **20.10 Restoration of Unused Donated Annual Leave**

Upon termination of a disaster or emergency:

- (a) Any unused annual leave donated to the ELTP must be returned by the employing agency to the emergency leave donors, and if any annual leave was donated by a leave bank, it must be returned to the leave bank(s);
- (b) Each agency must determine the amount of annual leave to be restored to any leave bank and/or to each of the emergency leave donors who, on the date leave restoration is made, is employed in the Federal service. The amount of unused annual leave to be returned to each emergency leave donor and/or leave bank must be proportional to the amount of annual leave donated by the employee or the leave bank to the ELTP for the disaster or emergency;
- (c) Any unused annual leave remaining after the distribution will be subject to forfeiture; and
- (d) Annual leave donated to an ELTP for a specific disaster or emergency may not be transferred to another ELTP established for a different disaster or emergency.

The emergency leave donor may choose to have the agency restore unused donated annual leave by crediting the restored annual leave to the leave donor's annual leave account in either the current leave year or on the first pay period of the following leave year.

## **21.0 Disabled Veteran Leave**

The Disabled Veteran Leave category entitles any employee who is a veteran hired on or after November 5, 2016 with a 30 percent or more service-connected disability to use Disabled Veteran Leave during the 12-month period, beginning on the first day of employment, for the purposes of undergoing medical treatment for such disability. The Peace Corps provides Disabled Veteran Leave for veterans employed by the agency to obtain necessary medical treatment for their service-connected disabilities without using Leave without Pay or accrued sick or annual leave, or becoming indebted for use of advanced sick or annual leave.



## **21.1 Coverage for Disabled Veteran Leave**

An employee at the Peace Corps who is a veteran with a service-connected disability rating of 30 percent or more certified by the Veterans Benefits Administration (VBA) of the Department of Veterans Affairs is entitled to a one-time benefit of up to 104 hours of Disabled Veteran Leave for the purposes of undergoing medical treatment for such disability. Pursuant to 20.0, if an employee meets all of the eligibility requirements and is *hired on or after November 5, 2016*, the employee may qualify for Disabled Veteran Leave by (1) being reappointed with at least a 90-day break in service or (2) returning to civilian duty following a break in civilian duty (with continuous civilian leave status) to perform military service.

## **21.2 Eligibility Period for Disabled Veteran Leave**

In order to be eligible for Disabled Veteran Leave, an employee must have a qualifying service-connected disability.

- (a) If the employee comes to the Peace Corps eligible for the leave, the 12-month eligibility period beginning on the first day of employment shall be the effective date to commence using the Disabled Veteran Leave.
- (b) If an employee becomes eligible for the leave after the first day of employment, the 12-month eligibility period beginning on the VBA certification date of the employee's qualifying service-connected disability shall be the effective date to commence using the Disabled Veteran Leave.

## **21.3 Crediting of Disabled Veteran Leave**

An employee eligible for Disabled Veteran Leave may be credited up to, and not to exceed, 104 hours in their 12-month period. An employee who has a part-time or seasonal work schedule or an uncommon tour of duty will receive a proportionally equivalent amount of Disabled Veteran Leave based upon the hours in the employee's work schedule.

## **21.4 Requesting and Using Disabled Veteran Leave**

An employee may request to use Disabled Veteran Leave in advance only for the medical treatment of a qualifying service-connected disability. A supervisor may require an employee to submit a statement by the health care provider that the medical treatment is for one or more qualifying service-connected disabilities.

An employee may retroactively substitute Disabled Veteran Leave for other leave or paid time off used for the medical treatment of a qualifying service-connected disability during the employee's established eligible 12-month period.

## **21.5 Employee Transfers or Separations**

If an employee eligible for Disabled Veteran Leave transfers to another Federal agency or separates from the Peace Corps, the Office of Human Resources will provide the employee with a letter certifying the following:

- (a) number of unused creditable hours available for the employee as Disabled Veteran Leave; and
- (b) expiration date of the employee's 12-month eligibility period.

## **21.6 Forfeiture of Disabled Veteran Leave**

Disabled Veteran Leave must be used during an employee's 12-month eligibility period and any unused leave following the 12-month eligibility period shall be forfeited and may not be carried over thereafter.

If an employee's qualifying service-connected disability rating changes and falls below 30 percent during the 12-month eligibility period, the employee shall not qualify for Disabled Veteran Leave. In such circumstances, the service-connected disability would no longer qualify for VBA certification and any unused Disabled Veteran Leave credited to the employee shall be forfeited as of the effective date of the change to their service-connected disability rating.

An employee may not receive a lump-sum payment for any forfeited Disabled Veteran Leave under any circumstance.

## **22.0 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 category of leave that is in addition to annual and sick leave. When requesting to use this category of leave, an employee will record time spent in connection with Bone Marrow and Organ Donor Leave by utilizing the designated code for time and attendance purposes. An employee must provide medical documentation which indicates the expected duration of the medical procedure and recovery period to support the request for paid time off through Bone Marrow and Organ Donor Leave which indicates, as well as any additional leave requested.

### **22.1 Eligibility and Coverage Requirements for Bone Marrow and Organ Donor Leave Coverage**

An employee may be eligible for Bone Marrow and Organ Donor Leave if below coverage requirements are met.

- (a) **Bone Marrow Donor** - For a bone-marrow donor, Blood and Bone Marrow Transplants are covered as follows: Hematopoietic Stem Cell Transplant, Hematopoietic Cell Transplant, Autologous Transplant, or Allogeneic Transplant.
- (b) **Organ Donor** – For an organ donor, the types of transplants are covered as follows:
  - (1) Autologous Pancreas Islet Cell Transplant (as an adjunct to total or near total pancreatectomy) only for patients with chronic pancreatitis;

- (2) Cornea Transplant;
- (3) Heart Transplant;
- (4) Lung Transplant (*i.e. (i) single, (ii) bilateral, or (iii) lobar*);
- (5) Heart/Lung Transplant;
- (6) Kidney Transplant;
- (7) Pancreas Transplant
- (8) Kidney-Pancreas Transplant;
- (9) Liver Transplant; and
- (10) Intestinal Transplants (*i.e. (i) isolated small intestine, (ii) small intestine with the liver, or (iii) small intestine with multiple organs, such as the liver, stomach, and pancreas*).

The length of absence for organ donation procedures will vary depending upon the medical circumstances of each case. For medical procedures and recuperation requiring absences longer than 30 days, supervisors should continue to accommodate an employee by granting additional time off in the form of Sick Leave and/or Annual Leave, advanced Sick Leave and/or Annual Leave, donated Annual Leave from the agency's Voluntary Leave Transfer Program, or Leave without Pay.

### **23.0 Effective Date**

The effective date of these Procedures is the date of issuance.