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# ADS Chapter 480

## Leave

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**Functional Series 400 – Personnel****ADS 480 – Leave**POC for ADS 480: Cherie Mennel, (202) 712-1362, [cmennel@usaid.gov](mailto:cmennel@usaid.gov)***\*This chapter has been revised in its entirety.*****Table of Contents**

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## ADS 480 – Leave

### 480.1 OVERVIEW

Effective Date: 09/30/2014

This chapter covers the administration of paid and unpaid leave for all U.S. direct hire employees, Foreign Service (FS), Senior Foreign Service (SFS), Senior Executive Service (SES), Senior-Level (SL), Scientific or Professional (ST), Administratively Determined (AD) and Civil Service (CS), including Schedule C employees and experts and consultants serving under appointments of 90 days or more who have a regularly scheduled tour of duty, except as specifically noted. Employees not covered by this chapter are:

- Part-time employees who do not have established regular tours of duty during the administrative workweek;
- Foreign Service National employees (FSNs), other locally employed staff (LE staff), employees hired under Personal Services Contracts (PSCs) or intermittent appointments;
- Members of the Senior Foreign Service (SFS) and Foreign Service Officers (FSOs) serving under Presidential appointments (e.g., chiefs of mission, Executive Schedule positions, and in rare instances, certain statutory rate or administratively determined positions) effective after October 21, 1991, who elect to serve during the period of the Presidential appointment in Presidential Appointee (PA) pay and leave status (see **480.3.11**).

This ADS chapter is supplemented by information located on the Office of Human Capital and Talent Management (HCTM) Web site. The Web site is updated when new fact sheets and regulations are issued by the United States Office of Personnel Management (OPM) and when HCTM issues Agency Notices to announce new policies and procedures related to the OPM issuances. The Web site is located at <https://pages.usaid.gov/HCTM/what-we-provide>.

Policies and regulations governing employee absence due to compensatory time off for travel are contained in [ADS 472, Premium Compensation](#). When scheduling compensatory time off, employees must follow this chapter's policy on planning and using leave.

### 480.2 PRIMARY RESPONSIBILITIES

Effective Date: 09/30/2014

a. **The Administrator** is responsible for delegating authority:

- (1) To individuals to act as decision officers in determining when exigencies of the the public business exist; and

- (2) To individuals to act as approving officers for restoration of leave due to exigencies of the public business.
- b. The **Chief Human Capital Officer (CHCO), Office of Human Capital and Talent Management (HCTM)**, is delegated responsibility for the proper administration of USAID's Leave Program.
  - c. The **employee** is responsible for:
    - (1) Understanding the rules and regulations related to leave and requesting leave in accordance with those rules and regulations.
    - (2) Taking the needs of the work unit into account when planning leave.
    - (3) Reviewing his or her leave record throughout the leave year<sup>1</sup> and diligently planning use of leave (especially projected use or lose leave) during the leave year. Providing the supervisor with a tentative annual leave schedule for all annual leave to be used during the year, especially as it relates to use or lose leave.
    - (4) Submitting leave requests, in advance, to his or her supervisor through webTA, USAID's electronic time keeping system.
    - (5) Ensuring his or her available leave or accrued and approved time off is adequate to cover leave requested.
    - (6) Notifying his or her immediate supervisor promptly, upon return to duty, of a period of sickness during approved annual leave, requesting that sick leave be substituted for approved annual leave and any prior time and attendance records be adjusted as necessary.
    - (7) Requesting, in writing, the restoration of approved leave that is canceled due to exigencies of the public business and cannot be rescheduled for use during the last three pay periods of the leave year; following the procedures in the Agency's Annual Leave Reminder General Notice.
    - (8) Submitting a written request for restoration of forfeited annual leave, if leave was forfeited due to exigency of the public business or administrative error. The request must be received by the appropriate Administrative Management Staff (AMS) no later than April 1 following the end of the leave year, or other due date established in annual Agency

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<sup>1</sup> A leave year begins on the first day of the first full biweekly pay period in a calendar year. A leave year ends on the day immediately before the first day of the first full biweekly pay period in the following calendar year. For leave year dates through 2020 see <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/leave-year-beginning-and-ending-dates/>. Also, see the NFC pay period calendar at: [https://www.nfc.usda.gov/Forms/pay\\_period\\_calendar.html](https://www.nfc.usda.gov/Forms/pay_period_calendar.html).

notices.

- (9) Submitting a written request to his or her supervisor for restoration of leave forfeited due to sickness, as soon as possible after the loss. Providing a medical certificate or signed personal statement, as appropriate, upon return to work.

d. The **Approving Officer (generally the supervisor)** is responsible for:

- (1) Understanding the rules and regulations related to leave and approving leave in accordance with those rules and regulations; ensuring insofar as possible that employees understand the rules and regulations and comply with them.
- (2) Managing leave planning from the perspective of the work unit's needs.
- (3) Administering leave schedules for subordinates throughout the leave year, and encouraging employees to plan and use leave.
- (4) Approving/disapproving employees' leave requests as soon as possible after submission. If disapproved, rescheduling leave in webTA at a mutually agreeable time.
- (5) Periodically reminding employees in the organizational unit to review their Earnings and Leave (E&L) Statements for estimated use or lose leave and to schedule it during the leave year.
- (6) Canceling scheduled leave when the decision officer issues a written determination that an exigency of the public business exists and there is no alternative to cancellation. Preparing a statement of facts concerning the exigency, including inclusive dates.
- (7) Rescheduling, prior to the beginning of the third pay period before the end of the leave year, any approved leave which was canceled.
- (8) Approving restoration of annual leave forfeited due to sickness when the employee followed the proper procedures; sending the request to the Bureau for Management, Office of the Chief Financial Officer, Payroll Division (M/CFO/P), specifying the number of hours to be restored, when an employee's request for restoration is approved.
- (9) Maintaining original copies of documentation supporting leave requests and cancellations unless maintained by a system of record such as webTA.

e. The **Administrative Management Staff (AMS)** is responsible for:

- (1) Verifying that employees requesting restoration of forfeited leave met all procedural requirements.
  - (2) Taking appropriate action on restoration requests no later than May 1 following the end of the leave year in which forfeited.
- f. The **Overseas Executive Officer** is responsible for forwarding employees' requests for restoration to the appropriate AMS Office.
- g. The **Agency Decision officer** is responsible for determining that an exigency of the public business exists and agreeing with cancellation of scheduled leave.
- h. **Assistant Administrators** and **Heads of Independent Offices** are responsible for approving/disapproving requests for restoration of leave forfeited due to exigency of the public business or administrative error.
- i. The **Bureau for Management, Office of the Chief Financial Officer, Payroll Division (M/CFO/P)** is responsible for:
- (1) Conducting leave audits;
  - (2) Making the final determination on the number of hours to be restored; entering the restored leave in the National Finance Center (NFC) system ensuring that a separate restored leave account for the applicable year for an employee is established; notifying the employee of the number of hours to be restored and the time limitation for use and sending a copy to the employee's timekeeper; and
  - (3) Entering recredited sick leave in the NFC system for the employee who returned to work for the Federal Government after a break in service.

## **480.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES**

### **480.3.1 Leave Administration** Effective Date: 09/30/2014

The Foreign Affairs Manual (FAM) and the associated Foreign Affairs Handbook (FAH) cover many leave situations for USAID employees. Where differences exist between the FAM/FAH and Agency specific policy and essential procedures, this ADS chapter has precedence.

Unless otherwise stated, USAID adheres to leave administration policy in [3 FAM 3300](#). Leave procedures are located in [3 FAH-1 H-3310](#). Information about webTA can be found at: <https://pages.usaid.gov/M/CFO/resources>.

The National Finance Center-Employee Personal Page (NFC-EPP) [leave calculator](#) is

a useful resource that allows employees to view their leave information, plan their leave usage, and maintain their leave history. The leave calculator also displays the user's projected end-of-year annual leave accruals and, if that balance is greater than 240 hours, their projected use-or-lose leave balance (see **480.5** for more information about the leave calculator).

### **480.3.2 Annual Leave**

Effective Date: 09/30/2014

USAID adheres to the policies and procedures for annual leave in [3 FAM 3410 through 3414 and 3416 through 3419](#) and [3 FAH-1 H-3400](#) and the regulations in [5 CFR 630, Subpart B](#) and [5 CFR 630, Subpart C](#).

#### **a. Annual Leave (General)**

An employee has an absolute right to use annual leave, assuming the employee followed prescribed procedures related to the use of leave. Approving officers/supervisors must then grant leave unless adjustments are required to meet the needs of the work unit. Employees should be able to plan leave to achieve work-life balance, assuming the absence of critical work unit needs (see [3 FAM 3410](#)).

#### **b. Annual Leave Accrual Rates**

Annual leave accrual rates are stated in [3 FAH-1, H 3412](#). Also, see OPM's Fact Sheet located at <http://www.opm.gov/oca/leave/HTML/ANNUAL.asp>. Annual leave accrual rates for full- and part-time employees are depicted in the chart below:

<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>	½ day (4 hours) for each pay period (13 days)	¾ day (6 hours) for each pay period except 1¼ day (10 hours) in last pay period (20 days total)	1 day (8 hours) for each pay period (26 days)
<b>Part-time employees</b>	1 hour for each 20 hours in a pay status	1 hour for each 13 hours in pay status	1 hour for each 10 hours in 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

Employees in SES, SFS, SL, and ST positions, and employees in equivalent pay systems, as determined by OPM, accrue 8 hours for each pay period, regardless of years of service (see [Extension of Higher Annual Leave Accrual Rate to SES and SL/ST Equivalent Pay Systems](#) fact sheet and [3 FAH-1 H-3412.1, Accrual Rate](#)).

Note: A temporary employee with an appointment of fewer than 90 days is entitled to accrue 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 of continuous employment, the employee is entitled to be credited with the leave that would have accrued to him or her during that period.

**c. Crediting Prior Service for Determining Annual Leave Accrual Rate**

[Section 202\(a\) of the Workforce Flexibility Act of 2004](#) (Public Law 108-411) and [5 CFR Part 630.205](#) establish policy for crediting prior federal and non-federal work experience and experience in the Uniformed Service for annual leave accrual.

The Division Chiefs, HCTM/HCSC/CSS or HCTM/FSC/ACC, or designees, make the determination of whether to grant a candidate prior service credit for non-federal work or military service. In accordance with OPM regulations, the candidate's skills and experience must be essential to the new position and must have been acquired through performance in a non-federal position or active duty Uniformed Service position having duties which directly relate to the duties of the position to which he or she is being appointed, **and** are necessary to achieve an important agency mission or performance goal.

The regulations apply only to

- Candidates receiving their first appointment as a civilian employee of the Federal Government,
- Candidates receiving reappointment following a break in service of at least 90 calendar days after their last period of federal service, and
- Retired members of the active duty uniformed service as defined by [38 U.S.C. 4303](#).

For Civil Service candidates only, the hiring official must concur with a request to credit prior uniformed service before HCTM/HCSC/CSS will make a final determination to approve the candidates' qualifying prior work experience.

If it is believed that an applicant may qualify for prior service credit, the HR Specialist Obtains, from the applicant, a detailed and specific description of job duties in the former position and submits [AID form 400-37](#) with the required justifications to the appropriate HCTM official for approval. The determination to give service credit must be effected by the servicing Human Resource Specialist before the employee enters on duty. Credited service is applied the first pay period following appointment. Employees who receive the service credit must remain with the Agency for one year in order to retain it (see [5 CFR 630.205 \(f\)](#) for consequences if the employee is unable to fulfill that requirement).

For additional information, hiring officials, supervisors, and AMS officers should consult [ADS 480mab, Provision for Crediting Prior Service for Determining Annual Leave](#)

[Accrual Rate](#) and contact their servicing HR Specialist with questions.

#### **480.3.2.1 Scheduling, Requesting, Approving, and Canceling Annual Leave**

Effective Date: 09/30/2014

Employees must schedule annual leave in advance according to the procedures outlined in [3 FAM 3414](#) and as supplemented below, except in cases of emergency when leave cannot be scheduled in advance. Approving officers/supervisors must consider the need for the employee's services; leave must not be denied or canceled for arbitrary or capricious reasons, such as for disciplinary or punitive actions.

- a. All annual leave must be officially scheduled in advance and must be recorded for actual leave taken in the employee timecard using prescribed procedures related to webTA. Annual leave may be taken in quarter hour increments in webTA.
- b. An employee who will have leave subject to forfeiture at the end of the leave year must submit a request in webTA for such leave before the start of the third pay period before the end of the leave year<sup>2</sup> in order to be considered for leave restoration. An employee who chooses not to schedule annual leave or to use previously approved leave to avoid forfeiture is not entitled to have the forfeited leave restored; such leave is considered voluntarily lost.

Note: This provision does not apply to employees whose services are determined to be necessary to respond to the "National Emergency by Reason of Certain Terrorist Attacks" (when authorized by the President and published in the Federal Register). Such employees can have their leave restored without the administrative burden of scheduling and canceling the leave. In addition, the time limitations for using restored annual leave are suspended for the entire period during which the employees' services are determined to be essential for activities associated with the national emergency. At the end of the national emergency, or when the services of the employee no longer are determined to be necessary, a new time limit will be established for using all restored leave available to the employee.

- c. Approved leave subject to forfeiture may not be canceled unless the decision officer determines in advance of the cancellation that an exigency of the public business exists and there is no alternative to cancellation. The determination must be justified in writing at the time it is made.
- d. Annual leave cannot be retroactively substituted for sick leave to avoid

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<sup>2</sup> A leave year begins on the first day of the first full biweekly pay period in a calendar year. A leave year ends on the day immediately before the first day of the first full biweekly pay period in the following calendar year. For leave year dates through 2020 see <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/leave-year-beginning-and-ending-dates/>. See also the [NFC Leave Calculator](#).

forfeiture.

- e. Leave subject to forfeiture may only be canceled in the case of an exigency of the public business or illness of the employee.
  - (1) If the cancellation is due to an exigency of the public business, the decision officer must have made a written determination in advance of the cancellation explaining that an exigency existed and that there was no alternative to canceling the employee's leave.
  - (2) If the cancellation is due to illness of the employee, the approving officer's/supervisor's statement must indicate that the employee properly notified the office of the need for sick leave and submitted a leave request within webTA or a doctor's individual certificate. If medical attention was not necessary, the documentation must include a signed statement by the employee indicating the nature of the sickness.

#### **480.3.2.2 Annual Leave Accumulation Ceilings**

Effective Date: 09/30/2014

The maximum amounts of annual leave that can be carried over into the new leave year are:

- a. Senior Executive Service and Senior Foreign Service employees: These employees are subject to a leave ceiling of 720 hours. A "grandfather provision" permits current SES/SFS employees with accumulated annual leave that exceeds 720 hours as of October 13, 1994, to retain their excess annual leave in their personal leave ceilings. The amount of "grandfathered" annual leave credited to a USAID SES/SFS employee's personal leave ceiling is based on the amount of annual leave accumulated by the employee as of the end of pay period 20 in 1994. At the beginning of subsequent leave years, this personal leave ceiling will be reduced if the actual leave balance falls below the employee's personal leave ceiling, but will not be reduced below 720 hours.
- b. Senior-Level and Scientific or Professional employees: These employees are subject to a leave ceiling of 720 hours.
- c. Employees currently assigned to overseas positions: These employees are subject to a leave ceiling of 360 hours.<sup>3</sup>
- d. Employees assigned to positions in the United States: These employees are subject to a leave ceiling of 240 hours.

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<sup>3</sup> Employees stationed overseas must meet the requirements at [5 U.S.C. 6304\(b\)](#) in order to receive the 360 hours or 45-day annual leave ceiling.

- e. Employees previously assigned to an overseas position: At the time of official reassignment to a position in the United States, an employee's leave balance in excess of 240 hours (but not exceeding 360 hours) becomes that employee's new leave ceiling. At the beginning of each subsequent leave year that the employee is assigned to a position in the United States, the employee's leave ceiling is reduced to the employee's actual leave balance or the prior year's leave ceiling, whichever is less. Under no circumstances will the leave ceiling of an employee in this category exceed the leave balance at the time the employee was reassigned to a position in the United States, or 360 hours, whichever is less.

(See [5 CFR 630.301](#), [5 CFR 630.302](#), [3 FAH-1 H-3414 through 3416](#) and [OPM's Annual Leave Fact Sheet](#) for additional information.)

#### **480.3.2.3 Restoring Annual Leave Subject to Forfeiture**

Effective Date: 09/30/2014

Except for employees who fall under the determination of "National Emergency by Reason of Certain Terrorist Attacks" (see **480.3.2.1b**), the Agency only allows annual leave to be restored when it was scheduled in advance and forfeited due to:

- a. **Administrative Error:** Annual leave forfeited due to administrative error through no fault of the employee may be restored on a continuing basis. There are two kinds of administrative errors:
- (1) A non-discretionary regulation was not carried out (e.g., the approving officer/supervisor failed to schedule the leave the employee requested in webTA) or, if not possible to approve for the time requested, at some other mutually acceptable time; or
  - (2) A time and attendance error that occurred as a result of manual and system generated issues. These errors are detected in a variety of ways. If identified by the employee, the employee must request, through the timekeeper, a leave audit by M/CFO/P, providing the period of time involved with exact dates and the reasons for the leave audit request. Where an incorrect application of a rule or system generated error is detected, M/CFO/P must be notified to conduct the analysis and audit related to the individual or group of employees affected.

In the rare instance where historical records to support restored leave are not available, employees may provide a statement with facts to support their request for restored leave. The facts must include information related to the timekeeper and approving officer/supervisor of record for the period related to the requested leave to be restored. Prior to determination by M/CFO/P of the

amount of leave to be restored, the facts must be reviewed and approved by the Deputy CFO for merit.

- b. Exigency of the Public Business:** The decision officer must have made a written determination, in advance of cancellation of the employee's annual leave, that an exigency of the public business existed and that there was no alternative to cancellation of that leave. In USAID, decision officers are those at the Assistant Administrator, Head of Independent Office reporting directly to the Administrator, and Mission Director level and above (the authority of these individuals is limited to determining that an exigency exists and concurring in cancellation of scheduled leave by the immediate supervisors and cannot be delegated further). A designated decision officer must not be an employee whose leave is affected by the decision.

The annual leave forfeited must be documented and approved in webTA before the start of the third biweekly pay period prior to the end of the leave year. The approving officer/supervisor must supply a signed and dated statement describing in detail the reason(s) and inclusive dates that the leave was canceled. The request must include:

- (1) The original, approved request for leave;
- (2) The decision officer's determination; and
- (3) The approving officer's statement.

Overseas employees submit requests to the post Executive Officer for forwarding to the appropriate AMS office at USAID/W. USAID/W employees submit requests through their supervisor to their AMS offices.

- c. Illness of the Employee:** Annual leave may be restored if it was forfeited due to the illness of the employee that occurred so late in the leave year or was of such duration that scheduled annual leave was not rescheduled prior to the end of the leave year. The annual leave that was canceled must be approved in webTA and dated before the start of the third biweekly pay period prior to the end of the leave year. As soon as possible after the forfeiture of leave becomes a matter of record, the employee must forward a restoration request. The request must include:
- (1) The approved request for sick leave in lieu of a previously approved request for annual leave; and
  - (2) The approving officer's/supervisor's written statement approving the employee's request for restoration of annual leave.

M/CFO/P makes the final determination on the number of hours of forfeited annual leave to be restored, based on a review of the documentation required in this section and an audit of the employee's leave records.

#### **480.3.2.4 Time Limit for Use of Restored Annual Leave**

Effective Date: 09/30/2014

Except for employees who fall under the determination of "National Emergency by Reason of Certain Terrorist Attacks" (see **480.3.2.1b**), employees must use restored annual leave within the time limits defined below:

- a. Exigency, Sickness, and Administrative Error:** Annual leave restored due to exigency of the public business, sickness, or administrative error must be scheduled and used no later than the end of the leave year ending two years after:
  - (1) The date of restoration of the leave forfeited because of administrative error;
  - (2) The date fixed by the decision officer as the termination date of the exigency of the public business which resulted in the forfeiture;
  - (3) The date the employee is determined to be recovered and able to return to duty if the leave was forfeited due to sickness; or
  - (4) The date that M/CFO/P verifies that leave was forfeited because of an error in the records.
- b. Extended Exigency of the Public Business:** Leave restored due to extended exigency must be scheduled and used within a time period that equals twice the number of full calendar years, or parts thereof, that the exigency existed. This time period begins at the beginning of the leave year following the leave year in which the decision officer determined the exigency ended.
- c. Former Missing Employees:** The Office of Personnel Management (OPM) determines time limits on a case-by-case basis.

#### **480.3.2.5 Disposition of Unused Restored Annual Leave**

Effective Date: 09/30/2014

An employee must receive a lump-sum payment for the unused restored annual leave not used before separation, if separation occurs before the end of the specified time limit for use. The payment is at the rate in effect at the time of separation.

Upon transfer to another federal agency an employee's restored leave transfers to that agency. Employees transferring to international organizations receive a lump-sum

payment for unused restored leave, if the transfer occurs before the end of the specified time limit for use.

Restored leave that is not used within the specific time limit, transferred, or included in a lump-sum payment is forfeited and will not be restored again (see [5 CFR 630.306](#)).

Unused restored annual leave may be transferred or donated under the Voluntary Leave Transfer Program (see [ADS 482, Voluntary Leave Transfer Program](#)) or used as substitution for unpaid leave under the Family Medical Leave Act (FMLA) (see [ADS 481, Family and Medical Leave \(FML\)](#)).

#### **480.3.2.6 Mandatory Approval of Annual Leave Requests**

Effective Date: 09/30/2014

The supervisor must approve leave in the following cases, provided the employee follows leave procedures and submits documentation acceptable to the Agency:

- a. A disabled veteran, providing the employee submits medical certification that medical treatment is required; and
- b. A member of a reserve component of the Armed Forces or the National Guard who is ordered to an initial period of active duty for training of no fewer than three consecutive months. The Agency has the option of granting annual leave, Leave without Pay (LWOP), or furloughing the employee.

#### **480.3.2.7 Advanced Annual Leave**

Effective Date: 09/30/2014

The Agency complies with the policy on advanced annual leave (also called unearned leave) as stated in [3 FAM 3416.1](#) and as supplemented below.

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

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

Requests for advanced annual leave are initiated by the employee who submits a written request in webTA. An employee must not be advanced annual leave when it is known or reasonably expected that the employee may not return to duty.

An employee may, with the consent of the Agency, arrange to refund advanced annual leave in cash if such an arrangement is mutually agreeable and administratively

feasible. The pay rate applicable to refund is that rate which was in effect at the time that the advanced annual leave was taken.

The refund of advanced annual leave does not apply when the employee:

- Dies;
- Retires for disability; or
- Resigns or is separated because a disability prevents the employee from returning to or continuing active duty and the Agency determines there is sufficient medical evidence for the separation.

#### **480.3.2.8 Refunding Leave Erroneously Credited or Used**

Effective Date: 09/30/2014

USAID adheres to the policy and procedures in [3 FAM 3416](#), as follows:

Whenever, at the end of the leave year, reductions in annual leave accruals due to periods in a non-pay status result in a final deficit in the annual leave account, the deficit amount will be carried forward for charge against leave earned in the following year, unless the employee chooses to liquidate the indebtedness by refund.

If a deficit results from erroneous computations or an advance in excess of that which could be earned during the leave year, the indebtedness must be liquidated by a refund of the amount paid for the period of such excess. If necessary, the refund should be effected by payroll deductions.

M/CFO/P must issue a notice of repayment to an employee who is erroneously credited leave or who used leave in excess of the amount to which the employee is entitled.

Refund of erroneously credited or used annual leave may be made by:

- a. Lump-sum payment in dollars equivalent to the dollar value of the leave at the time it was used;
- b. Installment payments in dollars (with interest charges at current Treasury rates applicable);
- c. One-time payment in an amount equivalent to accrued annual leave; or
- d. A debit carried forward as a charge against annual leave earned in the following year.

#### **480.3.2.9 Granting Annual Leave before Separation**

Effective Date: 09/30/2014



The Agency adheres to the policy and procedures on granting annual leave before separation as stated in [3 FAM 3417](#), as follows:

- a. Generally, an employee will be in active duty status on the last workday prior to separation and annual leave will not be granted immediately before separation, except when in the interest of the Agency.
- b. The Comptroller General has ruled that the fixing of a termination date to coincide with the expiration of annual leave for which lump-sum payment may be made must be avoided. The granting of such leave is limited to cases where the exigencies of the Agency's business require such action and is subject to prior approval.
- c. If an employee resigns or applies for retirement while on leave, leave with pay status terminates no later than the end of the pay period in which the notification is received by M/CFO/P. However, at his or her request, the employee may be continued on leave without pay for such period as deemed in the interest of the U.S. Government.

#### **480.3.2.10 Lump-Sum Payment for Annual Leave**

Effective Date: 09/30/2014

A federal employee is entitled to receive a lump-sum payment for any unused annual leave upon

- Separation or retirement from federal service;
- Death;
- Entering active duty in the armed forces and electing to receive a lump-sum payment for accumulated and current accrued annual leave; or
- Transferring to a position to which the employee's unused annual leave cannot be transferred or credited to the gaining agency.

If an employee departs before the end of the leave year, the employee will receive a lump-sum payment for all accrued leave. If an employee leaves just after the end of the leave year, the employee will receive the actual amount of leave carried over from one year to the next, not to exceed the maximum. Employees planning to depart the agency should pay special attention to the dates related to the end of the leave year<sup>4</sup>. Any such

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<sup>4</sup> A leave year begins on the first day of the first full biweekly pay period in a calendar year. A leave year ends on the day immediately before the first day of the first full biweekly pay period in the following calendar year. For leave year dates through 2020 see <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/leave-year-beginning-and-ending-dates/>. Also, see the NFC pay period calendar at: [https://www.nfc.usda.gov/Forms/pay\\_period\\_calendar.html](https://www.nfc.usda.gov/Forms/pay_period_calendar.html).

lump-sum payment will only be paid when the employee completes the Agency's exit clearance process.

Accumulated and accrued annual leave does not include annual leave received by a leave recipient under the voluntary leave transfer program.

Note: [5 USC § 6306](#) requires that when an employee is reemployed in the federal service prior to the expiration of the lump-sum period, he or she must refund an amount equal to the pay covering the period between the date of reemployment and the expiration of the period of annual leave (*i.e.*, the lump-sum leave period).

The process through which the lump-sum payment is calculated is stated in [4 FAH-3 H-537.2-1](#). For additional information, see the regulations at [5 USC § 5551](#), [5 CFR 550.1201 to 5 CFR 1207](#), as well as OPM's fact sheet "[Lump-Sum Payments for Annual Leave](#)."

#### **480.3.2.11 Reemployment Provisions**

Effective Date: 09/30/2014

In the event of reemployment, see [ADS 470, Pay Under the Foreign Service](#) or [ADS 471, Pay Under the General Schedule](#), as appropriate.

#### **480.3.2.12 Annual Leave in Lieu of Non-Pay Status during Suspension**

Effective Date: 09/30/2014

Annual leave in lieu of non-pay status during suspension will not be granted except when an employee is suspended summarily in the interest of national security under the provisions of [5 U.S.C. 7532](#). The policies and procedures on granting such leave are stated in [3 FAM 3418](#).

#### **480.3.2.13 Charging Annual Leave**

Effective Date: 09/30/2014

The Agency follows the policies and procedures stated in [3 FAM 3419](#), sections 3419.1 through 3419.6, which apply to both FS and CS employees, as follows:

##### **3419.1 Minimum Charge:**

The minimum charge for annual leave in USAID's webTA system is one quarter hour and additional charges are in multiples thereof.

##### **3419.2 Local Holidays**

Overseas posts will issue an administrative order excusing employees from duty on certain local national holidays (see [3 FAM 3419.2](#)).

(1) Annual or sick leave approved and scheduled for use after the issuance of

such an order, which falls on such local holidays, will not be charged to the employee. However, an employee is not entitled to any local holidays after departure from post on official travel orders or government sponsored travel (i.e., home leave, transfer orders, or rest and recuperation travel).

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

### **3419.3 Annual Leave in Lieu of Sick Leave:**

- a. At the written request of the employee, absence because of sickness or injury may be charged against annual leave rather than sick leave. Employees must make this request within two workdays after return to duty from the illness and may not be changed after that period. Otherwise, annual leave may not be substituted retroactively for a period previously recorded as sick leave.
- b. Annual leave may be used to liquidate an advance of sick leave provided the time remaining in the leave year would permit the use of such annual leave and the administrative approval for the use of such leave otherwise would have been granted.

### **3419.4 Annual Leave In Lieu of Home Leave:**

Annual leave may not be substituted at the end of the leave year for periods previously charged to home leave, unless a determination is made that a refund of all home leave is required and the employee must have the home leave charge changed to annual leave.

As per [3 FAM 3439, paragraph b](#), when a determination is made that a refund of all home leave is required, the employee must repay the transportation costs connected with the home leave and must have the home leave charge changed to annual leave. If a partial refund of home leave is required, that portion is charged to annual leave, and there is no requirement to repay the transportation costs, provided that the minimum time requirements for home leave are met (refer to [5 CFR 630.606, paragraph \(e\)](#)).

In accordance with [3 FAM 3439.1](#), the Chief, HCTM/FSP, may determine, upon recommendation by the Exceptions Committee, that no refund of home leave indebtedness is required:

- (1) When the employing agency determines that the employee's failure to return to duty and to serve one year of the tour abroad or serve six months of a domestic assignment was because of compelling personal reasons warranting a humanitarian or compassionate exception to the refund requirement. Such exceptions may involve physical or mental health or circumstances over which the employee had no control; or
- (2) When the employing agency determines that it is in the public interest not to return the employee to an assignment abroad.

**3419.5 Excess Transit Time (see also 480.3.10.1):**

Travel time in excess of allowed transit time will be charged to annual leave or leave without pay.

**3419.6 Involuntary Charges:**

It is within administrative discretion to close an office:

- When normal operations are interrupted by events beyond the control of management or employees;
- For managerial reasons;
- When the closing of an establishment or portion thereof is required for short periods of time; or
- When employees are released from work to participate in civil activities that the U.S. Government is interested in encouraging.

When an office is closed, compensation may not be withheld from per annum employees, or regular employees compensated at a per diem, per hour, or piecework rate. Regular employees in these categories are those who have a regular tour of duty, and whose appointments are not less than 90 days, or who have been currently employed for a continuous period of 90 days under one or more appointments without a break in service. During periods when offices are closed, employees who have annual leave or compensatory time to their credit may be required by administrative action to take such leave.

**480.3.3 Sick Leave**  
Effective Date: 09/30/2014

The Agency's policies and essential procedures for the accrual, approval, and charging of sick leave conform to [3 FAM 3420](#), and implementing guidelines and procedures

contained in [3 FAH-1 H-3420](#).

- a.** Consistent with [3 FAM 3423](#), an employee who follows procedures for applying for leave and provides any required medical certification as set out in the regulations must be granted currently accrued and accumulated sick leave for the following purposes:
- (1)** When the employee is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth;
  - (2)** For medical, dental, or optical examinations or treatments;
  - (3)** When, as determined by the health authorities having jurisdiction or by the employee's health care provider, the employee's health may jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease;
  - (4)** To provide care for a family member with a serious health condition:
    - a.** Up to 480 hours of sick leave may be used for this purpose in any leave year, minus any hours of leave taken for purposes described in [3 FAM 3423](#), subparagraph a(5) below;
    - b.** For a part-time employee or an employee with an uncommon tour of duty, an amount of sick leave equal to 12 times the average number of hours in his or her scheduled tour of duty each week may be used for this purpose in any leave year; and
    - c.** Accrued sick leave substituted for unpaid leave under the Family and Medical Leave Act to care for a covered service member does not count against the limit specified in this section (see [3 FAM 3423](#), paragraph b, below).
  - (5)** Up to 104 hours of sick leave may be used per leave year for the following purposes, or for a part-time employee or an employee with an uncommon tour of duty, the number of hours of sick leave he or she normally accrues during a leave year:
    - a.** To provide care for a family member who is incapacitated by a medical or mental condition;
    - b.** To attend to a family member receiving medical, dental, or optical examination or treatment;
    - c.** To provide care for a family member who, as determined by the health authorities having jurisdiction or by a health provider, would

jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease; and

- d. To make arrangements necessitated by the death of a family member or to attend the funeral of a family member.

(6) When an employee must be absent from duty for purposes relating to the 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. Adoptive parents who choose to be absent from work to bond with or care for a healthy adopted child may not use sick leave for this purpose. Parents may use annual leave or leave without pay for these purposes. An agency may request administratively acceptable evidence for absences related to adoption.

- b. The amount of accrued sick leave an employee may substitute for unpaid leave under the Family and Medical Leave Act to care for a covered service member may not exceed a total of 26 administrative workweeks.

There is no limitation on the amount of sick leave that can be accumulated. When an employee who leaves the Federal Government (has a break in service) and returns to work for the Federal Government, s/he is entitled to the recredit of his or her sick leave, regardless of the length of the break in service. Recredit of sick leave is accomplished using the SF-1150 Record of Leave Data which HCTM sends to M/CFO/P by email to NFCPay. (Note: Sick leave may not be recredited if the employee was reemployed by the Federal Government before December 2, 1994, after a break in service of more than three years, and the employee's sick leave was forfeited under the former regulation in effect at the time.)

For further information on sick leave, see the Fact Sheets on sick leave on OPM's Web site: <http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/sick-leave-general-information/>. Additionally, in the event of pandemics, OPM publishes additional guidance on workplace flexibilities (e.g., the Workplace Flexibilities for 2013 Seasonal Influenza (OPM) Notice includes guidance in the form of Q&As on the use of workplace flexibilities during the flu season at: <http://www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=5050>. Additional information is can be found on OPM's Web site: [Pandemic Information](#).

#### **480.3.3.1 Advanced Sick Leave**

Effective Date: 09/30/2014

- a. Consistent with the procedures in [3 FAM 3428](#), when required by the exigencies

of the situation and subject to approval by the employee's leave approving officer/supervisor and the restrictions in **c.** below, advanced sick leave may be granted in the amount of:

**(1)** Up to 240 hours to a full-time employee, including employees serving a probationary period and employees holding appointments with no expiration date:

- a. Who is incapacitated for the performance of his or her duties by physical or mental illness, injury, pregnancy, or childbirth;
- b. For a serious health condition of the employee or a family member;
- c. When the employee would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease;
- d. For purposes relating to the adoption of a child (see [3 FAM 3423, subparagraph \(6\)](#)); or
- e. For the care of a covered service member with a serious injury or illness, provided the employee is exercising his or her entitlement under provisions of the Family and Medical Leave Act ([5 U.S.C. 6382\(1\)\(3\)](#)).

**(2)** Up to 104 hours to a full-time employee:

- a. When he or she receives medical, dental, or optical examination or treatment;
- b. To provide care for a family member who is incapacitated by a medical or mental condition or to attend to a family member receiving medical, dental, or optical examination or treatment;
- c. To provide care for a family member who would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease; or
- d. To make arrangements necessitated by the death of a family member or to attend the funeral of a family member.

**b.** Sick leave advances are subject to the following requirements:

- (1) Requests for advanced sick leave must be submitted in writing and must be supported by a medical certificate or other satisfactory evidence in support of the request;
  - (2) Sick leave may be advanced only after all current accrued and accumulated sick leave is exhausted. Sick leave may be advanced even though the employee has annual leave to the employee's credit;
  - (3) Sick leave is advanced with the understanding that future absence due to illness must be charged to annual leave or LWOP until the total sick leave advance has been liquidated, except as provided above. An employee who subsequently retires (other than on disability) or resigns is liable for repayment of any outstanding negative sick leave balance. Exceptions to repaying the leave can be found in [5 CFR 630.209](#); and
  - (4) Sick leave may not be advanced to an employee when it is known that the employee does not intend to return to duty.
- c. Sick leave may be advanced as follows:
- (1) Up to 240 hours may be advanced per serious illness. In the event of another serious illness before liquidation of the original advance, an additional advance may be authorized, not to exceed a total deficit of 240 hours at any one time, subject to the same restrictions that applied to the original advance;
  - (2) Accrued and advanced sick leave combined may not exceed 480 hours per leave year to care for a family member with a serious health condition ([see 3 FAM 3423, subparagraph a\(4\)](#)). Of the 480 hours, 104 hours per leave year may be used for the purposes cited in [3 FAM 3423, subparagraph a\(5\)](#); sick leave advanced to care for a covered service member under the FMLA does not count against the 480-hour limit, but does count against the 240-hour limit on advanced sick leave ([3 FAM 3423, paragraph b](#));
  - (3) The maximum amount of sick leave that can be advanced to part-time employees or employees on an uncommon tour of duty is prorated based on the number of hours in the employee's regularly scheduled administrative work week;
  - (4) Advances of sick leave are within the discretion of the approving officer/supervisor. The approving officer/supervisor will consider the circumstances of each individual case, including the employee's past record of use of sick leave, whether the employee is under leave restriction, the recommendation of the employee's attending physician, and other pertinent factors; and



- (5) Sick leave may be advanced to employees holding temporary, limited-indefinite or time-limited appointments, except that such advances may not exceed the total sick leave that would accrue during the remaining period of such appointment. Appointments made subject to security clearance are considered as 90-day appointments until such clearance is made.

#### **480.3.4 Leave for Parental Reasons**

Effective Date: 09/30/2014

USAID adheres to the policies and procedures in [3 FAM 3350](#), for Leave and Reassignment of Duties for Maternity and Paternity Reasons.

In accordance with the Pregnancy Discrimination Act, an amendment to Title VII of the Civil Rights Act of 1964, discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII. It is USAID's policy to treat women affected by pregnancy or related conditions in the same manner as other applicants or employees with similar disabilities or limitations (see <http://www.eeoc.gov/facts/fs-preg.html>). Specifically:

- A female employee in USAID may request annual leave, sick leave, Family and Medical Leave (see [ADS 481](#) and [3 FAM 3530](#)) and/or LWOP or use other leave options for pregnancy and childbirth incapacitation and care of a newborn child.
- A male employee in USAID may request annual leave, sick leave, and/or LWOP consistent with current regulations for purposes of care of a newborn child or the mother of his newborn child while she is incapacitated for maternity reasons.

Guidance on these leave categories is located in [3 FAM 3410, Annual Leave \(including Advanced Annual Leave\)](#); [3 FAM 3420, Sick Leave \(including Advanced Sick Leave\)](#); [3 FAM 3530, The Family and Medical Leave Act of 1993](#), and [3 FAM 3510, Leave without Pay](#). In addition, for employees who exhaust their leave, other options as highlighted in [OPM's Fact Sheet on Leave and Work Scheduling Flexibilities Available for Childbirth](#) are available to employees. For example:

- Donated leave under the Voluntary Leave Transfer Program (see [ADS 482](#));
- Family and Medical Leave (see [ADS 481](#));
- [3 FAM 3130](#), Premium Compensation (for Compensatory Time);
- [ADS 472](#), Premium Compensation for compensatory time for travel;
- Telework (see [ADS 405, Telework](#)); and

- Flexible Work Schedules (see [ADS 479, Hours of Duty](#))

to ensure continued paid coverage during the entire medical period.

Leave Administration information is also posted on HCTM's Web site at <https://pages.usaid.gov/HCTM/what-we-provide>.

As noted in the OPM guidance, employees can use a variety of leave options when scheduling leave during pregnancy and following childbirth. Some specific options include:

- a. A birth mother may use accrued sick leave (annual may be substituted if sick leave is exhausted) for medical appointments, hospitalization, and her period of incapacitation following childbirth. A birth father may use a total of up to 12 weeks of accrued sick leave (or annual if sick leave is exhausted) each year to accompany the mother to prenatal appointments, to be with her during her period of incapacitation, and/or care for her during her recovery period (which most doctors certify can last about six weeks).
- b. If either the birth mother or father (or domestic partner) exhausts her or his annual and sick leave, he or she is eligible to receive transferred leave under the voluntary leave transfer program (see [ADS 482](#)).
- c. At the Agency's discretion, a birth mother may receive up to 30 days of advanced sick leave during her period of incapacitation for pregnancy and childbirth, or to care for a child who is ill.
- d. At the Agency's discretion, a father of a newborn, or a domestic partner of a birth mother, may also receive up to 30 days of advanced sick leave to care for the mother during her period of incapacitation for pregnancy and childbirth, or to care for a child who is ill.
- e. An employee may receive, in advance, the amount of annual leave that employee would accrue during the remainder of that leave year.
- f. Subject to supervisory approval, both parents may use leave without pay for pregnancy and childbirth or to be absent from work to bond with or care for a healthy newborn.

In terms of bonding with a child following birth or adoption, an employee can take Family Medical Leave for any child for whom he or she stands in "*loco parentis*" as explained in [CPM 2010-15, Interpretation of Son or Daughter under the Family and Medical Leave Act](#).

In terms of caring for a family member who has given birth, the individual for whom the employee is providing care must meet the definition of "*family member*" used for sick

leave purposes. A family member is an individual with any of the following relationships to the employee:

- (1) Spouse, and parents thereof;
- (2) Sons and daughters, and spouses thereof;
- (3) Parents, and spouses thereof;
- (4) Brothers and sisters, and spouses thereof;
- (5) Grandparents and grandchildren, and spouses thereof;
- (6) Domestic partner and parents thereof, including domestic partners of any individual in two through five of this definition; and
- (7) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

#### **480.3.5 Buy Back of Leave (Leave Repurchase)**

Effective Date: 09/30/2014

An employee may use sick leave and/or annual leave during a period of absence due to an on-the-job injury or illness. Subject to Office of Workers Compensation Programs (OWCP) approval, an employee has the option of buying back leave used as a result of a work-related injury or illness. The employee must request that the leave record be changed to leave without pay within one year after the date leave was used or the date the claim was accepted, whichever is later. The request must be based on an OWCP accepted claim and must be justified by medical evidence supporting the periods of absence (see [ADS 442, Workers' Compensation Program](#)).

#### **480.3.6 Home Leave**

Effective Date: 09/30/2014

The Agency's policies and essential procedures for the accrual, approval, and charging of home leave generally conform to the recently revised [3 FAM 3430](#) and implementing guidelines and procedures contained in [3 FAH-1 H-3430](#). When USAID has unique policies or when differences between USAID policy and [3 FAM 3430](#) occur, this ADS chapter has precedence.

- a. Eligibility and Authority (see [3 FAM 3431](#))
- b. Definitions Applicable to Home Leave (see [3 FAM 3432](#) and [3 FAH -1 H-3432](#))

#### **480.3.6.1 Effect of Resident-Hire Employment**

Effective Date: 09/30/2014

A resident-hire employee (see **480.6**) is not eligible to accrue or use home leave unless the employee established eligibility to earn home leave under a regular FS appointment. If eligibility is established, the employee continues to accrue home leave and may be authorized home leave on a one-time basis upon completion of the initially prescribed tour of duty as a regular employee, if the post has approved return to post in a full-time, resident-hire position.

#### **480.3.6.2 Other Considerations**

Effective Date: 09/30/2014

USAID adheres to the policies and procedures on Other Considerations as stated in [3 FAM 3433](#), as follows:

- a. **Fewer than 18 Months of Continuous Service Abroad:** The CHCO may grant home leave in certain circumstances, such as when a post is designated an imminent danger area and employees are evacuated; or when an assignment is terminated at the convenience of the U.S. Government and/or when the needs of the Agency so warrant (see [3 FAM 3433.1](#) for complete guidance).
- b. **Dual Entitlements:** Employees may not receive dual entitlements. Therefore, home leave for tandem couples and for spouses or domestic partners of an employee who is serving at post as a member of the Uniformed Service or as an employee of another U.S. Government agency is subject to certain restrictions ([see 3 FAM 3433.2](#)).
- c. **Eligibility of Family Members:** Family members normally qualify for Home Leave travel based on the eligibility and entitlement of the employee. However, additional provisions apply to Eligible Family Members (EFMs) taking home leave (see [3 FAM 3433.3](#)). For example, if an employee and family take home leave before the employee departs for a CPC, the EFMs remaining in the overseas post are not entitled to travel at U.S. Government expense to accompany the employee on his or her mandatory home leave at the end of 12 months' service in the CPC. State Department cables issued annually contain the home leave guidance and options available to employees serving in CPCs and their families. Employees should consult their HR Specialist for appropriate guidance.

#### **480.3.6.3 Home Leave Followed by an Assignment Abroad**

Effective Date: 09/30/2014

USAID adheres to the policies and procedures on "Home Leave Followed by an Assignment Abroad" as stated in [3 FAM 3434](#), as follows:

- a. Standard (see [3 FAM 3434.1](#))
- b. Minimum (see [3 FAM 3434.2](#))

- c. Maximum (see [3 FAM 3434.3](#))
- d. Interruption of Home Leave (see [3 FAM 3434.4](#))
- e. Delayed Home Leave (see [3 FAM 3434.5](#))

The intent of home leave is that it be taken in one continuous period. However, in some cases, this period may have to be interrupted for training, consultation, community relations programs or other circumstances subject to approval as set forth below:

For Home Leave/Return to Post orders for FS employees, Missions are authorized to approve fragmentation of home leave for such purposes as noted above. Missions are expected to document in writing any decision made to fragment home leave. For Home Leave/Return to Post orders for Senior Management Group (SMG) employees, requests for fragmentation of home leave are approved by the Chief, HCTM/FSP in coordination with the appropriate Bureau AA.

All requests for fragmentation of home leave in conjunction with Home Leave/Transfer orders are approved by the appropriate servicing division in HCTM/FSP.

Any change to the home leave period stated in the departure notice cable, but within the 20 day minimum/45 day maximum, must be approved in advance by the office where the employee's timekeeping is performed.

If prior approval is not obtained and the reasons for extension are unacceptable to the approving officer/supervisor, leave taken in excess of that authorized in the departure notice cable will be charged to annual leave if the employee has a positive annual leave balance, otherwise it will be charged to LWOP.

#### **480.3.6.4 Home Leave in Connection with an Assignment in the United States** Effective Date: 09/30/2014

USAID adheres to the policies and procedures in [3 FAM 3435](#) for "Home Leave in Connection with an Assignment in the United States".

- a. Home Leave before Next Assignment (see [3 FAM 3435.1](#))
- b. Deferred Home Leave (see [3 FAM 3435.2](#))

#### **480.3.6.5 Annual Leave In Lieu of Home Leave at Government Expense** Effective Date: 09/30/2014

USAID adheres to the policies and procedures in [3 FAM 3436](#).

#### **480.3.6.6 Restrictions on Home Leave** Effective Date: 09/30/2014

USAID adheres to the policies and procedures in [3 FAM 3437](#), as follows:

- a. Home Leave Not Authorized Abroad (see [3 FAM 3437.1](#))
- b. Combining Home and Annual Leave (see [3 FAM 3437.2](#))
- c. Unused Home Leave (see [3 FAM 3437.3](#))
- d. Return to Duty Abroad (see [3 FAM 3437.4](#))
- e. Not Authorized at Separation (see [3 FAM 3437.5](#))
- f. Scheduling Travel (see [3 FAM 3437.6](#))

**480.3.6.7 Charging Home Leave**

Effective Date: 09/30/2014

USAID adheres to the policies in [3 FAM 3438](#) for charging home leave.

**480.3.6.8 Failure to Return to Service**

Effective Date: 09/30/2014

USAID adheres to the policies and procedures in [3 FAM 3439](#) for employees' failure to return to service abroad, as follows:

- a. Exceptions (see [3 FAM 3439.2](#))
- b. Involuntary Separation While on Home Leave (see [3 FAM 3439.2](#))
- c. Home Leave Address of Record (see [3 FAM 3439.3](#))

**480.3.7 Local Holidays**

Effective Date: 09/30/2014

No employee is entitled to any local holidays after departure from post on official travel orders or government sponsored travel (i.e. home leave, transfer orders, or rest and recuperation travel) (see [3 FAM 3419.2](#) and [480.3.2.13](#)).

**480.3.8 Military Leave**

Effective Date: 09/30/2014

USAID complies with the policy and essential procedures outlined in [3 FAM 3440](#), as follows:

- a. All full-time career employees and limited appointees whose appointments are for one year or more are entitled to military leave, when official orders are

presented to the approving officer/supervisor. Military leave is prorated for part-time career employees and employees on an uncommon tour of duty (see [3 FAH-1 H 3440, Exhibit 3441.1](#)). Employees who are members of the:

- (1) Army National Guard of the United States;
- (2) Army Reserve;
- (3) Naval Reserve;
- (4) Marine Corps Reserve;
- (5) Air National Guard of the United States;
- (6) Air Force Reserve; and
- (7) Coast Guard Reserve

must be granted 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. Except as provided in b and d, below, 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. Twenty-two (22) workdays of military leave per calendar year will 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. Reserve and National Guard technicians only are entitled to 44 workdays of military leave per calendar year for duties abroad under certain conditions.
- e. Employees ordered to extend active duty for general service with the Armed Forces shall be placed on military furlough (see [3 FAM 2560](#)).

The procedures for computing leave and restrictions on its use are contained in [3 FAM 3443-3446](#) and [3 FAH-1 H-3440](#).

#### **480.3.9 Court Leave**

Effective Date: 09/30/2014

Court leave is the authorized absence, without charge to annual leave or loss of compensation, of an employee from official duty for jury duty or for appearance as a witness in a nonofficial capacity on behalf of any party in any judicial proceeding to

which the United States, the District of Columbia, or a State or local government is a party.

Consistent with the policy in [3 FAM 3450](#), USAID will not ask that their employees be excused from jury duty, except in cases of real necessity. Such a policy does not prohibit the employee from requesting an exemption for compelling personal reasons on the employee's own initiative.

An employee who is under proper summons from a State or federal court to serve on a jury must be granted court leave of absence with pay for the entire period, from the date stated in the summons on which the employee is required to report to the court to the time the employee is discharged by the court, regardless of the number of hours per day or days per week the employee actually serves on the jury during the period. However, the term of the jury service does not include time during which the employee is excused or discharged by the court for any indefinite period subject to call by the court or for a definite period in excess of one day.

Further information on the requirements and essential procedures for court leave is outlined in [3 FAM 3450](#) and [3 FAH-1 H-3450](#).

#### **480.3.10 Other Paid Leave**

Effective Date: 09/30/2014

USAID complies with the policy and essential procedures outlined in [3 FAM 3460](#) and [3 FAH-1 H-3460](#).

##### **480.3.10.1 Transit Time**

Effective Date: 09/30/2014

USAID complies with the policy and essential procedures outlined in [3 FAM 3463](#) (see [3 FAM 3463](#) sections 1-5 and [ADS 472](#) for policy related to compensatory time for travel).

Consistent with [3 FAM 3463.1](#), transit time may be granted between the points of departure and destination named in the travel authorization. The appropriate headquarters office will grant transit time for employees traveling under official orders who terminate their travel in the United States. The post of destination is authorized to grant transit time for travel performed under official orders by employees completing travel at their post.

In accordance [3 FAM 3463.2](#), the following policy applies to transit time in connection with leave:

- a. Employees will be granted transit time in connection with authorized home leave travel to the United States (or to a U.S. Commonwealth or possession if that is the employee's home leave residence).
- b. Transit time may be granted by the post for R&R travel or family visitation



travel (FVT) if travel cannot be scheduled on nonworkdays due to circumstances beyond the employee's control. Such circumstances might include lack of air transportation from and/or to post on nonworkdays, irregular connections from and/or to post, or compassionate reasons. Such circumstances do not include the employee's personal convenience. Normally, transit time will be limited to one day for each leg of R&R or FVT, and should not exceed two days. If the employee makes a stopover for his or her convenience, transit time may only be granted to the stopover point.

Consistent with [3 FAM 3463.3](#), sections 1-4, the policies on time limitation are:

**1. Circumstances Beyond Control of Traveler ([3 FAM 3463.1](#)):**

For travel other than R&R and FVT above, when a greater amount of time than that normally required to complete travel is spent either in travel or in awaiting transportation because of circumstances of which the traveler has no control and could not reasonably avoid, the actual amount of time spent must be considered transit time.

**2. Use of Privately Owned Conveyance ([3 FAM 3463.3-2](#)):**

If travel is performed by privately owned (POV) conveyance, a reasonable amount of time, in view of the distance and route traveled and the circumstances of the journey will be considered transit time whenever such mode of travel is more advantageous to the U.S. Government if transit time is granted for the travel (see [14 FAM 566](#)).

**3. Delays in Awaiting Transportation Due to Personal Reasons ([3 FAM 3463.3-3](#)):**

If an employee relinquishes duties prematurely for his or her own convenience and proceeds to the point of departure, any period spent awaiting transportation must not be considered transit time. In such cases, allowable transit time may only be computed from the date the employee would have normally been required to begin official travel. Any delay due to missed connections that result when an employee delays departure from post or interrupts travel for personal convenience must not be considered transit time.

**4. Allowable Transit Time ([3 FAM 3463.3-4](#)):**

When the first day of transit time has been authorized and established, each consecutive workday thereafter actually and necessarily spent in travel, including authorized rest stops and time necessarily spent in awaiting transportation en route, will be considered transit time.

In accordance with [3 FAM 3463.4](#), the policy on charging time in excess of allowable transit time is:

Time used by the employee in travel and in awaiting transportation that is in excess of allowable transit time will be charged against annual leave, if available, earned compensatory time, or leave without pay. The basis is eight hours for each workday subsequent to the date the employee could have arrived at the destination had the employee proceeded by a usually traveled route, and by the mode of transportation prescribed in pertinent travel regulations. Computation of allowable transit time for leave purposes must be independent of computation of per diem for the purposes of determining allowable travel expenses.

In accordance with [3 FAM 3463.5](#), the policy on transit time in connection with separation is:

Transit time is allowable when travel commences on the first workday following relinquishment of duty or, when leave is granted, not later than the expiration date of approved leave.

#### **480.3.10.2 Excused Absence**

Effective Date: 09/30/2014

USAID complies with the policy and essential procedures outlined in [3 FAM 3464, sections 1-6](#), as follows:

Excused absence is an absence from duty administratively authorized or approved by the approving officer/supervisor and does not result in a charge in leave of any kind or in loss of basic salary.

Excused absence may generally be granted for the following purposes:

- (1) Absences of one hour or less due to emergencies or tardiness;
- (2) To undergo physical examination:
  - a. When required pursuant to regulations; or
  - b. When required by induction or enlistment in the Armed Forces of the United States, provided the request for absence is supported by official notification from appropriate military authority. However, if hospitalization for additional tests is required, that time may not be excused;
- (3) For time spent in health rooms if such cumulative time is one hour or less in one day. Time in excess of one hour should be charged as sick leave;
- (4) For examination or outpatient treatment by a U.S. Government physician or by a facility officially authorized to handle cases of employees injured in the

performance of duty. However, this does not apply to additional absence on account of the injury where treatment is not involved;

- (5) To visit blood donor centers for the purpose of donating blood without a charge to leave. The employee may be excused for four hours (only on the day blood is donated) in addition to the time required to travel to and from the blood donor center and to actually give blood. If the employee is not accepted for blood donation, only the time necessary for the round trip is to be excused;
- (6) To participate in Foreign Service or Civil Service examinations when it is deemed to be primarily in the interest of the U.S. Government;
- (7) To permit employees who are veterans of any war, campaign, or expedition for which a campaign badge has been authorized, or are members of official honor or ceremonial groups or organizations, to participate as active pallbearers or guards of honor in funeral ceremonies for members of the U.S. Armed Forces whose remains are returned from abroad for final interment in the United States. Such periods of excused absence are limited to four hours;
- (8) When a post is closed to the public on local holidays by administrative order, or when federal work may not be properly performed. However, U.S. citizen employees may be required to work on such days, and are not entitled to holiday pay or overtime pay for such work;
- (9) To attend incentive award ceremonies or to pay respect to retiring employees at a ceremony or reception; and
- (10) When the officer in charge of an establishment, domestic or abroad, authorizes group dismissals of employees for a reasonable period due to extreme climatic conditions, civil disturbance, transportation failure, breakdown of heating or cooling systems, and natural disasters such as a hurricane or earthquake, etc.

Excused absence may be directed in rare circumstances and when authorized as provided by [3 FAH-1 H-3461.2](#) when an investigation, inquiry, or disciplinary action regarding the employee's conduct is pending, has been requested, or will be requested within two workdays, and the continued presence of the employee in the workplace may pose a threat to the employee or to others, or may result in loss of, or damage to, U.S. Government property, or may otherwise jeopardize legitimate U.S. Government interests.

In accordance with [3 FAM 3464.2](#), the policy on excused absence for voting and registering is:

- a. As practicable, without interfering with operations, employees may travel, at their own expense, to their legal voting residence in the United States to vote or register in any election or referendum on a civic matter in their

community.

- b. Such time may be excused if:
- (1) The polls are not open at least three hours either before or after an employee's regular work hours. In such cases, excused absence is limited to the time necessary to permit the employee to either report to work three hours after the polls open or leave work three hours before polls close;
  - (2) Exceptional circumstances require the employee to be absent for up to one full workday in order to vote. For example, the jurisdiction requires registration in person, registration is not available on a nonwork day and the place of registration is within a reasonable one-day round-trip.

Consistent with [3 FAM 3464.3](#), the policy on transition leave is:

- a. Transition leave is 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.
- b. Fifteen (15) working days of transition leave will be granted to Civil Service employees on limited noncareer appointments (LNA) who serve at least 18 consecutive months abroad (12 months at posts designated by the Director General per [3 FAM 3433.1](#)) and immediately return to work for their parent agency in the United States for at least six months.
- c. Ten (10) working days of transition leave will be granted to Foreign Service employees returning for a domestic assignment who are ineligible for home leave due to the fact that they will not return to service abroad because of mandatory retirement, and who meet all other home leave eligibility criteria. Employees must serve at least 18 consecutive months abroad (12 months at posts designated by the Director General per [3 FAM 3433.1](#)) and immediately return to work for their parent agency in the United States for at least six months.
- d. Normally, transition leave is voluntary. However, transition leave is mandatory following service at a post designated by the Director General under [3 FAM 3433.1](#). By request of an employee, this requirement may be waived based on personal needs, particularly if taking transition leave would negatively impact his or her ability to reconnect with immediate family members. Waiver requests must be approved by the Director General.
- e. Transition leave will be approved for use in the United States only after

termination of an assignment abroad and before reporting to a new assignment in the United States. Transportation within the United States is not provided. An employee may request to use transition leave after he or she reports to a new assignment only for compelling personal reasons of a compassionate nature, or for the needs of the Agency. A request to defer the usage of transition leave must be made, in writing, to the Executive Director of the gaining office for his or her approval before the employee departs the post abroad. However, under no circumstances will transition leave be approved for use more than 30 calendar days after an employee has reported to work in the United States. Transition leave will be noted on travel authorizations.

- f. Requests for use of transition leave or deferral of such leave must be submitted to the leave approving officer/supervisor in the gaining bureau or office.

In accordance with [3 FAM 3464.4](#) and [3 FAH-1 H-3464](#), the Agency allows funeral leave for immediate relatives in the case of a death of a member of the U.S. Armed Forces. "Immediate relative" is defined in [5 C.F.R. 630.803](#) and means the following relatives of the deceased member of the U.S. Armed Forces:

(1) Spouse and parents thereof;

(2) Sons and daughters, and spouses thereof; son or daughter means—

- A biological, adopted, step, or foster son or daughter of the employee;
- A person who is a legal ward or was a legal ward of the employee when that individual was a minor or required a legal guardian;
- A person for whom the employee stands in loco parentis or stood in loco parentis when that individual was a minor or required someone to stand in loco parentis; or
- A son or daughter, as described in this definition, of an employee's spouse or domestic partner.

(3) Parents and spouses thereof; parent means—

- A biological, adoptive, step, or foster parent of the employee, or a person who was a foster parent of the employee when the employee was a minor;
- A person who is the legal guardian of the employee or was the legal guardian of the employee when the employee was a minor or required a legal guardian; or

- A person who stands in loco parentis to the employee or stood in loco parentis to the employee when the employee was a minor or required someone to stand in loco parentis.
- A parent, as described in this definition, of an employee's spouse or domestic partner.

**(4)** Brothers and sisters, and spouses thereof;

**(5)** Grandparents and grandchildren, and spouses thereof;

**(6)** Domestic partner (an adult in a committed relationship with another adult, including both same-sex and opposite-sex relationships) and parents thereof, including domestic partners of any individual in (1) through (5), above; and

**(7)** Any individual related by blood or affinity whose close association with the deceased was such as to have the equivalent of a family relationship.

An employee must be granted funeral leave (without loss or reduction in pay, leave to which otherwise entitled, or credit for time or service, and without adversely affecting performance rating) as is needed and requested, but not to exceed three workdays, to make arrangements for, or to attend the funeral or memorial service for an immediate relative who dies as a result of a wound, disease, or an injury incurred while serving as a member of the U.S. Armed Forces in an area designated by Executive Order as a combat zone. The three days do not have to be consecutive. For periods in excess of the three days permitted under this section, employees may request sick leave for bereavement purposes per [3 FAH-1 H-3425](#).

An employee may be excused for a period not to exceed eight hours to make arrangements for or to attend the funeral or memorial service for an immediate relative killed in line of duty in the U.S. Armed Forces in an area other than a combat zone (when the relative died as a result of service in a combat zone, see [3 FAM 3464.4-1](#)). For periods in excess of the permitted eight hours, employees may request sick leave for bereavement purposes, per [3 FAH-1 H-3425](#).

The Agency's policy on Absences Resulting From Hostile Action Abroad is contained in [3 FAM 3464.5](#), as follows:

- a. No leave should be charged to the account of any employee for absence, not to exceed one continuous year, due to any injury incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action, provided that the injury was not due to vicious habits, intemperance, or willful misconduct on the part of the employee (see [3 FAM 3414](#) for possible restoration of forfeited annual leave for employees in a missing status).

- b. The CHCO or designee approves requests for such absences without charge to leave.

In accordance with [3 FAM 3464.6](#) and [5 U.S.C.6327](#), employees are entitled to excused absence to serve as a bone marrow or organ donor, as follows:

- a. A full-time employee is entitled to excused absence not to exceed seven days (or 56 hours) in any calendar year for the time necessary to serve as a bone-marrow donor. Excused absence for bone-marrow donation may be used for compatibility testing as well as actual donation and treatment.
- b. A full-time employee is entitled to excused absence not to exceed 30 days (or 240 hours) in any calendar year for the time necessary to serve as an organ donor. Excused absence for organ donation may be used for compatibility testing as well as actual donation and recuperation.
- c. These amounts are prorated for part-time employees and employees on uncommon tours of duty.

#### **480.3.10.3 Leave for Religious Holidays**

Effective Date: 09/30/2014

USAID complies with the policies outlined in [3 FAM 3465](#) and procedures outlined in [3 FAH-1 H-3418](#).

In order to meet the employer's legal obligation under Title VII of the Civil Rights Act of 1964 to provide reasonable accommodation to employees for religious purposes, leave approving officers/supervisors must grant annual leave to permit employees to participate in their personal religious observances unless to do so would create an undue burden upon the employer. Such absences will be charged to annual leave or to compensatory time or, if the employee has neither, to leave without pay.

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

The premium pay provisions for overtime work do not apply to compensatory work performed by an employee for this purpose (see [ADS 472](#), Premium Compensation).

See [3 FAM 3130](#), specifically [3 FAM 3133.6](#) for regulations concerning special compensatory time off for religious observances.

**480.3.10.4 Other Excused Absence**

Effective Date: 09/30/2014

Other Excused absence (also referred to as Administrative Leave): Absence from duty that is administratively authorized or approved does not fall into one of the previous categories and does not result in a charge to leave of any kind or in loss of basic salary. Decisions to grant such leave are generally made by the first line supervisor on a case-by-case basis. Examples include.

- a. Ceremonies of the U.S Government: Employees may be excused to attend ceremonies and official functions of the U.S. Government, which are of sufficient importance to warrant the attendance of the employees involved.
- b. Non-U.S. Government Civic Ceremonies: Employees may be granted excused absence, generally less than half of a workday, to participate in civil activities which the government is interested in recognizing or encouraging, e.g., Boy/Girl Scout ceremonies, a dedication of memorials.
- c. Conferences or Conventions: Supervisors may grant employees excused absences to attend conferences or conventions when attendance will serve the best interests of the Federal service. Excused absence may be restricted to those situations in which the employee is a contributor on the agenda.
- d. Physical Fitness: Supervisors may grant employees excused absences for a short period for participating in officially sponsored and administered physical fitness programs that are non-recurring events (typically one-time or annual).
- e. Volunteer Activities: In limited circumstances, employees may be granted Administrative Leave for short periods of time by the supervisor to participate in volunteer activities. As a general rule, supervisors may grant a brief period (usually one day or less) of excused absence for employee participation in volunteer activities that are:
  - (1) Directly related to the Agency's mission;
  - (2) Officially sponsored or endorsed by the Agency;
  - (3) Enhance the professional development and/or skills of employees in their current positions; and/or
  - (4) Determined to be in the interest of the Agency.
- f. The Agency adheres to guidance provided by OPM when Government-wide closure or early dismissal decisions are announced affecting federal



agencies in the Washington metropolitan area. The Agency issues a notice to USAID/W employees each year and throughout the year, as needed, to inform them of emergency dismissal and closure procedures for adverse weather conditions, power failures, and other emergency situations.

- g.** Other administrative purposes as determined by management.

#### **480.3.10.5 Packing and Unpacking Effects**

Effective Date: 09/30/2014

The Agency adheres to the provisions of the Foreign Affairs Handbook in allowing supervisors to excuse a member of the Service to be present at the member's residence for a period not to exceed 16 work-hours for packing and 8 hours for unpacking when required by and in connection with the member's:

- a.** Permanent transfer abroad;
- b.** Transfer from one post to another;
- c.** Transfer from abroad to an assignment in the U.S.; or
- d.** Transfer between domestic assignments located more than 100 miles apart.

In exceptional circumstances, where the member can document the need for more time for packing or unpacking, a supervisor may excuse up to an additional 16 work-hours for packing and 8 work-hours for unpacking. The leave periods do not need to be consecutive. Absence for this purpose in excess of the specified periods in the preceding sections must be charged to annual leave or to leave without pay (see [3 FAH-1 H-3465](#)).

#### **480.3.11 Officers Exempt From Leave**

Effective Date: 09/30/2014

Agency Mission Directors, Deputy Mission Directors, or Principal Officers appointed under authority of the Foreign Service Act of 1980, as amended, are covered by the leave laws, and the policies and essential procedures of this ADS chapter.

Notwithstanding Agency practice in this regard, the President may appoint employees to these positions under the authority of [22 USC 2391](#) (Section 631 of the FAA of 1961, as amended). An employee who is appointed under this authority is exempt from leave under the provisions of [3 FAM 3320](#):

- Those members of the Senior Foreign Service and Foreign Service Officers serving under Presidential appointments (e.g., chiefs of mission, Executive Schedule positions, and in rare instances, certain statutory rate or

administratively determined positions) effective after October 21, 1991 are required to make an election whether they will serve during the period of this Presidential appointment in Presidential Appointee (PA) pay and leave status, or in Senior Foreign Service status.

- Those individuals opting for Presidential appointee pay and leave status are not covered by the various statutory and regulatory provisions governing annual, sick and home leave as of the effective date of their appointment (i.e., oath of office). Time taken off from the job while in Presidential pay and leave status is not charged under a leave system. In other words, members do not accrue or use leave. The current balance of these leave categories is frozen until the SFS member returns to FS status, terminates employment, or retires.

The policies and procedures concerning absence from post of exempt officers are covered in [3 FAM 3323](#) and [3 FAH-1 H 3320](#).

#### **480.3.12 Disposition of Leave Balances**

Effective Date: 09/30/2014

USAID complies with the policies and procedures governing the disposition of leave balances as set out in [3 FAM 3330](#).

#### **480.3.13 Leave Without Pay (LWOP)**

Effective Date: 09/30/2014

LWOP is temporary non-pay, non-duty status requested by the employee. It is an approved, legitimate use of leave not to be confused with absence without leave as described in **480.3.13**. Except as specifically noted in this section or in **480.3.11**, USAID complies with the policies and essential procedures pertaining to LWOP as detailed in [3 FAM 3510](#) and [3 FAH-1 H-3510](#).

In granting LWOP, the Agency examines each request to ensure that the value to the government or the needs of the employee are sufficient to offset the costs and administrative inconveniences that may result from the retention of an employee in a LWOP status. The cost and other factors considered are:

- Encumbrance of a position;
- Loss of services;
- Compilation of retention preference registers in the event of reduction in force;
- Obligations to provide active employment at the end of the approved leave period;
- Creditable service for such benefits as retirement (e.g., six months per calendar

year for LWOP), leave accrual, within-grade increases, and severance pay; and

- Eligibility for continued coverage (without cost to the employee for up to one year of non-pay status) for life insurance and continued coverage (with payment of employee's portion of the premium by the employee for up to one year) for health insurance benefits.

As a basic condition to approval of extended LWOP, there should be reasonable expectation that the employee will return at the end of the LWOP. In addition, it should be apparent that at least one of the following benefits would result:

- Increased job ability,
- Protection or improvement of employee's health,
- Retention of a desirable employee,
- Fulfillment of parental or family responsibilities, or
- Furtherance of a program of interest to the government.

In addition to the statutory purposes for which LWOP is granted (leave under the Family and Medical Leave Act, etc.), LWOP may be granted for the following reasons (see [3 FAH-1 H-3514](#)):

- (1) For periods of 30 calendar days or less for any reasonable purpose ([3 FAM 3514.1](#)).
- (2) LWOP in excess of 30 calendar days may be granted to allow an employee to pursue advanced education (see [3 FAH-1 H-3514.1](#)); for temporary service with a non-federal public or private enterprise (see [3 FAH-1 H-3514.2](#)); to recover from illness or disability (see [3 FAH-1 H-3514.3](#)); and other purposes as described in [3 FAH-1 H-3514.4](#).

In making requests for extended LWOP employees should be aware that their eligibility for benefits may be affected. For example, employees who remain on LWOP for more than one year will lose eligibility for enrollment in the Federal Health Benefits program. Full details on the effect of extended LWOP on federal benefits can be found on the Office of Personnel Management's Web site at <http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/effect-of-extended-leave-without-pay-lwop-or-other-nonpay-status-on-federal-benefits-and-programs/>.

For planning purposes, employees should always be aware that holidays occurring within a period of non-pay status for which pay would otherwise be received are recorded as LWOP. If the employee is in a pay status at the close

of business on the last workday preceding the holiday or at the beginning of business on the first workday following the holiday, the employee receives pay for the holiday.

**Note:** LWOP for FS Career Candidates is subject to the following special condition:

LWOP of more than 80 hours in a leave year may be granted to career candidates for compassionate reasons (illness, or family and medical reasons under the Family and Medical Leave Act, and for personal emergencies). Since career candidates are on a five-year limited appointment which statutorily cannot be extended except in very limited circumstances (see [ADS 414mad 4\(c\)](#)), requests for extended periods of leave without pay are not recommended prior to tenure and will not be approved if the period of absence would place a career candidate in jeopardy of separation due to expiration of the five-year appointment before tenuring requirements are met. Time in LWOP status of 80 hours or less in one year does not affect the 36 months continuous USAID service requirement for tenure.

#### 480.3.13.1 LWOP Approval Requirements

Effective Date: 09/30/2014

All LWOP requests must be made in writing by memo or email (as well as recorded in webTA) and must include the reason for the request, and proposed beginning and end dates. Requests must be submitted as follows:

- a. FS and CS career employees: The following approvals are required for LWOP from both CS and FS employees of USAID. These procedures supplement [3 FAM 3513](#) through [3 FAM 3517](#).

LWOP Requested	Approving Officer
<i>For overseas employees:</i>	
30 days or less	Mission Director
More than 30 days but not to exceed 90 days	Mission Director with advance notification of HCTM/FSP
<u>More than 90 days</u>	Mission concurrence is required before Chief, HCTM/FSP can approve
<i>For USAID/W employees:</i>	
30 days or less	Second level supervisor
More than 30 days but not to exceed 90 days	Head of Office or Bureau AA (which may be delegated to DAA) with advance notification of HCTM/CSP or HCTM/FSP required

LWOP Requested	Approving Officer
More than 90 days	Bureau/Office concurrence is required before Chief, HCTM/CSP or HCTM/FSP can approve

**Note:** In accordance with the policy in [ADS 481, Family and Medical Leave](#), exceptions to the above approval requirements will be granted for LWOP requests under the [Family and Medical Leave Act](#).

- b. For FS Career Candidates: Supervisors may authorize career candidates up to 80 hours of leave without pay in webTA in accordance with this chapter and [3 FAM 3510](#). Requests for LWOP of more than 80 hours must be made in writing to the Chief, HCTM/FSP, through the career candidate's HR Specialist.
- c. Other LWOP policy and options: Family Support Policy to Same-Sex Domestic Partners of Federal Employees (see [ADS 480maa, Extension of 24-Hour Leave without Pay \(LWOP\) Family Support Policy to Same-Sex Domestic Partners of Federal Employees](#)).

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

Effective Date: 09/30/2014

AWOL is an absence from duty that is not authorized or for which a request for leave was denied. The employee receives no pay for the period of absence. Disciplinary action may be taken if the absence is not later excused. If the circumstances surrounding the absence are such that the absence would have been approved, the AWOL may be excused and charged to the appropriate approved leave account. USAID complies with the policies and procedures governing the Absence Without Official Leave as set out in [3 FAM 3520](#):

- a. The minimum charge of absence without official leave is 15 minutes; additional charges are in multiples thereof.
- b. Pay is forfeited for all absences charged AWOL.
- c. If an employee is charged AWOL and can provide an explanation acceptable to management and/or acceptable documentation (e.g., medical certification or court documentation) to justify the absence, the supervisor may approve the employee's request for annual leave, sick leave, other paid leave, or leave without pay, as appropriate. However, if the employee is unable to acceptably justify the absence, the charge of AWOL will remain.
- d. AWOL may form the basis for taking disciplinary action in accordance with [ADS 485, Disciplinary Action Foreign Service](#) and [ADS 487,](#)

**Disciplinary and Adverse Actions Based upon Misconduct - Civil Service.**

In addition to overall responsibilities for the proper administration of leave procedures, approving officials/supervisors are responsible for:

- (1) Familiarizing themselves with leave policies, regulations and procedures, particularly proper leave request procedures;
- (2) Notifying employees in writing of any absence without official leave charges and the reason(s);
- (3) Explaining the reason for denying a leave request submitted electronically through webTA; and
- (4) Notifying timekeepers of AWOL dates and/or times and ensuring they are properly recorded.

Employees are required to familiarize themselves with and follow the leave policies, regulations and procedures governing leave usage and requests for leave, including such issues as when and to whom leave requests should be submitted, when documentation is required, and what is considered acceptable documentation.

Employees should be aware of the consequences of absence without official leave.

The timekeeper must indicate in webTA the number of hours that the employee has been charged absence without official leave.

**480.4 MANDATORY REFERENCES**

**480.4.1 External Mandatory References**

Effective Date: 09/30/2014

- a. **[3 FAH-1 H-3320](#)**
- b. **[3 FAH-1 H-3420 through H-3460](#)**
- c. **[3 FAH-1 H-3465](#)**
- d. **[3 FAH-1 H-3510](#)**
- e. **[3 FAM 3300 \(Leave Administration\)](#)**
- f. **[3 FAM 3313](#)**
- g. **[3 FAM 3320 \(Officers Exempted from Leave Act\)](#)**

- h. [3 FAM 3400 \(Paid Leave\)](#)
- i. [3 FAM 3410 through 3 FAM 3460](#)
- j. [3 FAM 3500 \(Unpaid Leave\)](#)
- k. [3 FAM 3510 through 3520](#)
- l. [5 CFR 550](#)
- m. [5 CFR 630 Absence and Leave](#)
- n. [5 CFR 630.301](#)
- o. [5 CFR 630.302](#)
- p. [5 USC 5551](#)
- q. [5 USC 6301-6304 \(Annual Leave\)](#)
- r. [5 USC 6305 \(Home Leave\)](#)
- s. [22 USC 2391 Missions and Staffs Abroad](#)
- t. [FSA of 1980 as amended, Sec. 901 \(Travel and Related Expenses\)](#)

**480.4.2 Internal Mandatory References**

Effective Date: 09/30/2014

- a. [ADS 470, Pay Under the Foreign Service](#)
- b. [ADS 471, Pay Under the General Schedule](#)
- c. [ADS 472, Premium Compensation](#)
- d. [ADS 479, Hours of Duty](#)
- e. [ADS 480maa, Extension of 24-Hour Leave without Pay \(LWOP\) Family Support Policy to Same-Sex Domestic Partners of Federal Employees](#)
- f. [ADS 480mab, Provision for Crediting Prior Service for Determining Annual Leave Accrual Rate](#)
- g. [ADS 481, Family and Medical Leave](#)
- h. [ADS 482, Voluntary Leave Transfer Program](#)

- i. <https://pages.usaid.gov/HCTM/leave-administration-information>
- j. [https://www.nfc.usda.gov/Forms/pay\\_period\\_calendar.html](https://www.nfc.usda.gov/Forms/pay_period_calendar.html)

**480.4.3 Mandatory Forms**  
Effective Date: 09/30/2014

- a. [AID-400-37, Credit of Prior Service for Determining Annual Leave Accrual Rate Approval Form](#)

**480.5 ADDITIONAL HELP**  
Effective Date: 09/30/2014

- a. [13 State 101508, A Comprehensive Guide on Issues Related to Pregnancy, 2013](#)
- b. National Finance Center-Employee Personal Page (NFC-EPP) [leave calculator](#) and [Screen Shot](#)
- c. [OPM's Fact Sheet - Leave and Work Scheduling Flexibilities Available For Childbirth](#)

**480.6 DEFINITIONS**  
Effective Date: 09/30/2014

The terms and definitions listed below have been incorporated into the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

**administrative error**

An error due to the failure to follow Agency policies and essential procedures that results in loss of annual leave through no fault of the employee, or an error made on official leave records. (**Chapter 480**)

**approving officer**

The person, usually a supervisor, responsible for administering leave for employees in a work unit. (**Chapter 480**)

**decision officer**

The officer designated by the Administrator who is responsible for determining that an exigency of the public business exists, and that there is no alternative to cancellation of approved leave.

Decision officers are (a) assistant administrators and heads of independent offices reporting directly to the Administrator, and (b) heads of overseas Missions (limited to determining that an exigency exists and concurring in cancellation of scheduled annual leave by the supervisor or other approving officer). If the officer's leave is affected or if the decision officer approved the leave in question, the decision authority passes to the



next higher level. (**Chapter 480**)

**exempt from leave**

Individuals who are not covered by the leave laws by virtue of the nature of their appointment and consequently do not accrue or use annual, sick, or home leave. (**Chapter 480**)

**exigency of the public business**

An operational demand beyond the Agency's control and of such importance as to preclude the use of scheduled annual leave. Examples: insurrection, violence, natural or man-made disasters, medical evacuation, emergency visitation, or sudden call to jury or military duty. Normal workload, inadequate staffing, absence of other employees, and poor leave planning do not constitute an exigency of the public business and are not justifications for canceling scheduled leave. (**Chapter 480**)

**extended exigency**

An exigency of such significance as to threaten national security, safety, or welfare, that lasts more than three calendar years, which affects a segment of the Agency or occupational class, or that precludes subsequent use of both restored and accrued leave within specified time limits. (**Chapter 480**)

**forfeited annual leave**

Annual leave that exceeds an employee's ceiling at the end of the leave year. (**Chapter 480**)

**resident hire employees**

USAID Foreign Service (FS) employees who are unable to accept all the obligations of a long-term, worldwide career service, or who reside in the country of assignment primarily for reasons other than employment in the Foreign Service, who are (a) A dependent of a U.S. citizen employed overseas who is at least 18 years of age and who is expected to remain at a post only for the duration of the employee's assignment or a vacation period, (b) U.S. citizen who resides in a country primarily for reasons other than employment with a U.S. Government agency, (c) An employee who, for personal reasons, is unwilling to transfer to another post. (**Chapters 480, [499](#)**)

**restored annual leave**

Annual leave that was forfeited but is approved for restoration and placed in a separate leave account. (**Chapter 480**)

**scheduled annual leave**

Annual leave that was requested and approved in advance in writing in webTA. (**Chapter 480**)

**work unit**

An office, staff, or other unit below the Bureau or independent office. (**Chapter 480**)

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