

# **National Archives and Records Administration**

**NARA 327, S3**  
May 13, 2019

## **Supplement 3 to NARA 327, Leave and Absence**

### **PART 1 – OVERVIEW**

#### **1. Coverage.**

a. All full-time and part-time employees are covered by this Supplement. For employees of the Office of Inspector General, the Inspector General has final authority for all approvals required in this policy.

b. The following employees do not accrue leave and are not covered by this Supplement:

- (1) Temporary employees whose employment is limited to 90 days or less; and
- (2) Employees on an intermittent work schedule.

#### **2. Responsibilities.**

a. The Chief Financial Officer (CFO):

- (1) Administers NARA's payroll program, which includes policies and procedures governing leave and absence;
- (2) Makes the final decision on whether an exigency requires cancellation of approved leave; and
- (3) Determines whether to restore forfeited leave to an employee's leave account.

b. The Chief Human Capital Officer (CHCO):

- (1) Administers NARA programs for employee and labor relations, including advice and guidance and disciplinary and adverse actions related to leave; and
- (2) Approves employee requests for periods of Leave Without Pay (LWOP) of more than one year.

- c. Managers and supervisors:
  - (1) Make decisions on requests as soon as reasonably possible after receipt; and
  - (2) Seek advice from the Office of Human Capital before taking action on conduct or performance issues related to leave.
- d. Employees must schedule leave and absences with supervisors as far in advance as possible, and provide supporting documentation as required by NARA 327 and its Supplements, or as requested by the supervisor.

**3. Types of leave and other absences available.**

The following types of leave and absence are available to employees:

- a. Annual leave, a paid absence for vacation or other purposes (see Part 2).
- b. Employee sick leave, a paid absence due to personal illness, injury, or related reasons (see Part 3).
- c. Sick leave to care for a family member (see Part 4).
- d. Other paid leave, including leave for bone marrow or organ donation, to serve as a juror or witness in court, leave for certain disabled veterans, military leave, and weather and safety leave (see Part 5).
- e. Unpaid leave, including Leave Without Pay (approved absence) and Absence Without Leave (unexcused absence) (see Part 6).

**PART 2 - ANNUAL LEAVE**

**4. Annual leave entitlement.**

- a. Annual leave is a period of paid absence from duty for vacations, rest and relaxation, and personal business or emergencies. An employee may use annual leave instead of sick leave, regardless of whether the employee has sick leave available to use. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken.
- b. An employee who separates from Federal service or enters active duty in the Armed Forces may request leave for the period immediately before her or his departure, but ordinarily must report to work on her or his last day of Federal civilian service. An employee who transfers to another Federal agency without a break in service may request

leave for the period immediately before her or his transfer, including her or his last day with NARA.

c. An employee who separates from Federal service will receive a lump-sum payment in cash for all annual leave in her or his account. If an employee transfers to another Federal agency, her or his annual leave balance will transfer for use in that agency.

## **5. Annual leave accrual.**

a. Full-time employees earn annual leave during each full biweekly pay period while in a pay status or a combination of a pay status and non-pay status. The amount of annual leave earned depends on the employee's years of service.

<b>Years of service</b>	<b>Annual leave earned per pay period</b>
Less than 3 years	4 hours of annual leave
3 years but less than 15 years	6 hours of annual leave (10 hours of annual leave during the last pay period of the year)
15 or more years	8 hours of annual leave

b. Part-time employees earn annual leave while in a pay status or a combination of a pay status and non-pay status at a rate based on the employee's years of service.

<b>Years of service</b>	<b>Annual leave earned per pay period</b>
Less than 3 years	1 hour of annual leave for each 20 hours in a pay status
3 years but less than 15 years	1 hour of annual leave for each 13 hours in a pay status
15 or more years	1 hour of annual leave for each 10 hours in a pay status

c. Senior Executive Service (SES) and Senior Level (SL) employees earn annual leave at the rate of 8 hours per pay period regardless of years of service.

## **6. Request and approval for annual leave.**

a. Ordinarily, annual leave must be approved before it is used. Supervisors generally are not required to approve leave, whether requested in advance or on an emergency basis, if the employee is needed at work during the period for which leave was requested.

b. Employees should ordinarily request annual leave with sufficient advance notice to the supervisor. The amount of advance notice required depends on factors such as duration of the leave and challenges involved in adjusting other employees' work

schedules to ensure coverage. When annual leave is needed because of an emergency, the employee must contact the supervisor as soon as practicable, generally before the employee's scheduled start time or, for employees on flexible work schedules, no later than the start of core hours.

c. Employees must request leave for more than three days on OPM Form 71, Request for Leave or Approved Absence. Employees may request up to three days of leave verbally or by e-mail. Employees are not required to request annual leave that is subject to forfeiture ("use-or-lose") in writing if the leave is for three days or fewer; however, if that leave is subsequently cancelled, NARA may not be able to restore use-or-lose leave that was not requested and approved on OPM Form 71.

d. Supervisors who serve as certifying officials for time and attendance reporting purposes are responsible for approving annual leave. Supervisors must approve or disapprove the request within a reasonable amount of time after receiving the request.

e. A supervisor may deny a request for annual leave when the employee is needed at work to meet the organization's work requirements or when the employee has failed to follow procedures for requesting leave, except that:

- (1) A supervisor must grant leave, including annual leave, if requested, for a Reservist or National Guard member, to perform active duty, active duty for training, or inactive duty for training, provided that the employee provides a copy of orders directing her or him to report to military duty;
- (2) A supervisor must grant leave, including annual leave, if requested in advance, to a disabled veteran for medical treatment, examinations and other activity in connection with the disability, provided that the employee submits a statement from a medical or administrative authority that such treatment, examination, or other activity is required;
- (3) A supervisor must make every effort to approve requests for annual leave for religious observances (an employee may also request to adjust her or his work schedule to earn and use religious compensatory time, as provided in NARA 327, Supplement 2, Work Hours and Premium Pay); and
- (4) A supervisor must approve requests for annual or sick leave for an employee recovering from a compensable on-the-job injury.

## **7. Minimum charge for annual leave.**

Annual leave is recorded in increments of 15 minutes. Annual leave used in less than a full 15-minute increment will be rounded up to the next 15-minute increment.

**8. Annual leave ceilings (“use-or-lose”).**

- a. Annual leave that is not used in the leave year it is earned carries over and is available for use in subsequent leave years. For most employees, a total of 240 hours may be carried over to the following leave year. Senior Executive Service (SES) members are allowed to carry over 720 hours of annual leave.
- b. A leave year begins on the first day of the first full biweekly pay period in a calendar year and ends on the day immediately before the first day of the first full biweekly pay period in the following calendar year.
- c. Unused leave in excess of 240 hours (720 hours for SES members) may not be carried over for use in the leave year following the one in which it was earned. If an employee has hours in excess of her or his carry over limit at the end of the last pay period of the leave year, the excess hours will be forfeited and the employee is not entitled to any compensation for those hours.

**9. Annual leave restoration.**

a. Administrative error or employee illness. Unused annual leave that was forfeited at the end of the leave year may be restored when the loss occurred due to an administrative error or if the leave was scheduled in advance but was not taken because the employee was absent on sick leave.

- (1) An employee may request to restore annual leave forfeited under these circumstances by submitting a written request explaining the nature of the error or the circumstances that caused her or him to use sick leave instead of scheduled annual leave.
- (2) The employee must submit a written request through her or his supervisor and Executive or Staff Director to the Chief Financial Officer (CFO). The CFO decides if there is sufficient reason to restore the leave and notifies the employee of the decision. If restoration is approved, the CFO will restore the leave.
- (3) Annual leave forfeited due to the use of sick will not be restored unless it was scheduled in writing and approved before the start of the third biweekly pay period prior to the end of the leave year.

b. Exigency of the public business. Unused annual leave that was forfeited at the end of the leave year may be restored if the leave was scheduled in advance but was canceled because there was an unavoidable and pressing need for the employee’s service and there were no other practical alternatives available to accomplish the work by a given deadline (an “exigency of the public business”). This need was sudden, urgent, or unforeseen and demanded immediate action – for example, the Government’s response to the September

11, 2001, terrorist attacks, or other threats to the national security, safety, or welfare (an exigency of the service).

- (1) An employee may request to restore annual leave forfeited under these circumstances only if:
  - i. The employee scheduled the leave in writing and the supervisor approved it before the start of the third biweekly pay period before the end of the leave year; and
  - ii. The supervisor determined that there is an exigency of such importance that the employee's scheduled annual leave cannot be used and there is no alternative means of getting the work done.
- (2) The supervisor must request approval to cancel the leave through the appropriate Executive or Staff Director to the CFO. The CFO decides whether the exigency requires cancellation of the approved leave.
- (3) The supervisor must notify the employee in writing why the leave was canceled and of the employee's right to request restoration. The supervisor must provide the employee with a copy of the canceled leave request.
- (4) The employee must submit a written request through her or his supervisor and Executive or Staff Director to the CFO. The request must explain the nature of the exigency, period of time involved, and reasons that alternative action was not feasible. The employee must include proof that the leave was approved in advance and then canceled.
- (5) The CFO decides if there is sufficient reason to restore the leave and notifies the employee of the decision within a week of receiving the request. If restoration is approved, the CFO will coordinate leave restoration.

c. Annual leave can only be restored after it is forfeited. Forfeiture occurs at the beginning of the leave year so any request to restore leave must occur during the new leave year.

d. Generally, restored annual leave must be used within two years from when it is restored, as follows:

- (1) Annual leave that was forfeited through administrative error must be scheduled and used no later than the end of the leave year ending two years after the date of restoration;

- (2) Annual leave that was forfeited because of sickness must be scheduled and used by the end of the leave year ending two years after the date the employee recovers and returns to duty;
- (3) Annual leave that was forfeited because of an exigency of the public business must be scheduled and used not later than the end of the leave year ending two years after the date fixed by the CFO as the termination date of the exigency that caused the forfeiture; and
- (4) Annual leave that was forfeited as the result of an extended exigency of the public business must be scheduled and used within a time period that is twice as long as the period during which the exigency existed.

e. Restored leave is held in a separate account from an employee's accrued leave and is assigned an expiration date in the Federal Personnel Payroll System (FPPS) based on OPM regulations. Expiration dates can be viewed in FPPS. When the expiration date is approaching, FPPS will provide a message on the employee's bi-weekly Earnings and Leave Statement three pay periods prior to the expiration. If restored leave is not used by the expiration date, it is forfeited without compensation to the employee and cannot be restored again.

#### **10. Advanced annual leave.**

a. Advanced annual leave is annual leave that is used by an employee before it is earned. An employee may request advanced annual leave when she or he does not have sufficient leave in her or his account. Employees are not entitled to advanced leave.

b. An employee may not be advanced more annual leave than she or he would earn in the remainder of the leave year.

- (1) A full-time, permanent employee may be advanced annual leave up to the number of hours the employee will accrue during the remainder of the leave year or 80 hours, whichever is less.
- (2) A part-time, permanent employee may be advanced annual leave up to the number of hours the employee will earn during the remainder of the leave year or the number of hours worked during a pay period, whichever is less.
- (3) A full-time, temporary or term employee may be advanced annual leave up to the amount the employee will earn by the expiration date of her or his appointment, the number of hours the employee will accrue during the remainder of the leave year, or 80 hours, whichever is less.

- (4) A part-time, temporary or term employee may be advanced annual leave up to the amount the employee will earn by the expiration date of his or her appointment, the number of hours the employee will earn during the remainder of the leave year, or the number of hours worked during a pay period, whichever is less.
- c. An employee must request advanced annual leave in writing, ordinarily on OPM Form 71, giving the reasons for the request.
- d. Ordinarily, the second-level supervisor has the authority to approve requests for advanced annual leave except that, when the Archivist of the United States is the second-level supervisor, the first-level supervisor has the authority to approve advanced annual leave.
- e. Once advanced annual leave is used, it will be repaid (“liquidated”) from subsequently earned annual leave or by a payment from the employee.
  - (1) An employee may arrange to re-pay advanced annual leave in cash if mutually agreeable and administratively feasible.
  - (2) When an employee who is indebted for advanced annual leave transfers to another Federal agency without a break in service, a negative annual leave balance will be transferred to the employee's new agency.
  - (3) When an employee who is indebted for advanced annual leave separates from Federal service, she or he is required to re-pay the amount of advanced leave owed or NARA will deduct that amount from any pay due the employee upon separation.
  - (4) If an employee who is indebted for advanced annual leave dies, retires for disability, or is separated or resigns because of disability, the employee is not required to repay NARA for the advanced annual leave.

### PART 3 – EMPLOYEE SICK LEAVE

#### **11. Sick leave entitlement.**

- a. Sick leave is a period of paid absence to take care of a personal medical needs. There is no limitation on the amount of accrued sick leave that an employee can use for her or his own personal medical needs. An employee may also use sick leave to care for family members, with some limitations (see paragraphs 17-21). An employee may use annual leave instead of sick leave but may not use sick leave instead of annual leave.



b. An employee is entitled to use sick leave for personal medical needs when she or he is unable to work because of:

- (1) Personal illness or injury, pregnancy, or childbirth;
- (2) Medical, dental, or optical treatment or examination;
- (3) Exposure to certain contagious diseases that would endanger the health of coworkers;
- (4) Time needed to train a seeing eye dog, or repair or replace a wheelchair, prosthetic device, or other form of assistance, if the employee is incapacitated without these items;
- (5) For absences related to an adoption, including appointments with adoption agencies, social workers, and attorneys, court proceedings, required travel, and periods during which the employee is required by an adoption agency or a court to be absent from work to care for the adopted child; and
- (6) For a reasonable period of travel to or from a place of medical, dental, or optical treatment or examination.

c. An employee who separates from Federal service will not receive a payment or credit for any sick leave remaining in her or his account; however, the employee's leave balance will be retained and re-credited to the employee's account if she or he later returns to Federal service. If an employee retires, she or he will receive service credit for any unused sick leave. If an employee transfers to another Federal agency, her or his sick leave balance will transfer for use in that agency.

## **12. Sick leave accrual.**

a. Full-time employees earn four hours of sick leave during each full biweekly pay period (or 104 hours per year).

b. Part-time employees earn one hour of sick leave for every 20 hours in a pay status. The minimum credit for sick leave is one hour: Any hours worked less than a full 20-hour increment will be carried-over to the next pay period to count towards future leave credit.

c. Sick leave is not earned until the end of the pay period and cannot be used until the pay period after it is earned.

d. Sick leave that is not used in the leave year it is earned carries over into subsequent leave years without limitation.

**13. Request and approval of sick leave.**

- a. When possible, employees should request sick leave for routine dental, optical, or medical examination or treatment in advance. The employee should provide additional advance notice if she or he expects to be out for an extended period of time (e.g., for an operation and subsequent period of recovery). The amount of advance notice depends on the duration of the leave, problems involved in adjusting work schedules, and any policy set by management.
- b. When sick leave is needed because of an emergency, the employee must contact her or his supervisor as soon as practicable, but within one hour after the start of the workday or, if the employee is on a flexible work schedule, no later than the start of core hours.
- c. An employee may request up to three days of leave verbally or by e-mail, unless she or he is invoking the Family and Medical Leave Act (FMLA, see NARA 327, Supplement 5). Employees must use OPM Form 71 to request leave for more than three days and leave for any time period that invokes FMLA.
- d. Supervisors who serve as certifying officials for time and attendance reporting purposes approve sick leave. Supervisors must approve or disapprove the request as soon as reasonably possible after receiving the request.
- e. Ordinarily, a supervisor must approve a sick leave request if the employee follows procedures for requesting leave and provides acceptable documentation. A supervisor may deny a request for sick leave only after thoroughly reviewing the situation and discussing it with the employee. A supervisor may deny a request for sick leave when the employee has failed to follow procedures for requesting leave or the employee fails to provide acceptable documentation, except that:
  - (1) A supervisor must grant leave, including sick leave (where appropriate) for a Reservist or National Guard member, who becomes ill or is injured while performing active duty, active duty for training, or inactive duty for training, provided that the employee provides a copy of orders directing her or him to report to military duty;
  - (2) A supervisor must grant leave, including sick leave, if requested in advance, to a disabled veteran for medical treatment, examinations and other activity in connection with the disability, provided that the employee submits a statement from a medical or administrative authority that such treatment, examination, or other activity is required;
  - (3) A supervisor must grant sick leave (but must not approve advanced sick leave) to an employee who has applied for disability retirement and cannot be retained in a duty status pending approval of the retirement, provided

that the employee submits medical evidence that states the employee is incapacitated and cannot perform the duties of her or his position; and

- (4) A supervisor must approve requests for annual or sick leave for an employee recovering from a compensable on-the-job injury.

**14. Documentation required for sick leave.**

a. Sick leave periods of more than three days must be supported by a certificate from a physician or health care practitioner. A verbal or e-mailed request, or a completed OPM Form 71, is ordinarily sufficient to support a request for sick leave for three days or less.

- (1) Medical certification is a written physician's statement certifying that the employee is unable to work and the period the employee is unable to work. If a physician's services are not obtained, an employee may provide a written statement explaining the nature of the illness and reasons for not obtaining medical care.
- (2) If the employee requested sick leave for adoption related purposes, acceptable documentation includes documents from adoption agencies, social workers, attorneys, and court or other officials indicating the need to take leave for adoption purposes.

b. The supervisor determines if the documentation provided is sufficient to support the sick leave requested, as described in paragraph 14a(1). Supervisors are not responsible for determining whether the nature of the employee's injury or illness incapacitates the employee for his or her job or that other reasons for requesting sick leave, such as medical or dental examinations, are true.

- (1) If the supervisor considers the documentation provided by the employee to be inadequate, the supervisor may either deny the sick leave request immediately or the supervisor may approve the sick leave on the condition that the employee provides additional documentation within 15 calendar days after the date the supervisor requests additional documentation.
- (2) The supervisor may provide the employee with additional time to produce documentation, depending on the circumstances, but will not allow the employee more than 30 calendar days after the initial request to produce the necessary documentation.
- (3) Sick leave that is conditionally approved may be changed to Absence Without Leave (AWOL) if the employee fails to provide adequate documentation.

c. A supervisor who believes that an employee has failed to comply with sick leave requirements or has established a pattern of excessive use of unscheduled leave should contact the Office of Human Capital. If, on the advice of the Office of Human Capital, the supervisor places the employee on a leave restriction, the employee will be required to provide documentation to support all absences. The supervisor must counsel the employee before issuing a leave restriction letter.

**15. Minimum charge for sick leave.**

Sick leave is recorded in increments of 15 minutes. Sick leave used in less than a full 15-minute increment will be rounded up to the next 15-minute increment.

**16. Advanced sick leave for personal medical needs.**

a. Advanced sick leave is sick leave that is used by an employee before it is earned. An employee may be advanced sick leave for personal medical needs if she or he experiences a serious disability or ailment, but only if the employee is expected to be employed by NARA for a sufficient period to earn (and re-pay) the amount of leave advanced. Supervisors should not approve advanced sick leave one day at a time simply because an employee has exhausted her or his sick leave balance.

b. An employee may be advanced sick leave for any of the personal medical needs listed in paragraph 11b, subject to the following limitations:

- (1) A full-time employee may be advanced a maximum of 30 days (240 hours) of sick leave, except for medical, dental, or optical examination or treatment, which is limited to 13 days (104 hours);
- (2) A part-time employee may be advanced no more than the number of sick leave hours normally earned during the leave year;
- (3) An employee on a term-limited appointment may be advanced sick leave only up to the amount the employee will earn before the expiration of her or his appointment; and
- (4) An employee who is advanced sick leave for adoption-related purposes must subtract any sick leave advanced for family care (see paragraph 21) from the appropriate maximum entitlement in paragraphs 16b(1)-(3), above.

c. An employee must request advanced sick leave in writing, ordinarily on OPM Form 71, giving the reasons for the request.

d. Ordinarily, the second-level supervisor has the authority to approve requests for advanced sick leave except that, when the Archivist of the United States is the second-level supervisor, the first-level supervisor has the authority to approve advanced sick leave. Advanced leave is not an entitlement: The supervisor approves advanced sick leave at her or his discretion. When determining whether to grant approval, the supervisor must consider:

- (1) Whether the leave is for the purpose of recovering from serious disability or ailment; and

- (2) The employee's sick leave record and whether or not the employee is on a leave restriction.
- e. Sick leave may not be advanced to employees who are not expected to return to duty because they have applied for disability retirement or for other reasons.
- f. Once advanced sick leave is used, it will be repaid (“liquidated”) from subsequently earned sick or annual leave, by donated leave, or by a payment from the employee.
- (1) An employee may arrange to re-pay advanced sick leave in cash if mutually agreeable and administratively feasible.
  - (2) When an employee who is indebted for advanced sick leave transfers to another Federal agency without a break in service, a negative sick leave balance will be transferred to the employee's new agency.
  - (3) When an employee who is indebted for advanced sick leave separates from Federal service, she or he is required to re-pay the amount of advanced leave owed or NARA will deduct that amount from any pay due the employee upon separation.
  - (4) If an employee who is indebted for advanced sick leave dies, retires for disability, or is separated or resigns because of disability, the employee is not required to repay NARA for the advanced sick leave.

#### PART 4 - SICK LEAVE TO CARE FOR A FAMILY MEMBER

### 17. Sick leave for family care entitlement.

- a. An employee is entitled to use *a limited amount* of sick leave to care for a family member each year. This Part describes permissible uses of sick leave for family care based on the limitations established for full-time employees. Limitations for part-time employees are provided in a table at the end of this section.
- b. Family care or bereavement. A full-time employee is entitled to use up to 104 hours (13 days) of sick leave each leave year for the following purposes:
- (1) Provide care for a family member who is incapacitated as a result of illness, injury, pregnancy, or childbirth;
  - (2) Attend to a family member receiving medical, dental, or optical examination or treatment;

- (3) Provide personal care for a family member who would jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease; or
- (4) Make arrangements necessitated by the death of a family member or attend the funeral of a family member.

c. Care of family member with a serious health condition. A full-time employee is entitled to use up to 480 hours (12 weeks) of sick leave each leave year for care of a family member with a serious health condition.

- (1) Generally, a “serious health condition” is an illness, injury, impairment, or condition that requires inpatient treatment at a medical facility or continuing treatment by a health care provider that includes a period of incapacity where the family member is unable to work, attend school, or perform other regular daily activities. “Serious health condition” is fully defined at 5 C.F.R. § 630.1202.
- (2) A serious health condition does not include routine examinations, short-term conditions that require brief periods for treatment and recovery, and cosmetic procedures. An employee may use family care or bereavement sick leave (under paragraph 17a(1)) but not sick leave for a family member with a serious health condition for illnesses such as the common cold, the flu, earaches, headaches, upset stomach, or routine dental care unless the family member experiences complications.

**18. Definition of family member.**

The following individuals are considered family members for sick leave purposes:

- a. Spouse, and her or his parents;
- b. Children, including adopted children, and their spouses;
- c. Parents;
- d. Brothers and sisters, and their spouses; and
- e. Individuals related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

**19. Limitation on sick leave for family care.**

A full-time employee is entitled to no more than 480 hours (12 weeks) of sick leave each leave year for all family care purposes. The aggregate limit includes the 104 hours for family care or bereavement in paragraph 17a, above, and the 480 hours provided for care of a family member with a serious health condition in paragraph 17b. For example, if a full-time employee has already used 480 hours of sick leave for care of a family member with a serious health condition, she or he cannot use any additional hours in the same leave year for general family care or bereavement purposes.

**20. Request and approval of sick leave for family care.**

- a. An employee may request sick leave for family care according to the procedures for requesting sick leave (paragraph 13), except that the employee must state that the leave request is for family care or bereavement purposes or for care of a family member with a serious health condition. If the employee submits an OPM Form 71, she or he must indicate on the form whether the leave requested is for family care or bereavement purposes or for care of a family member with a serious health condition.
- b. Documentation.
  - (1) Family care or bereavement. An employee who requests an absence longer than three days must provide a medical certificate from a physician or medical practitioner (for an illness or injury), or from an appropriate individual or entity (for bereavement purposes). If the requested absence is three days or less, documentation will not be required unless the employee is on a leave restriction.
  - (2) Care of family member with a serious health condition. The employee must submit an OPM Form 71 and medical documentation that includes the following information. (An employee would normally be expected to request more than three days of leave for care of a family member with serious health condition.)
    - i. Date the serious health condition was diagnosed;
    - ii. Expected duration of the serious health condition or a statement that the condition is chronic or continuing with an unknown duration and a statement that the patient is presently incapacitated and the expected duration and frequency of periods of incapacity;
    - iii. The health care provider's statement of appropriate medical facts regarding the serious health condition, including a general statement as to the incapacitation, examination, or treatment that may be required by a health care provider; and



- iv. The health care provider's statement that the family member requires psychological comfort or physical care, that the family member would benefit from your care or presence, and that you are needed for care of the family member for a specified period of time.
- (3) Ordinarily, an employee is expected to provide medical documentation at the time of the request. If the employee does not provide the required documentation, the supervisor may grant conditional approval, contingent on the employee providing documentation within 15 calendar days of the supervisor's request. The supervisor may grant an extension up to 15 calendar days (for a total of 30 calendar days) after which, if documentation is not provided, the sick leave may be changed to AWOL.
- c. Ordinarily, a supervisor must approve a request for sick leave for family care if the employee follows procedures for requesting leave and provides acceptable documentation. A supervisor may deny a request for sick leave only after thoroughly reviewing the situation and discussing it with the employee.
- d. It is the employee's responsibility to report sick leave for family care in her or his time and attendance data as either "family care or bereavement" or "care of a family member with a serious health condition". It is the supervisor's responsibility to ensure that the employee's leave is properly recorded in Quicktime before certifying the employee's timesheet.

**21. Advanced sick leave for family care.**

- a. An employee may be advanced sick leave for family care according to the procedures established for advanced leave for personal medical care (see paragraph 16), except as provided in paragraphs 21b and 21c, below. Employees are not automatically entitled to advanced leave.
- b. An employee who requests advanced sick leave for family care must indicate whether the advanced leave is for "family care or bereavement" or "care of a family member with a serious health condition" on her or his leave request (see paragraph 20a) and when reporting her or his time and attendance data (see in paragraph 20d).
- c. An employee may be advanced sick leave for family care up to the limits below:
  - (1) A full-time employee may be advanced a maximum of 104 hours of sick leave for family care or bereavement; and
  - (2) A full-time employee may be advanced a maximum of 240 hours of sick leave for care of a family member with a serious health condition.

<b>SUMMARY OF SICK LEAVE ENTITLEMENTS FOR FAMILY CARE</b>		
<b>Full-time employee</b>		
<b>Purpose</b>	<b>Earned sick leave entitlement during a leave year</b>	<b>Advanced leave limitation during a leave year</b>
<b>Family care or bereavement</b>	104 hours	May be advanced up to a maximum of 104 hours.
<b>Care of family member with serious health condition</b>	480 hours. Any sick leave used for family care or bereavement must be subtracted from the 480 hours.	May be advanced up to a maximum of 240 hours. Any sick leave advanced for family care or bereavement must be subtracted from the 240 hours.
<b>Note:</b> The overall limit for all family care for a full-time employee is 480 hours per year.		
<b>Part- time employee</b>		
<b>Purpose</b>	<b>Earned sick leave entitlement during a leave year</b>	<b>Advanced leave limitation during a leave year</b>
<b>Family care or bereavement</b>	Number of hours of sick leave the employee normally earns during a leave year.	May be advanced up to an amount equal to 104 hours, multiplied by the employee's weekly hours as a percentage of 40 hours.
<b>Care of family member with serious health condition</b>	12 x the average number of hours in the employee's regular work week. Any sick leave used for family care or bereavement must be subtracted from this amount.	May be advanced up to an amount equal to 104 hours, multiplied by the employee's weekly hours as a percentage of 40 hours. Any sick leave advanced for family care or bereavement must be subtracted from this amount.
<b>Note:</b> The overall limit for all family care purposes for a part-time employee is 12 x the average number of hours in the employee's regular work week.		

## PART 5 – OTHER PAID LEAVE

### 22. Bone marrow or organ donor leave.

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

b. An employee must request bone marrow or organ donor leave according to the procedures for requesting sick leave (see paragraph 13), except that the must state that the leave request is for bone marrow or organ donation. The employee must attach medical certification which states that she or he requires an absence for bone marrow or organ donation.

c. Bone marrow and organ donation leave is recorded in increments of 15 minutes. Leave used in less than a full 15-minute increment will be rounded up to the next 15-minute increment.

**23. Court leave.**

a. General. Court leave is an authorized absence from work, without charge to leave or loss of pay, to serve as a juror or witness in a judicial proceeding, except that court leave is only available to an employee called as a witness if the Federal government, the District of Columbia, or a State or local government is a party in the proceeding. The employee must report to work on days or hours she or he is not required by the court or else she or he must request leave or other absence.

b. Jury duty. NARA's policy is to make employees available for jury duty. An employee must notify her or his supervisor when summoned to jury duty and must provide a copy of the summons as soon as possible. Supervisors are expected to approve requests for court leave for jury duty unless there are extenuating circumstances that make it necessary to request that the employee be excused from jury duty. If a request to be excused from jury duty is denied, the supervisor must release the employee from work to perform jury duty.

c. Witness service. An employee is entitled to court leave if she or he is called as a witness if the Federal government, the District of Columbia, or a State or local government is a party in the proceeding. An employee is not entitled to court leave to serve as a witness on behalf of a private party in judicial proceedings in which a government entity is not a party. When NARA summons or assigns an employee to testify in an official capacity or produce official records, the employee is serving in an official duty status and receives regular compensation.

d. Minimum charge. Court leave is recorded in increments of 15 minutes. Court leave used in less than a full 15-minute increment will be rounded up to the next 15-minute increment.

e. Documentation. An employee who is granted court leave must present a certificate of attendance from the Clerk of Court to her or his supervisor upon return to duty. If the employee does not submit the certificate, the absence will be changed to annual leave or, if annual leave is not available, Leave Without Pay (LWOP).

f. Fees and expenses. An employee should not accept any fees for services as a juror or witness while on court leave. An employee may retain fees paid for travel, subsistence, or for periods when the court service occurred outside of the employee's regular work schedule, but only if those fees are paid separately.

- (1) An employee who accepts a juror or witness fee must reimburse NARA for any fees received. If the employee is paid in cash, or she or he is paid by check and cashes the check, the employee must write a check in the same amount to "NARA" and submit the check to the Office of the Chief Financial Officer, Accounting Policy and Operations (XA). If the employee is paid by check and does not cash the check, she or he must endorse the check to NARA and submit it to XA.
- (2) An employee may accept reimbursement for actual expenses incurred in connection with jury service (e.g. meals, accommodations, transportation costs, parking). However, if the court issues a single check solely for services as a juror or witness, the employee may not retain any portion of the check, even if she or he has legitimate expenses. If the court issues a single check, but clearly indicates a portion of the check is for expenses, the employee may deposit the check and reimburse NARA for that portion of the check that exceeds actual expenses.
- (3) If an employee does not remit any juror or witness fees received as provided in paragraphs 23d(1) and (2), above, NARA will withhold the amount from future salary payments. Employees must settle their accounts within two pay periods of receiving payment. The employee's certifying official for time and attendance is responsible for contacting XA to initiate steps to withhold payment from the employee's check.

#### **24. Disabled veteran leave.**

a. Coverage. Disabled veteran leave is available to employees hired on or after November 5, 2016, who are a veterans with a service-connected disability rating of 30 percent or more from the Department of Veterans Affairs, Veterans Benefits Administration (VBA), for the purposes of undergoing medical treatment for the disability.

b. One-time benefit. Disabled veteran leave is a one-time benefit that is available to a covered individual in her or his first 12 months as a disabled veteran in Federal civilian employment.

- (1) The 12-month period begins on the later of: the date the individual is hired into the Federal government or the date the individual receives a service-connected disability rating from the VBA.

- (2) Any disabled veteran leave not used at the end of this 12-month period will be forfeited with no compensation and no opportunity to carry over the leave into subsequent years.

c. Leave credit.

- (1) A covered individual on a full-time work schedule is entitled to use up to 104 hours of disabled veteran leave. A part-time employee's basic entitlement is 104 hours, pro-rated by the number of hours in the employee's regularly scheduled biweekly pay period as a percentage of 80 hours.
- (2) The entitlement to disabled veteran leave will be reduced by the employee's sick leave balance on her or his first day of eligibility under paragraph 24b. A former Federal employee who is re-hired after a break in service or a veteran who receives a qualifying service-connected disability rating after beginning Federal service may have a sick leave balance on her or his first day of eligibility for disabled veteran leave.

d. Request and approval. An employee must request disabled veteran leave according to the procedures for requesting sick leave (see paragraph 13), except that the must state that the leave request is for disabled veteran leave.

- (1) The employee must attach medical certification which states that the medical treatment is for one or more service-connected disabilities of the employee that resulted in a 30 percent or more disability rating.
- (2) A supervisor may conditionally approve disabled veteran leave without documentation according to the procedures for sick leave (see paragraph 14b); if the employee does not submit the required medical documentation within 30 calendar days, the absence will be changed to sick leave or, if sick leave is not available, LWOP.

e. Minimum charge. Disabled veteran leave is recorded in increments of 15 minutes. Leave used in less than a full 15-minute increment will be rounded up to the next 15-minute increment.

f. Retroactive substitution. An employee is permitted to retroactively substitute disabled veteran leave for other forms of leave or time off taken (including LWOP) for the purpose of receiving treatment for a qualifying disability when the leave or time off was taken during the employee's 12-month eligibility period. Retroactive substitution may be necessary when an employee has a pending claim under review by VBA that is later approved with a retroactive effective date.

g. Transfer and separation. An employee who separates from Federal service will not receive a payment or credit for any disabled leave remaining in her or his account; however, the employee's leave balance will be retained and re-credited to the employee's account if she or he is later re-employed in Federal service within the first 12 months of initial eligibility. If an employee transfers to another Federal agency within the first 12 months of initial eligibility, her or his disabled veteran leave balance will transfer for use in that agency.

**25. Military leave.**

a. Coverage. Military leave is time off from work to perform military duty as a Reservist in the Armed Forces (Army, Navy, Air Force, Coast Guard, and Marine Corps) or member of the National Guard. Military leave is available to Federal civilian employees who are Reservists or National Guard members and on a full-time or part-time schedule, except for employees on temporary or term-limited appointments limited to one year or less.

b. Regular military leave. Under 5 U.S.C. § 6323(a), a covered, full-time employee is entitled to 15 work days (120 hours) of military leave each fiscal year for active duty, active duty training, and inactive duty training. A part-time employee's basic entitlement is 120 hours, pro-rated by the number of hours in the employee's regularly scheduled biweekly pay period as a percentage of 80 hours.

- (1) Military leave accrues at the beginning of each fiscal year. All Reservists and National Guard members, including those on extended active duty, are credited with 15 work days military leave (prorated for part-time employees) on October 1 of each year.
- (2) An employee can carry-over a maximum of 15 work days of unused military leave from one fiscal year to another up to a maximum of 30 work days of military leave in a fiscal year.
- (3) Employees are entitled to both their military and civilian pay during periods of military leave under 5 U.S.C. 6323(a).
- (4) A supervisor must grant military leave when requested by a covered employee, provided that the employee provides a copy of orders directing her or him to report to military duty.

c. Emergency military leave. Under 5 U.S.C. § 6323(b), a covered employee is entitled to up to 22 work days per calendar year for emergency duty ordered by the President, Secretary of Defense, or a State Governor. This provides leave to employees who perform military duty in support of civil authorities in the protection of life and property or perform full-time military service as a result of a call or order to active duty in support of contingency operations as defined in 10 U.S.C. § 101(a)(13).

- (1) An employee on emergency military leave under 5 U.S.C. § 6323(b) is entitled to the greater of her or his civilian or military pay, not both. Any military pay the employee earns during the leave period will offset any Federal civilian pay that the employee receives during the period of military leave.

- (2) If information about the individual's military pay is available, the CFO will determine the difference between the employee's military and civilian pay. If the employee's civilian pay would have exceeded the military pay, the employee will be paid the difference and annual and sick leave will be credited during the leave period. If the employee's military pay exceeded her or his civilian pay, the employee will only be credited with the leave that would have been earned.
- (3) Requests for military leave under 5 U.S.C. 6323(b) must be reviewed on a case-by-case basis to determine whether leave under this authority is appropriate. Most Reservists and National Guard members called up under Presidential authority receive military orders based on 10 U.S.C. § 12301(d), which does not entitle the employee to the additional 22 days.

d. Special authority military leave. Under 5 U.S.C. 6323(c), a member of the District of Columbia (DC) National Guard is entitled to an unlimited number of days of military leave with pay for "parades or encampments" authorized under title 39 of the DC Code. Generally, this category of military leave is limited to drills and training under the authority of the Commanding General of the DC National Guard and is not appropriate for extended active duty in connection with national emergencies. Pay and leave earned under special authority military leave is credited in the same manner as emergency military leave (see paragraph 25c).

e. Technician military leave. Under 5 U.S.C. 6323(d), Reserve and National Guard Technicians *only* are entitled to 44 work days of military leave for duties overseas under certain conditions. This leave is not authorized for active duty during a war or national emergency declared by the President or Congress.

f. Requesting and approving military leave.

- (1) Military leave is charged in one hour increments only for hours that the employee would otherwise work and receive pay. Military leave is not charged for non-duty hours or days (weekends and holidays) that occur within the period of military service.
- (2) An employee who requests military leave for inactive duty training (which is generally two, four, or six hours in length) is charged military leave to cover the period of training and necessary travel; if the employee requests additional hours off on the same day, they may be charged to another leave category as appropriate.
- (3) An employee should provide as much advance notice as possible when requesting military leave, particularly when she or he expects to be on military duty for a prolonged period. However, Reservists and National Guard members may be called to active duty with little or no advance



notice and failure to provide adequate advance notice is not a basis for denying a leave request for military duty.

- (4) An employee requesting military leave must provide her or his supervisor with a copy of the orders that direct the employee to report for duty. The employee should provide her or his orders with the leave request, if they are available. If not, the employee must mail, fax, or email them to the supervisor as soon as possible after reporting for military duty. If the documentation is not provided, the absence will be charged to annual leave or, if annual leave is not available, LWOP.
- (5) An employee who is ordered to active duty is entitled to military leave whether voluntary or involuntary. Although Reservists and National Guard members may on occasion volunteer for an active duty assignment, they are still ordered to duty for the period of active duty.

g. An employee who is called to active duty and has exhausted her or his military leave may use annual leave and earned compensatory time off for travel (continuously or intermittently with LWOP) in order to maintain a sufficient income level. An employee may take sick leave if she or he experiences an injury or illness while on military duty, provided that the leave is for a purpose authorized by paragraph 11 and it is requested and approved in accordance with paragraph 13.

## **26. Weather and safety leave.**

a. Weather and safety leave is a period of paid absence from duty when a facility is closed or unavailable, preventing the employee from performing work for some or all of the workday, and the employee is unable to telework.

b. Request and approval.

- (1) An employee who does not have a telework agreement is unable to telework when Federal offices are closed (or are open under a delayed arrival or early departure) and must be granted weather and safety leave for her or his scheduled duty hours during the period of the closure. Ordinarily, an employee who is unable to telework will not be required to request weather and safety leave during a facility closure and will be granted leave without approval in advance. If the employee was scheduled for leave during the closure or was AWOL, the absence will be charged to leave or AWOL.
- (2) An employee with a telework agreement is expected to telework during a facility closure (or other disruption). A teleworker who does not work during a facility closure must request leave, including weather and safety leave. If a teleworker does not have phone or e-mail access, she or he may

request leave after the facility closure, once the office re-opens. The supervisor grants weather and safety leave for teleworkers sparingly, and only under the following conditions:

- i. Lack of work able to be performed at telework site. Teleworkers are expected to reasonably prepare for the possibility of teleworking and make the necessary arrangements. If there is a lack of work that may be performed via telework due to an event that could not reasonably be anticipated, teleworkers should be granted weather and safety leave.
  - ii. No power or internet service at the telework site. If there is no power or internet service at the telework site, a teleworker may request weather and safety leave. If the employee's normal worksite has re-opened, the employee is expected to return to the normal worksite or request unscheduled leave.
  - iii. Unsafe conditions at telework site. Conditions that truly and directly affect the teleworker's ability to safely travel to or work from the telework location may warrant weather and safety leave. Only a reasonable amount of weather and safety leave would be granted for clearing snow or removing excess water.
  - iv. Dependent Care. During emergency situations, an employee may telework with dependents present at the telework site only if it does not diminish the employee's ability to perform agency work. Teleworkers must request leave for time needed to care for dependents.
- c. Weather and safety leave is recorded in increments of 15 minutes. Leave used in less than a full 15-minute increment will be rounded up to the next 15-minute increment.

## PART 6 – UNPAID LEAVE

### 27. Leave Without Pay (LWOP).

a. LWOP is an approved absence from duty without pay. LWOP is requested by the employee and approved by the supervisor, at her or his discretion. LWOP is not an entitlement, except that:

- (1) A supervisor must grant leave, including LWOP, if requested, for a Reservist or National Guard member, to perform active duty, active duty for training, or inactive duty for training, provided that the employee provides a copy of orders directing her or him to report to military duty;

- (2) A supervisor must grant leave, including LWOP, if requested in advance, to a disabled veteran for medical treatment, examinations and other activity in connection with the disability, provided that the employee submits a statement from a medical or administrative authority that such treatment, examination, or other activity is required;
  - (3) A supervisor must grant LWOP to an employee who is covered by the FMLA program, provided that the employee has not exhausted her or his entitlement to 12 weeks of unpaid leave in any 12-month period (see NARA 327, Supplement 5);
  - (3) A supervisor must approve LWOP when an employee's Federal civilian service is interrupted by a period of active duty military service; and
  - (4) An employee receiving workers' compensation payments from the Department of Labor must be placed in LWOP status.
- b. Employees must request LWOP in writing by memorandum or on OPM Form 71, specifying the period requested and the reason for the request.
- c. LWOP is recorded in increments of 15 minutes. LWOP used in less than a full 15-minute increment will be rounded up to the next 15-minute increment.
- d. Brief periods of LWOP for less than one pay period.
- (1) The employee's supervisor may approve LWOP for brief periods of less than one pay period. LWOP for less than one pay period may be granted for any purpose.
  - (2) LWOP for less than a pay period may not be approved if the employee has an available balance of annual or (if appropriate) sick leave.
- e. Extended periods of LWOP for one pay period or longer.
- (1) Extended LWOP must be approved by the appropriate official:

<b>A maximum of:</b>	<b>Is approved by:</b>
30 calendar days	Second-level supervisors
179 calendar days	Presidential Library Directors, Directors of Archival Operations, Field Support Officers, Division Directors

One year	Executives and Staff Directors
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- (2) An initial period of LWOP may not exceed one year. An employee who has completed one year of LWOP may request an extension through her or his Executive or Staff Director to the CHCO. The CHCO decides whether to grant an extension beyond one year. Extension requests must be fully justified.
- (3) Extended LWOP may be granted only for appropriate purposes and only when the employee is expected to return to duty (except when an employee is pending OPM approval of disability retirement. Appropriate purposes for extended periods of LWOP include, but are not limited to:
  - i. Educational purposes when the course of study or research will increase the employee's job ability and is related to the employee's position or would otherwise be in NARA's interest;
  - ii. For temporary service with a non-Federal public or private organization, when there is a reasonable expectation that the employee will return and the assignment will be in the public interest or the experience gained by the employee will serve NARA's interest.
  - iii. For the purpose of recovery from illness or disability (including recovery from a compensable, on-the-job injury) not of a permanent or disqualifying nature.
- (4) Extended LWOP may only be granted when the approving official has determined that the benefit to NARA and the employee are sufficient to offset the cost and administrative inconvenience that results from the employee's absence. The approving official must consider:
  - i. The cost and administrative inconvenience, including: the employee's unavailability for work; the cost to temporarily replace the employee; and the cost to the Government to continue payments for the employee's retirement, health, and life insurance coverage.
  - ii. Benefits, including at least one of the following: increased job skills, and improvement to the employee's health, or retention of a valuable employee.
- (5) Supervisors should carefully review LWOP requests from employees who do not have sufficient annual or sick leave to cover the absence. Federal

employees accrue annual and sick leave in sufficient amounts to provide time off when needed. Supervisors should not routinely approve LWOP simply because the employee has exhausted his or her accrued annual or sick leave.

- (6) Before making a decision on a request, supervisors should seek advice from the Office of Human Capital.

f. The supervisor must submit an SF 52, Request for Personnel Action, for LWOP requests of 30 consecutive calendar days or more or 80 hours, if the LWOP is due to an on-the-job injury or illness. If the LWOP is for an on-the-job illness or injury or for military service, that must be annotated on the SF 52.

## **28. Absence Without Leave (AWOL).**

a. An absence from duty that is not authorized or approved in accordance with this directive is considered AWOL. AWOL is an unexcused absence, including an absence from the employee's prescribed work area after the employee reports to work. An absence that was approval conditionally, until an employee provides adequate medical or other documentation, may be changed to AWOL if the employee fails to provide such documentation. Employees are not paid for any time charged to AWOL. AWOL impacts leave accrual, insurance, and other benefits in the same manner as LWOP.

b. Recording an absence as AWOL is not a disciplinary or adverse action but AWOL may become the basis for a disciplinary or adverse action. An employee may be reprimanded, suspended, or removed, as appropriate, for any period of AWOL. Supervisors must consult with the Office of Human Capital before taking disciplinary action and must follow the procedures in Interim Guidance 300-40, Discipline and Adverse Actions.

c. AWOL is recorded in 15-minute increments. AWOL for less than a full 15-minute increment will be rounded up to the next 15-minute increment. Supervisors must inform the employee when an absence has been recorded as AWOL.

d. Tardiness and AWOL.

- (1) Employees on fixed work schedules must be at their work site at the beginning of their workday. Employees on flexible work schedules must report to their work site no later than the start of core hours.
- (2) If an employee is unavoidably or necessarily late or tardy by less than 15 minutes, she or he will be permitted to extend the work day by an equal amount, unless it would extend the work day past the building hours of operation. If the employee chooses not to extend her or his work day – or

if it would extend the work day past the building hours of operation – the employee will be charged leave or LWOP.

- (3) Longer periods of tardiness may be charged as AWOL. An accumulation of brief periods of AWOL may be cause for taking a disciplinary or adverse action. Generally, supervisors should attempt to resolve tardiness problems by counseling employees who are late for work. However, lack of prior counseling does not preclude the charging of AWOL or taking of disciplinary or adverse action.

## 29. Effect of unpaid leave on employee status and benefits.

LWOP, AWOL, and other forms of unpaid time such as suspension and furlough affect employee status and benefits as shown in the following table. If the absence is to perform duty in the uniformed services or because of compensable injury, there is no penalty and the employee is treated as if she or he had remained in pay and duty status.

Determination	Impact of time in non-pay status	
Completion of probationary period – initial appointment and supervisory	Non-pay time in excess of 22 workdays extends the probationary period by the same number of days.	
Attainment of career tenure	Non-pay time in excess of 30 calendar days for each period of absence extends the service date for career tenure by the same number of days.	
Leave accrual	No annual or sick leave is earned for a pay period if an employee is in a non-pay status for the entire pay period. If shorter periods of non-pay time occur during one or more pay periods, the employee continues to earn leave until the non-pay time totals 80 hours. The employee will not earn annual or sick in the pay period in which total non-pay time reached 80 hours.	
Service computation date	Up to six months of non-pay time is creditable service. Non-pay time in excess of 6 months in one calendar year does not count towards an employee's service.	
Granting General Schedule within-grade increases	Non-pay time in excess of the allowable amount extends the within-grade increase waiting period by the amount of time in a non-pay status.	
	Waiting Period for Step	Non-pay Time Allowed
	2, 3, and 4	2 work weeks
	5, 6, and 7	4 work weeks

	8, 9, and 10	6 work weeks
Granting Federal Wage System within-grade increases	<b>Waiting Period for Step</b>	<b>Non-pay Time Allowed</b>
	2	1 workweek
	3	3 work weeks
	4 and 5	4 work weeks
Life Insurance	Federal Employees Group Life Insurance (FEGLI) coverage continues without cost to the employee for up to 12 months in a non-pay status. Coverage terminates after an employee has been in a non-pay status for 12 months. The 12 months in a non-pay status may be continuous or broken by periods of less than four consecutive months in a pay status. If an employee returns for at least four consecutive months in a pay status after a period in a non-pay status, the 12 months continuation of life insurance restarts.	
Health Insurance	Health Benefits (FEHB) coverage generally continues for up to 12 months while in a non-pay status. Employees will remain liable for their share of the health insurance premiums. Employees may pay the share while on LWOP on a current basis or upon return to work.	
Holidays	Employees receive pay for a holiday if they are in a pay status for any period of time the day before or after the holiday. If an employee is in a non-pay status for the entire day before and the entire day after the holiday, she or he will not receive holiday pay.	